

Police "System" on Verge of Fatal Crash

SWEENEY, HUSSEY AND THOMPSON TOOK GRAFT

Walsh Sends Word to Waldo, Who Suspends Trio

WEATHER—Fair to-night and Friday; cold.

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SUBWAY INJUNCTION PUT UP TO APPELLATE DIVISION; M'CALL NOT YET IN OFFICE

Justice Davis, After Hearing Arguments, Orders Case Appealed at Once.

M'CALL IS IN NO HURRY. Gives Hint That He Will Not Step In Till Deal Is Signed.

Justice Davis in the Supreme Court this afternoon continued the injunction issued on Tuesday by Justice Hendrick restraining the Public Service Commission from signing the subway operating contracts. The decision of Justice Davis was in the nature of a compromise looking to speed in settling the dispute over the contracts.

Judge Morgan J. O'Brien, at the close of arguments before Justice Davis on the matter of making the injunction permanent, suggested that the injunction against the Public Service Commission be dissolved and an injunction be issued in its stead against the Board of Estimate. This would give Chairman Willcox a chance to sign the contracts before retiring from office, and would, Judge O'Brien asserted, protect the interests of the public, inasmuch as the Board of Estimate must approve the contracts before they are finally signed.

Judge J. Shearn opposed the suggestion. He admitted that the chief point of the injunction was to restrain Mr. Willcox from acting on the contracts. Mr. Shearn said he was willing to trust Judge McCall, Willcox's successor, to deal fairly with the people, but he didn't want Willcox to carry out his programme after his term of office had expired.

Finally Justice Davis suggested that counsel for both sides agree to submit the matter to the Appellate Division. This was agreeable to the lawyers. Justice Davis said he would sustain the objection but that an appeal must be taken to the Appellate Division at once so that arguments may be made before he holds a body o-morrow.

In case this step is found not feasible because of the inability of the Appellate Division to take up the matter, Justice Davis will ask for a brief and take the question under advisement. He hinted that if the decision is left to him he will go thoroughly into the merits of the case before committing himself. At any rate the contracts are effectively tied up and the chance of Mr. Willcox signing them as an official grows dimmer and dimmer.

It had been reported that Justice McCall was ready yesterday to take his place in the Public Service Commission if Justice Hendrick vacated the injunction, but he took a different view of the situation to-day. He was at work cleaning up the odds and ends of his judicial business, but received many callers, including Corporation Counsel Watson.

"DOE M'CALL SAYS THERE IS NO NEED FOR HASTE. Judge McCall was asked whether he intended to qualify to-day in his new office.

"Without questioning the motives of those who have been urging me to qualify in a hurry so that Chairman Willcox can't sign the proposed subway contracts," he said, "I wish to say that when a committee called upon me yesterday to up the city for fifty-three years I was seriously alarmed. I sent for a copy of the contracts so that I myself might become familiar with the whole matter.

"To-day I am braming more freely

(Continued on Fourth Page.)

BIG SHIP KIDNAPS BEAUTIFUL GIRL, HEROES SAVE HER

Rescue by Ladder on Heaving Sea in Gale Puts Thrills in the Climax.

DOCTORS ANSWER HAIL. Quarantine Staff Sends Boat After Tears Melt Captain of La Touraine.

That Miss Marie Nadore, a slender, sinuous vision in clinging black, is not now on her way to France to gladden the hearts of the boulevardiers is due to the gallantry so exquisite of Capt. Vesco of the French line steamer La Touraine, which sailed to-day for Havre. Clad in a simple, the sight of beauty in distress halted the big mail steamer off quarantine while Miss Marie, who comes from Montreal, was sent ashore in the tug of M. le Docteur.

ALAS! THE BIG SHIP HAD KIDNAPPED BEAUTY! The first intimation they had that the Touraine was casting off was when the rumor of her revolving screws vibrated through her fabric.

"Mon Dieu!" shrieked Miss Marie. "Mon d'un nom!" shrieked Philippe. They rushed on deck. A big strip of angry, tossing water, whipped up by the sea breeze, already lay between them and the dock.

"I demand that I be set on shore!" cried the slender vision in black. "Hellas! Mademoiselle that is a thing impossible," explained the captain. "It is too rough. I'm afraid that we must have the pleasure of your charming presence all the way to Havre."

DOWN A LADDER WENT MARIE TO RESCUE BOAT. Capt. Vesco proved good as his word. Off quarantine the ship was halted and a signal for the doctor's boat was run up. Out came the little craft, bobbing like a cork over the big sea. What could have happened on La Touraine, wondered the officers in charge of the health boat. Big mail steamers are not in the habit of halting on their seaward way.

CHOSE 15 LASHES AT THE POST FOR BEATING HIS WIFE

"If State Wants Anything From Me It Must Take It Out of My Hide," Said Prisoner.

AT END GAVE THANKS. Maryland Man Could Have Paid Fine or Gone to Jail—Friend Whipped Him.

FREDERICK, Md., Feb. 4.—Released from the jail window bars to which he had been handcuffed while given fifteen lashes for wife beating, Robert Phillips, a white man and city employe, the manacles still clinging to his hands, turned to Sheriff Fagan, who applied the lashes, and clasping Fagan's hand, said, "Much obliged, Sheriff."

Phillips, who had been convicted of assault after brutally beating his wife, had been given his choice of sixty days in jail and a fine of \$50 or the whippings post. He chose the latter. The court decreed that he be given 15 lashes.

"Twenty-five dollars is a whole lot of money and sixty days is a long time to spend in jail," said Phillips when asked his reasons for his choice. "The law won't get anything out of me unless it takes it out of my hide." So it was taken out of his hide and the whipping was administered by Sheriff Fagan, who was his friend. However, just before the whipping Phillips sent word to Judge Anders that he had changed his mind and would rather go to jail. The court declined to change the sentence, saying that Phillips had chosen when he had the opportunity.

The third floor of the jail was selected as the place for the whipping. To the bars of a window about the middle of the large room the prisoner had been fastened by two pairs of handcuffs to the bars. His hands had been raised above his head. This was done before any persons were admitted to the room, and when the fifty visitors walked into the apartment they found Phillips very nervous, grasping the grating over the window and shaking like a shaken leaf.

His undershirt had been left upon him. Sheriff Fagan walked to the prisoner with a short plaited whip in hand, known as a stallion whip and said: "I am now about to carry out the order of the court. You have chosen this form of punishment, and it is my duty to inflict it. Remember, I have nothing against you, and I hate to do this because I have known you all my life. You have brought this upon yourself and a man so cowardly as to beat his wife deserves such punishment."

To this Phillips replied: "I know it, Mr. Fagan, and I don't blame you." Sheriff Fagan then began to apply the whip. The blows were applied in quick succession and about the fourth lash, Phillips cried: "Mr. Fagan, don't hit me near the neck." The other lashes fell fast until the fifteen were completed. Sheriff Fagan was his own counter and stopped promptly and turning to Dr. J. O. Hendrick, the jail physician, asked that the man's back be examined.

MRS. BEACH SAYS NEGRO KNIFED HER; UPHOLDS HUSBAND

Wife of New Yorker Follows Him on Stand and Frees Him of All Blame.

SHE TELLS OF ATTACK. Declares Stranger Waylaid Her on Lawn of Home at Night With Knife and Stick.

AIRKEN, S. C., Feb. 4.—Corroborating her husband's denial that he struck her down and slashed her neck last February, Mrs. Frederick O. Beach, wife of the millionaire New York clubman, this afternoon took the stand to fight the State's attempt to convict Beach for assault with intent to kill.

She was called as a witness immediately after Beach had endured a sharp cross-examination at the hands of Prosecutor Gunter and had stuck to his story that a mysterious man committed the assault. He made the indirect charge that a blade in his knife, which the prosecution held was the instrument with which Mrs. Beach was slashed,

had been broken by the city authorities. After the testimony of Mrs. Beach and a few other witnesses the defense rested its case. The prosecution immediately called other witnesses in rebuttal.

Mrs. Beach appeared slightly nervous when she took the stand, but quickly regained her composure. She wore a brown skirt and a low-necked white shirtwaist. The scar on her neck where the assailant wounded her was plainly

lady who, by a fearful mistake, has against her will been carried off."

Miss Marie added her pleadings, and not to be outdone in gallantry by Capt. Vesco, the bold mariners of the Health Department ran up a ladder down which Miss Marie—but it was blowing hard, and let us not be less cautious than Capt. Vesco and let braves from Quarantine.

Miss Marie will go back to Montreal, but what an experience terr-r-rible!

"NORCEA" TOMATOES—12c. CAN. Lowest price possible for a genuinely good, fine vegetable. Adams, MacCall & Condit Co., -adrs.

How the "System" Works and Divides the Graft, According to Capt. Walsh and Collector Fox.

SIPP Paid It To FOX. FOX Paid It To WALSH. WALSH Paid It To SWEENEY. HUSSEY THOMPSON, Who Paid It to



250% PASSED BY WALSH

KEPT A GAYNOR SCRAP BOOK AND GAINS \$58,000

Magistrate Moses Herrman Rewarded by Promotion to Special Sessions Bench.

VERDICT FOR \$5,800 AGAINST GAYNOR IN SUIT OF DR. ARLITZ

Hoboken Physician Had Demanded \$7,500 for Services After Gallagher Shot Mayor.

TRENTON, N. J., Feb. 4.—A jury in the United States Court to-day awarded a verdict of \$5,800 to Dr. William J. Arlitz of Hoboken for medical services rendered to Mayor William J. Gaynor after he was shot by James J. Gallagher. Dr. Arlitz sued for \$7,500.

PARIS Invites Our Golf Players. PARIS, Feb. 4.—An official invitation to the Association of Golf Clubs of the United States to send four professionals to play against four French professionals on the golf links at La Bouille, was forwarded to-day by Pierre Deschamps, President of the Golf Club of Paris.

Call to National Banks. WASHINGTON, Feb. 4.—The Comptroller of the Currency issued a call for a statement of the condition of all national banks of the United States at the close of business on Tuesday, Feb. 4.

THREE INSPECTORS SUSPENDED BY WALDO ON VICE GRAFT CHARGE



Sweeney and Two Men He Succeeded, Hussey and Thompson, Accused in Further Confession of Capt. Walsh, Who Will Bare Whole "System" as Grand Jury Witness.

Police Commissioner Waldo suspended from duty this afternoon, pending trial on charges of grafting, Inspector Dennis Sweeney of the Sixth District, Capt. James E. Hussey of the Rockaway Beach Precinct and Capt. James F. Thompson of the Lee avenue station, Brooklyn. Hussey and Thompson have been inspectors and both have been in command of the Sixth District in Harlem.

Police Captain Walsh, under suspension and a self-confessed grafter, made a statement to Third Deputy Commissioner Newburger this afternoon, in which he accused Hussey and Thompson of taking 50 per cent. of his graft collections during the period when they were in charge of the Sixth District. Hussey and Thompson served there in the interim between Sweeney's first command of the district, in 1906 and 1907, until he returned in 1911.

WALDO INVESTIGATES "HIGHER UP" CHARGES. As soon as the Third Deputy reported to Commissioner Waldo the order suspending Sweeney, Thompson and Hussey was issued. Commissioner Waldo sent Commissioner Newburger back to Walsh's home to get additional details, especially with respect to amounts and dates as to Hussey and Thompson, and as to Walsh's statement to District-Attorney Whitman last night that part of the graft passed downtown and landed in the pockets of an executive official of the department at Police Headquarters.

Walsh mentioned to Mr. Whitman the name of the Headquarters man who was supposed to get a share, but his accusation was not specific. Commissioner Waldo wants all the information Walsh has about this phase of the scandal and it is announced that if the accusation warrants the same action will be taken against the Headquarters official that has been taken against Sweeney, Thompson and Hussey.

Inspector John F. Dwyer has been temporarily assigned to charge of the Sixth District. In addition he will remain in charge of his own district, the Fourth. Sweeney's ten plainclothes Central Office men were transferred this afternoon, and Dwyer was ordered to organize a new staff.

District-Attorney Whitman and Assistant District-Attorney Groehl went to the home of Capt. Walsh late this afternoon with a stenographer. They expect to get a detailed statement from him to-night, to which he will affix his signature under oath.

In the latest graft developments the District-Attorney and the Police Commissioner are working in co-operation. Mr. Waldo is now convinced that high police officials have been pulling the wool over his eyes and he is determined to get to the bottom of the situation. He saw Mayor Gaynor to-day and talked with him about Walsh's charges. The Mayor, it is understood, instructed him to take an active hand in the investigation and proceed at once against all police officers implicated by statements that carry weight.

Walsh, according to the programme of the District-Attorney, will be indicted on Monday by the John Doe Grand Jury. As soon as his health permits, he will be taken before the same Grand Jury and his accusations against Sweeney, Hussey, Thompson and others will be put into the form