

JOSEPH ON THE STAND.

DETAILS OF WELLS DEAL.

Attorney Tells of Mr. Burnham's Plan of Settlement.

George Edwin Joseph's cross-examination was the feature yesterday of the trial of George Burnham, jr., of the James Douglas Wells in the negotiations with Mr. Burnham, Ex-Assistant District Attorney Rand was the cross-examiner. Mr. Joseph testified that Mr. Burnham first suggested a settlement of all claims, in Mr. Joseph's office, witness telling Mr. Burnham later that he would not accept less than the face value of Mr. Wells's policy. The sum of \$13,500 was arrived at finally, said Mr. Joseph, as the amount of settlement, Mr. Joseph's compensation being set at \$3,000. At the same interview, said witness, George Burnham suggested his retention by the company, Mr. Joseph mentioning \$5,000 as the amount of the retainer for a year. "And for that sum he carried you over for a year and a half?" "Yes."

TO DISCUSS LIFE INSURANCE.

Mr. Untermeyer and Others at Buffalo Dinner This Evening.

At a dinner to be held this evening at Buffalo under the direction of the Saturn Club, of that city, "Life Insurance" will be the principal theme. Assemblyman Robert Lynn Cox, who was a member of the Armstrong investigating committee, will act as toastmaster. Mr. Untermeyer, general counsel of the International policyholders' committee, and James McKee, general solicitor of the Mutual Life, will be the principal speakers. Mr. Untermeyer in his speech will recall attention to the "suppressed" Trustee's Mutual Life schedule, and will criticize especially this company's alleged electioneering methods. Mr. Untermeyer also will refer to the application to the Federal Reserve Bank of New York for a license to do business in New York State, and will discuss the various methods of the company's agents and others, of New York Life's present financial condition. The International policyholders' committee made various allegations along these lines, as told in The Tribune several days ago.

"LOVE SYNDICATE" UP AGAIN.

One Alleged Victim Called as Witness in Case Brought by Another.

The case of Mrs. Verrault, one of the principal members of the "Love Syndicate," who is charged with getting a large sum of money from Leo Kessler, a life insurance agent, on the promise of marriage, was called yesterday. James S. McClelland, the Philadelphia grocer, who is bringing a similar suit against the defendant, was called as a witness for the prosecution despite the objection of counsel for the defendant. McClelland testified how Mrs. Verrault had represented herself as possessing vast property interests in Mexico, but had admitted that she did not want money, "only a loving heart." He then told of purchasing various pieces of jewelry for her. He was subjected to a rigid cross-examination by the counsel for the defendant, during which he denied having said that he was in this case for all that he could get out of it and having attempted to substitute a counterfeit diamond ring for one that he had purchased for her. A letter, written to McClelland by Mrs. Verrault, in which she said, "When I take off this wedding ring I replace it with yours," was introduced. Motion was made to dismiss both complaints because of lack of incriminating evidence. Commissioner Shuler denied this motion in McClelland's case, but took it under advisement in the case of Kessler. The next hearing was set for December 8.

HEAVY DAY AT ELLIS ISLAND.

The largest number of immigrants received at Ellis Island within six months arrived there yesterday. On the Italia, which arrived Thursday, but did not land her steerage, were 1,500. The Königin Luise arrived with 1,250. The Slavonia with 2,653 and the Motke with 1,281. The Immigration Bureau will require about two days to examine them. The Thanksgiving holiday at Ellis Island is in a measure responsible for the congestion.

NEW K. C. S. RAILWAY APPOINTMENT.

The appointment of Edward F. Cost as vice-president of the Kansas City Southern Railway Company, in charge of traffic, effective December 15, was announced yesterday. Mr. Cost has for the last few years been the second vice-president and traffic manager of the Seaboard Air Line and Railway Company, and previous to that time had been traffic manager of the Chicago and North Western freight agent at Chicago, and its general freight agent at Kansas City.

RULING IN JOHN DOE CASE.

Court of Appeals Holds Many of Jerome's Subpoenas Worthless.

The Court of Appeals has handed down a decision which, while it confirms the denial of an application for a writ of prohibition by Meyer W. Livingston, head bookkeeper for Klaw & Erlanger, who was seeking to escape punishment for refusing to testify in a "John Doe" proceeding, holds that many subpoenas issued in such a proceeding are worthless and do not call for obedience. While the court decides that the circumstances were not such as to justify a writ of prohibition, it points out that a writ of habeas corpus would be sufficient to protect Mr. Livingston in refusing to obey the subpoena. Following a suit of David Belasco against Klaw & Erlanger a year ago, District Attorney Jerome began a "John Doe" inquiry directed against the theatrical managers, and Mr. Livingston was served with a subpoena issued by Justice Wyatt, of the Court of Special Sessions. Mr. Livingston was directed to appear as a witness in the inquiry, with all the books and records of Klaw & Erlanger. He ignored the subpoena, and the application for the writ of prohibition was applied for by Edward Lauterbach, of the firm's counsel, when an attempt was made to punish Mr. Livingston for contempt. The application was denied, and the appeal followed.

The Court of Appeals says of the subpoena which Mr. Livingston refused to obey: "No business secret would remain unknown if such a subpoena were obeyed. The subpoena was suggestive of private ends and futile aims. A prudent magistrate should proceed with the utmost caution when he is called upon to issue a subpoena proceeding was begun before him, not to vindicate a public justice, but to serve some private purpose, and should withhold process until satisfied that the complainant is acting in good faith in behalf of the people, and not to aid personal objects. We have already pointed out the nature of the proof required in an information. Suspicion is not enough, and information and belief are not enough, unless facts are stated showing the source of the information, and the reasons for belief. The information should fairly warrant the inference by the magistrate that in good faith and on reasonable grounds he believes that a definite criminal crime has been committed by a designated person. There is then a proper foundation upon which to issue a subpoena, and the subpoena is not void because it does not permit simply hearsay to become the sole basis of such a proceeding. The highest duty of the law is personal liberty, and constraining the statute in the light of that principle, we think that the respondent was not justified in refusing to obey the subpoena, because sufficient proof was not laid before him. Even upon the assumption that the magistrate had acquired jurisdiction to investigate, the subpoena served upon the relator showed upon its face that it was issued for a purpose not authorized by law and that it did not name or describe any person or defendant, as required by law. The magistrate rectified in the subpoena that he had 'reason to suppose an offense has been committed' and for the purpose of investigating whether it has been committed, but he commanded the relator to attend before him 'for that purpose.' This it appeared that sufficient proof had not been made tending to show that an offense had been committed and that the subpoena was issued solely for the purpose of investigating whether or not it had been committed. It did not state what the crime was, nor who the accused was, but indicated an intention to search for and find out. The rectification by the magistrate of a mere supposition, followed by a declaration of his purpose to investigate to see whether the supposition was correct, indicated a voyage of discovery that the law does not tolerate. We are of the opinion that the subpoena issued by the magistrate was void upon its face, and that it called for obedience to its commands on the part of the relator, and that the magistrate, however, that while there is strong reason for believing that in this case criminal process has been used for improper purposes, still that prohibition is not the proper remedy. Mr. Jerome took a copy of the decision to his summer home at Lakeville yesterday, saying he might make some statement on the subject on Monday. Mr. Lauterbach said that while the decision would not prevent a "John Doe" inquiry, it showed that the inquiry in the case of Mr. Livingston was improper.

BROOKLYN LOOP PLANS.

Preparations for William Street Tube Being Rapidly Completed.

Reports were made yesterday at the meeting of the Board of Rapid Transit Commissioners that the Brooklyn loop plan, which proposes to tunnel under William Street in Manhattan and run under the East River to connect there with subway, was getting into condition rapidly, and that many difficult engineering problems have to be confronted. This subway is known as Route No. 6. Regarding advertising for bids for subway construction, Controller Metz yesterday stated that he would be in a position to announce the results of the advertisement for construction and operation as well. His suggestion received favorable attention. The Bridge Commissioner asked the board to make a trip of inspection to the important conditions in Brooklyn. This invitation was accepted, and it was left to Mr. Stevenson to fix the date. The recommendation of Controller Metz, it was decided to write to the Interborough company and ask it to run more express trains on Sunday. Bridge Commissioner Stevenson has also asked the members of the Board of Estimate and Apportionment to make a trip through Brooklyn and Queens to investigate the transit problem there in connection with the completion of the new Blackwell's Island Bridge and the new Manhattan Bridge, No. 3. The Blackwell's Island Bridge will be completed in December, 1908, and the Manhattan Bridge will be completed in 1910. One of the objects of the intended tour is to avoid the trouble that has arisen over the Williamsburg Bridge in regard to elevated road crossings, but to plan the terminal facilities, as well as subway loops.

NEWBURY D. LAWTON MUST PAY.

Ordered to Give \$24,000 to Heirs of Woolley Estate.

Mineola, Long Island, Nov. 29—Surrogate Jackson today ordered Newbury D. Lawton, of Manhattan, president of the Lawyers' Mortgage and Title Company, of West Chester, to pay to Alfred Davidson, Fannie Conklin and Mary L. Conklin \$24,000, as their share of the estate of Mrs. Susan J. Woolley. Lawton is executor of the estate, and the three legatees sued him to recover their share. The legatees originally started when Lawton failed to pay in order to Surrogate Jackson to show cause why he should not appear in court and produce the assets of the Woolley estate, then in deposit in a trust company. Upon the legatees' action, the court issued an order compelling Lawton, as executor of the will, to pay them their share under the will. Lawton was also executor of the estate of Mrs. Mary N. Smith and several other estates.

TIME EXTENDED FOR BOND DEPOSITS.

The committee of holders of debenture mortgage bonds, Series A and Series B, of the Washab Railroad Company, Henry Evans, chairman, announces that the time for the deposit of such bonds under the plan for exchange of securities and raising of additional capital for the company has been extended until the close of business on December 22. The depositors are the United States Mortgage and Trust Company, the negotiable receipts of which have been admitted to quotation on the New York Stock Exchange. The extension was one of the considerations influencing the committee to extend the time of deposit. The amount was extended up to date is 60 per cent of the outstanding issue.

The Coward Shoe Arch Prop Shoe.



Arch Prop Shoe.

The correct anatomical construction of this shoe eases the strain on a weak or fallen arch, and soon restores the natural spring of the foot.

The Coward is the original Arch Prop Shoe, and is still the best. The public is cautioned against substitutes.

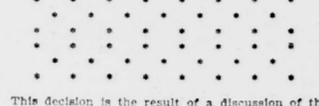
Built in special styles for men, women and children.

SOLD NOWHERE ELSE. JAMES S. COWARD, 268-274 WARREN ST., N. Y. (NEAR WARREN STREET.) Mail Orders Filled. Send for Catalogue.

ARMY AND NAVY NEWS.

(From The Tribune Bureau.)

Washington, November 29. THE NEW FLAG.—The War and Navy departments have agreed upon the arrangement of the stars in the Union of the national flag, so as to provide an additional star to represent the new State of Oklahoma. The new arrangement goes into effect on July 4, 1907, and is as follows:



This decision is the result of a discussion of the question of a change in the arrangement of the stars, with a view to a subsequent addition of two stars, in which event there will be six rows of eight stars each in regular columns. The War and Navy departments received numerous suggestions, some of them coming from school children in various parts of the country, and others from patriotic societies, anxious to be the author of a new field. It was decided that it would be better to adhere to the simple form, which did not offer any geometrical violence to the traditional arrangement of stars in the flag, with which the people had become so familiar, and which had prevailed for the last ninety years.

FIGHTING VESSELS' ORGANIZATION.

The completed plans for the organization of the fighting vessels of the navy in two fleets for service on the Atlantic and Pacific coasts of the United States, in such a manner that the whole force may be readily mobilized in case of emergency, is announced by Rear Admiral Converse, chief of the Bureau of Navigation, in his annual report, made public to-day. The concentration of the battle fleet in American waters and the assignment of all vessels therein to the command of one flag officer will be completed about January 1. Rear Admiral Converse said that, owing to responsibilities in the Philippines and the Far East generally, an adequate force is needed in the Pacific Ocean. The assignment of the fleet to the Atlantic and Pacific waters is in accordance with present strategic requirements.

ATLANTIC FLEET.

First division, first division—The Connecticut, the Louisiana, the Albany, and the New York. Second division, second division—The Virginia, the Rhode Island and the Virginia. Third division, third division—The Alabama, the Illinois, the Kearsarge and the Kentucky. Fourth division, fourth division—The Ohio, the Indiana and the Iowa. Fifth division, fifth division—The Tennessee, the Washington and the St. Louis. Sixth division, sixth division—The Des Moines, the Cleveland and the Tacoma. Seventh division, seventh division—The Dixie, the Marietta, the Newport and the Don Juan de Austria. Eighth division, eighth division—The Paducah, the Toledo, the Erie and the Erie. Ninth division, ninth division—The Erie, the Erie and the Erie. Tenth division, tenth division—The Erie, the Erie and the Erie.

ASIATIC FLEET.

First squadron, first division—The West Virginia, the Maryland, the Pennsylvania and the Colorado. Second division, second division—The Chattanooga, the Galveston and the Cincinnati. Third division, third division—The Raleigh, the Concord, the Helena, the Albatross and the Albatross. Fourth division, fourth division—The Calico, the Quira and the Villalobos. Fifth division, fifth division—The Monterey and the Monadnock. Sixth division, sixth division—The Bainbridge, the Barry, the Dale, the Chauncey and the Decatur.

PACIFIC SQUADRON.

First squadron, first division—The Charleston, the Milwaukee, the Albany and the New York. Second division, second division—The Chicago, the Yorktown, the Boston and the Princeton. Third division, third division—The Preble, the Paul Jones, the Perry, the Farragut, the Goldsborough and the Rowan. At an early date, it is expected, the Asiatic fleet and the Pacific squadron will be merged in one fleet, under the command of a flag officer of the highest rank, in the same manner as the Asiatic fleet is now organized. The bureau of navigation is making every endeavor to secure a battleship strength of six in the Atlantic fleet, and to have a similar strength in the Pacific. Every opportunity for the practice of battle tactics and will enable the higher officers to acquire facility in the exercise of their command, and in maintaining one homogeneous squadron against another.

ORDERS ISSUED.—The following orders have been issued:

- ARMY. Captain RICHARD C. CROXTON, 23d Infantry, to Fort Snelling. Captain JESSE M. BAKER, quartermaster, assume temporary duties as depot quartermaster, St. Louis, Mo. Captain SCHRIEDER, deputy quartermaster general, will proceed to office quartermaster general, Washington. Major JOSEPH M. KELLEY, retired, from army to Navy, to Fort Des Moines. NAVY. Captain H. MURPHY, detached navy yard, Washington, to command. Captain D. H. MAHAN, detached navy yard, Norfolk, to command. Captain E. D. TULLIS, detached the Indiana, home and await orders. Captain R. TILLEY, detached the Iowa, home and await orders. Lieutenant Commander W. D. MACDOUGALL, commissioned. Lieutenant R. WILLIAMS, to naval proving ground, Indian Head. Ensign J. O. FISHER, detached the Dolphin, to the Kennebec. Ensign C. E. WOOD and Assistant Surgeon S. L. HIGGINS, appointed. Chaplain H. W. JONES, detached the Franklin, to naval orders. Major W. N. MCKELVY, commissioned in marine corps.

MOVEMENTS OF WARSHIPS.—The following movements of vessels have been reported to the Navy Department.

- ARRIVED. November 28.—The New Jersey, at Boston; the Hull, at Hampton Roads; the Dixie, at Norfolk; the Yorktown and the De Loach, at Annapolis; the Raleigh, at Cavite. SAILLED. November 25.—The Massachusetts from Baltimore for Boston; the Dixie, from Hampton Roads for Norfolk; the Yorktown, from Havana for Cienfuegos; the Yorktown and the Preble, from San Francisco for Mare Island; the Stingham, the Blakeley, the Wilkes and the De Loach, from Norfolk for Annapolis. November 21.—The Justis, from Hancock for Woonung. The Grampus and the Pike placed out of commission at the Navy yard, Mare Island, on the 28th inst. The LANTANA, CORP. Captain CHARLES H. LYMAN, detached at Provincetown.



The Christmas Month Is Here Only Twenty Days to Buy the Presents

CHRISTMAS will be here with a bound, this year, for Thanksgiving Day was unusually late. And every indication points to the greatest holiday shopping that has ever been known.

The Country's prosperity, during the past year, has been marvelous. The previous year was a record-breaker for the American Farmer, and yet, the present year brought him FIVE HUNDRED MILLION DOLLARS MORE (\$500,000,000.00) than he took from the soil on his last banner year. The whole magnificent and incomprehensible figure of the American Farmer's earnings during the past year is

Six Billion, Seven Hundred and Ninety-four Million Dollars (\$6,794,000,000.00)

That means the merriest Christmas that this great land has ever known. It means Prosperity that is universal. It means enormous holiday business for New York Stores, and a greater business than ever for WANAMAKER'S.

We are ready with THREE TIMES the Store Space we had last year, and vastly greater stocks. And yet, those who wish to get the greatest comfort and satisfaction out of their Christmas Shopping will begin it AT ONCE. They will get the choicest selections, and less hurried service than they will receive later. BEGIN YOUR CHRISTMAS SHOPPING TODAY and eliminate the holiday worries this year.

The Great Christmas Store Is at Your Service Today

The rush of holiday shopping shall not interfere at all this year with the Wanamaker Public Entertainments. There is plenty of room for both.

Daily Musical Recitals in the AUDITORIUM 10:30 A. M. to 12 M., 1:30 to 2:30, and 3:30 to 4:30 P. M. Second floor, Wanamaker Building.

The Museum of the French Revolution A wonderful exhibition of Relics and Illustrative Tableaux. Fifth floor, Stewart Building.

The New Wanamaker Art Galleries Paintings from the Paris Salons of the present year, also thirteen paintings of American Naval History, by the great marine painter, Edward Moran. Ninth floor, Wanamaker Building.

The TOY STORE'S Saturday Invitation

All the wonders of Christmas time in full blast. It's circus and Wild West Show all in one, for the little folks, and grown-ups too.

Bring in the Boys and Girls today. Come with them. You'll enjoy it as much as they will, and then you'll find out what they want Santa Claus to bring them.

TOYS, Games, Automobiles, Wagons, DOLLS, Doll Carriages, Doll Furniture and Chinaware—EVERYTHING for Play-time. Music Boxes, Phonographs, Billiard and Pool Tables, Board Games, Tool Chests, Magic Lanterns, Steam Engines, Bicycles, Velocipedes, Irish Mail and other foot and hand-driven vehicles. COME and SEE THE SHOW. Basement of Both Buildings, Fourth avenue side.

Men's WINTER OVERCOATS

Both temperature and calendar exploit the fact that it is high time the Winter Overcoat was bought. Wanamaker stocks offer tempting selection to particular men. Here are sumptuously silk-lined overcoats of wind-defying beaver cloth and genuine Montagnac, at \$60, and every other good, serviceable, well cut style, down to the best overcoats to be found in New York City at \$15.

This assemblage includes well-tailored garments of all the new fabrics, as well as the staple varieties. Here are the brown mix chevots that are admired by conservative men who want something new, as well as the blue and gray mixtures and plain blacks always in demand.

There is a superb variety of fancy Winter Overcoats in herringbone mixtures, as well as the handsome grays in various light and dark shades, at \$20 to \$35. Main floor, Wanamaker Building.

Fine Shoes for Men At \$3.90 a Pair

The man who is ready to buy his Winter Shoes today will find it well worth his while to come and examine the models shown in "Wanamaker Special" Shoes at \$3.90 a pair. Here are shapes and leathers to meet the requirements of men of all tastes, and for use on all occasions. The fine dress shoes are here, the usual business styles are here, and there are, in addition, many special styles that give unusually good service for rough weather wear for the man who has to be out of doors a good deal.

These shoes are made over specifications of the usual \$5 grades. In leathers and workmanship they are the full equal of the usual \$5 shoes sold elsewhere. They are accurately made, good-fitting, stylish, and they will give the best possible service. Made in all models in a complete range of sizes and widths, \$3.90 a pair. We are offering at the present time a special lot of sturdy Box Calfskin Welted-sole Shoes, in all sizes in the broad widths, at \$2.20 a pair. Main floor, Wanamaker Building.

Good Gloves for Men

Gloves for all occasions are here, lined and unlined, and a very important part they play in a man's appearance. All the new tan shades are represented, while the lined gloves combine style with warmth and comfort. The Electric Seal Gloves, at \$1.50 a pair make welcome Christmas gifts. The palms are of tan suede, the backs are of glossy electric seal, while the lining is of warm fleece. Other good Gloves are as follows: 1-clasp Outseam Cape in tan \$1.50. 1-clasp Plique Glove in tan \$1.50. The Royal Glove—1-clasp outseam Cape or 1-clasp Plique Cape, in tan shades, at \$1.50 a pair.

Lined Gloves 1-clasp Mocha, \$1.15, \$2 a pair. 1-clasp Kid, \$1.15, \$2 and \$2.50 a pair. 1-clasp Egal Buck squirrel-lined, at \$6 a pair. 1-clasp Antelope, natural-lined, at \$3.25 a pair. "Cavendish" Tan, chamois-lined, at \$3.25 a pair. But the demand for magnificent tapestries and appointments has transferred the late dining and lounge elsewhere, and because of this the famous old hostelry is now to pass into the hands of Marshal S. Hagar, as a receiver in bankruptcy. Even the petitioners who asked for the appointment of a receiver suggested that the goods of the place was a valuable asset, and that it would be wise for the receiver to own and manage the business for twenty days, at least, to give time for the payment of the creditors. But longer, with the consent of the District Judge Adams, through this section of the petition Judge Adams in the United States District Court, draw his pen to the United States receiver's appointment. Mr. Martin places his liabilities at \$20,000, with nominal assets of \$2,500, but \$10,000 of the latter represents fire insurance policies on the structure and appointments, payable only should the building burn up.

JOHN WANAMAKER Formerly A. T. Stewart & Co., Broadway, Fourth Avenue, Eighth to Tenth Streets

Advertisement for Elgin watches. Text: 'A Watch is the Most Suitable Gift—THE ELGIN is the most Suitable Watch'. Includes an image of an Elgin watch.

Advertisement for John Wanamaker. Text: 'Another Landmark Going'. Includes details about the store's location and services.