

MUST REPAIR ALL CARS ORDER TO THE RECEIVERS. P. S. Commission Plans Investigation of Companies' Rolling Stock.

Every streetcar operated by the receivers for the New York City Railway Company and the Metropolitan Street Railway Company must be repaired completely and put into condition to undergo the scrutiny of engineers, according to a provisional order issued by the Public Service Commission yesterday to the companies and Adrian H. Joline and Douglas Robinson, the receivers. It is not at all certain that the hearings which will be held on this order, beginning on December 21, will not result in subsequent orders for the purchase of considerable new equipment.

This order, the most important of several adopted by the commission yesterday, was the result of a report on the equipment of the surface lines presented by A. W. McLimont, the commission's electrical engineer. The specific contents of this report will be guarded with great care until the hearings begin, but the nature of the engineer's findings is apparent from the drastic nature of the order adopted. It provides that every car receive a thorough inspection, covering car body, motor and electric equipment, wiring and trucks; that all defects be carefully noted, and that cars be through various shops and there overhauled and repaired, so as to be completed to be in first class operating and practically new condition.

The order, the language of which was based in great part on a section of Mr. McLimont's report, gives a list of repairs which should be made, for illustration, not for specification. Inspection, for instance, means "a thorough overhauling of the car body and its entire equipment"; the car should be dismantled, to facilitate close examination, "which should be made by engineers, and not by car house employees." The car bodies, says the order, first should be sent to the carpenter shops to have all the woodwork repaired; then should go to the paintshops to be repainted throughout. The headlights should be put into fit condition and new ones provided where the old ones fell below the requisite candlepower. Pilot fenders should be strengthened and removed and new ones substituted wherever necessary. All the electrical equipment, wiring, commutators, field coils and armature windings should be in first class condition.

Two orders directed to the Interborough provide for additional rush hour service on the Second and Sixth Avenue elevated lines. Hearings on these orders will be held on December 23. The order as to the Sixth Avenue line provides for an increase of eight-four cars southbound from 9 and 10 a. m. to 11 a. m. and northbound from the evening rush and there overhauled and repaired, so as to be completed to be in first class operating and practically new condition.

On motion of Commissioner Bassett a final order was adopted directing the Brooklyn Union Elevated to repair all the gates on the line to the Lutheran Cemetery and to install gates at Gates Avenue, where none are now. Commissioner Bassett reported regarding this company, who should have charge of Brooklyn Bridge congestion, that the men now performing those duties were doing well, and because of the intricate nature of the work he did not feel like recommending changes. He recommended, though, that the commission's inspectors keep close watch on this situation.

Hearings on the order to the Interborough for service at terminals in subway and elevated service were begun yesterday before Chairman Wilcox. D. L. Turner, chief inspector for the commission, put in evidence tabulated reports on traffic conditions in the subway. A. A. Gardner, of counsel for the Interborough, made a plea for joint inspection by the road and the commission, which did not seem to impress the chairman.

Commissioner McCarroll continued the hearings on the trolley situation in Staten Island. Mr. McLimont, testifying as to electrical conditions and general disrepair, was subjected to a grueling cross-examination by the companies' lawyers, who seemed inclined to dispute every word which tended to show that the companies were not giving the finest of service.

THIRD AVE. STOCKHOLDERS TO FIGHT. The stockholders of the Third Avenue Railroad Company have formed a protective committee and engaged counsel for the purpose, it was said yesterday, of conserving their interests in the property and taking such legal steps as might be necessary to that end. The committee is composed of William N. Kremer, president of the German-American Life Insurance Company; Edward M. Burghard, representing George Elbert, said to be one of the largest individual stockholders of the road; George S. Coe, of A. M. Kidder & Co.; Thomas Hitchcock and Charles Remsen. All the members of the committee are either large stockholders themselves or represent large holdings. Edward M. Shepard is counsel for the committee and John M. Perry secretary.

Mr. Perry said that the committee represented practically all of the stock except that owned by the Metropolitan Street Railway Company. These stockholders had decided, he said, that they could best conserve their interests by submitting their side of the matter to Judge Lacombe. The committee, he added, was not yet ready to publicly announce its plans, but would probably begin legal proceedings in the case before long. In this connection he pointed out that the Third Avenue Railroad Company was expected to default on its January 1 coupon payments on the 4 per cent bonds.

Asked if this might furnish an opportunity for the institution of receivership proceedings against the company, Mr. Perry replied that whether it would or not was a legal question on which a court decision would probably have to be rendered.

A DINING ROOM IN SHERATON STYLE

Offers a beautiful treatment where lightness and grace of design are the required features—the long, low Sideboard with its tapering legs, the round Dining Table, the Cabinet with its quaint mullioned windows, with Chairs conforming, in beautifully selected mahogany. The original feeling in this classic English style is adhered to in every line of these reproductions.

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DROPS ERIE COMPLAINT. Public Service Board Says Porter Takes Place of Trainman.

Albany, Dec. 11.—In a decision made public today by the Public Service Commission in the 24 District, a certain phase of the so-called "tull crew" proposition advocated by the Brotherhood of Railroad Trainmen of the state is disposed of. The commission dismisses the complaint of Arthur W. Evans, legislative representative of the trainmen against the Erie Railroad Company as to alleged insufficient number of men employed on certain of its passenger trains.

The opinion is written by Chairman Stevens, who holds that the commission has power "to require a sufficient number of men to be employed upon any railroad train to operate it with proper dispatch and with due regard to the safety of the public and of employees of the company; to require proper examinations by each railroad corporation in order to insure the selection of competent persons for the performance of duty, and to require the discharge from that employment of a railroad corporation of incompetent persons."

The complaint set forth that on certain trains the Erie maintained only one brakeman or flagman, and the assertion was made that an additional brakeman or flagman should be ordered. The Erie replied that in addition to one brakeman a negro train porter was employed on these trains, distinct from the porter employed on the Pullman coaches, who was competent to perform the duties of flagging trains in case the regular brakeman was left behind.

In his decision Chairman Stevens says: "It therefore clearly appears from the complainant's own statement and evidence that he has no complaint to make regarding the number of men employed upon Trains 3 and 5, and it must be assumed that the number is sufficient for all purposes connected with these trains, provided the men employed are competent to perform the duties connected with them. The only duty to which he is called upon to perform that of flagging, and the only employe said by him to be incompetent to perform that duty is the colored porter. He does not claim to have any knowledge regarding the competency of any given porter for this service, nor does he claim to know what examinations they as a class are subjected to when appointments are made of them by the railroad company, except that on one occasion last February one porter employed upon Train 3 told him that he had never passed an examination in flagging."

The evidence in case has been carefully analyzed and it is in great detail that the analysis shows that the number of men employed upon Trains 3 and 5 as trainmen, by whatever name they are known, is sufficient proper for said trains; and to order an additional brakeman upon each of said trains is unnecessary for any purpose, unless it be to insure greater certainty of proper flagging in cases of emergency. The employment of such additional brakemen would undoubtedly result in the discharge of the trainman porter, so-called.

Chairman Stevens then refers to the evidence of J. C. Stuart, general manager of the Erie Railroad Company, which he says is in effect entirely uncontradicted. The colored train porters are competent to discharge all of the duties of brakemen, including flagging; that they have been now for some time examined with reference to their competency, and that they are careful, intelligent and experienced men."

CRAVATH WON'T ANSWER. Ryan Lawyer Balks Grand Jury and Disobeys Court Order. The investigation into the sale of the Wall & Cortlandt Streets Ferry Company to the Metropolitan Securities Company by Anthony N. Brady in 1902 by the November grand jury came to a sudden halt yesterday morning, when Paul D. Cravath refused to answer questions put to him in regard to the sale. Mr. Cravath, who is a director of the Metropolitan Securities Company and counsel for the Metropolitan Street Railway Company, was called upon as counsel for Thomas F. Ryan, who had appeared before the grand jury. Mr. Ryan made no objection to replying to the questions put to him in regard to the sale, having first waived the usual privilege of communications between himself and counsel. When Mr. Cravath was called to the stand he refused to answer the questions put to him on the ground that his client had not instructed him in the matter. He was at once informed that Mr. Ryan had consented to waive the privilege, but the lawyer still declined to answer the questions.

TIFFANY STUDIOS MADISON AVENUE & FORTY-FIFTH STREET

CHRISTMAS GIFTS AT PRICES BETWEEN \$5 AND \$25 A GREAT VARIETY OF ARTISTIC OBJECTS IS OFFERED IN THE SEVERAL DEPARTMENTS OF THE TIFFANY STUDIOS. THE FACT THAT ALL TIFFANY STUDIOS PRODUCTIONS ARE PRIMARILY ORIGINAL IN CHARACTER, EMPHASIZES THEIR VALUE AS GIFTS.

Trick Attorney's ex-assistants, appeared for Mr. Cravath, said that the question affected the bar of the whole country and suggested that it would be wise to first determine the mode of procedure. Judge Rosakly asked what method of procedure had been followed in the case of Jesse Lewisohn in the Richard Cantfield case, but on learning that he had been arrested and had pleaded guilty to grounds from Mr. Cravath—the possibility of incriminating himself—he ordered Mr. Cravath to answer. The latter refused, and with the consent of all the lawyers concerned, the order to show cause was issued. It is returnable Monday at 2 p. m., when Alton B. Parker, president of the American Bar Association, and Mr. Cadwalader will appear for Mr. Cravath.

FIGHT BELMONT TUNNEL. Long Island Opposition Will Hold Unless Concessions Are Made. The directors of the Real Estate Exchange of Long Island have made public a report of a meeting of civic associations, held in Jamaica recently, where thirty-two out of thirty-three organizations voted against the opening of the Belmont tunnel unless certain conditions favorable to Queens Borough were complied with.

The civic organizations demanded that the tunnel company should grant a single ride for five cents over the lines of the New York & Queens County Railway through the tunnel to Manhattan, with the privilege of riding on the New York subway, streets or elevated lines upon the payment of a three-cent fare. At the hearing before the Public Service Commission on November 14 the majority of the citizens of Queens Borough were said to be in favor of opening the tunnel under any conditions. This, the directors of the Real Estate Exchange say, was a mistake. Their attorney has prepared a brief which will be submitted to the Public Service Commission.

CLARK'S CRUISE OF THE "ARABIC" 16,000 tons, fine, large, usually. TO THE ORIENT February 6 to April 17, 1908. Seventy days, costing only \$400.00 and up, including shore excursions. SPECIAL FEATURES: Madeira, Cadiz, Seville, Algiers, Malta, 19 Days in Egypt and the Holy Land. Constantinople, Athens, Rome, the Riviera, etc. TOURS ROUND THE WORLD. 40 TOURS TO EUROPE most comprehensive and attractive ever offered. F. C. CLARK, Times Bldg., New York.

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