SIXTY DEAD IN MINE

Buried by Terrific Explosion at Yolande, Ala.

Birmingham, Ala., Dec. 16.—Advices to-night from Yolande indicate that about sixty men met death by an explosion in the mines at that place early to-day. The work of recovery is slow, and it is thought that all of the dead cannot be taken out before to-morrow. Only twelve bodies had been recovered up to dark. Less than one hundred men were in the mine.

The cause of the explosion has not been officially determined. The mine has been pronounced free from gas by state inspectors, and it is supposed that the explosion was caused by dust. For two hours after the explosion it was impossible to venture near the mouth of the mine, so hot was the air that rushed out.

Officers of the mining company started a rescue party as soon as possible to get to the men on the inside. The fans were started and other means employed to eliminate the bad air. Within an hour after the work had started fourteen men had crawled out of the mine, and their description of the interior conditions was terrible. Several of these men were severely burned.

Yolande mine is a few miles from Virginia City, where a similar explosion occurred about two years ago, when 112 men were killed. Yolande is thirty-five miles south of Birmingham. The Yolande Coal and Coke Company, owner of the mine, which goes down 1,500 feet, is headed by Dr. G. B. Crowe, of Birmingham.

BURLINGTON BOY DIES FROM TETANUS.

Effort to Connect Murder Case with Fatal Shooting.

[By Telegraph to The Tribune.]

Burlington, Dec. 16.—Augustus Rose, eighteen years old, died in great agony to-day from blood poisoning. While walking along the Salem Road last Thursday Rose said he was shot directly over the heart by a highwayman. As the shot was a glancing one the bullet was deflected, resulting in a trifling wound. His clothes caught fire and he was severely burned about the neck and body.

Blood poisoning set in and lockjaw followed. At first it was thought that one of the men who murdered Edward S. Jefferson, the grocer, a month ago had attempted to take the life of Rose because of his interest in the case. Rose's mother reported that the murderers of Jefferson passed through her yard. The authorities at Mount Holly say there are witnesses who saw Rose shoot himself.

ECCENTRIC MILLIONAIRE DEAD.

Never Purchased Ticket for Entertainment and Rarely Travelled.

Somerville, Mass., Dec. 16.—Benjamin Hadley, an eccentric millionaire, died at his home, in East Somerville, to-day from the infirmities of age. He was ninety years old. He never married. Mr. Hadley was born in Somerville, and it is said that only on one occasion did he ever travel beyond the greater Boston district. It is related of him that he never joined any kind of an organization, never had his life insured, never purchased a ticket for any sort of entertainment, never ate a meal in a hotel or restaurant, and did not spend more than $1 in his entire life for carfare. He had not voted for forty years. He wore a collar and necktie only on special occasions. He accumulated real estate valued at $1,500,000.

DOG HAS EMPIRE STATE STATEROOM.

Dr. Hogarth's Valuable Great Dane, With Legs Broken, Coming for Treatment.

[By Telegraph to The Tribune.]

Buffalo, Dec. 16.—Travelling in a stateroom on the Empire State Express, the fastest New York and Buffalo train, Mike, a Great Dane, owned by Dr. William Hogarth, a New York physician and valued at $800, is being hurried to one of the dog hospitals of the metropolis.

While playing in the lobby of the Lafayette Hotel this evening with the children of his owner Mike became entangled in the revolving door. His body was too long for the compartment and both of his hind legs were broken when the door turned. He was quickly put on an improvised operating table in his master's apartments, the broken bones were set and arrangements were made to hurry him to New York. Two Buffalo veterinarians and Dr. Hogarth are keeping careful watch over the valuable patient.

BRING GOOD NEWS FROM PANAMA.

Colonel Goethals and Governor Blackburn Tell of Canal Work.

Colonel G. W. Goethals, the chief engineer of the Panama Canal, and J. C. Blackburn, the Governor of the canal zone, arrived here yesterday on the steamer Colon from Cristobal on a six weeks' leave of absence. Both spoke encouragingly of the work on the isthmus, Mr. Blackburn saying that he was well satisfied with civic conditions in the zone.

"Work on the canal excavation is progressing finely," said Colonel Goethals. "We are literally making the dirt fly. We have thirty thousand men at work now, and can easily obtain more when needed. In fact, we have turned away many applicants. About one hundred men who failed to get work on the canal returned on the Colon this trip. I have been in Panama nine months now and began to feel rather irritable and worn out. I am returning for a rest and a taste of cold weather."

ACTOR, WIFE AND FRIEND FINED.

Acting Judge Robert Miller in the First Criminal Court, Jersey City, yesterday morning fined Edgar Breden, an actor, with the "Peter Pan" company; his wife, Ella Breden, and Charles Lloyd Roberts, $10 each on charges of disorderly conduct at the Pennsylvania Railroad station, where Breden accidentally met his wife, whom he supposed to be in England, in company with one of his oldtime friends.

KNITTING MILL BURNS; LOSS, $150,000.

Troy, N. Y., Dec. 16.—Fire broke out early this morning in the four story structure known as the Harmony Knitting Mill, in Hudson street, on the bank of the Champlain Canal, Waterford. The building was part brick and part wood. The mill was destroyed. The loss will be in the neighborhood of $150,000, and is partly covered by insurance. No cause for the fire is known. One hundred and fifty operatives are thrown out of employment.

The Gift Season Is Near!

The perplexing question of purchasing suitable presents for loved ones can be greatly facilitated by an early visit to the Stores, while the stocks are large and the assortment of gifts is varied. In other words, it would pay you to

Do Your Christmas Shopping Now!

E&W

Dress Shirts

ARE THE BEST

Quality, Fit, Workmanship.

EARL & WILSON.

CHOP DOWN THE POLES.

Morristown Excited Over Possible Destruction of Shade Trees.

Morristown, Dec. 16 (Special).—This beautiful town has been rudely shaken out of its usual peaceful condition by the "desecration" of several of its finest streets and avenues by the setting up in them of long lines of electric light poles. As these poles rise only about two-thirds of the way to the tree tops and they have been placed directly on the line of the shade trees, their wiring threatens mutilation to hundreds of fine old trees which are the pride of Morristown.

The local papers have been filled with indignant protests against the placing of the poles and the "butchery" of the trees, and the aldermen, who granted to the new lighting company the privilege of setting up the poles, several of whose terms of office expire with the end of the year, will go out under a cloud of general disapproval.

Some persons, when they found that turning the hose on the pole planters or putting impediments in their way did not serve to stop their labors, compelled the company to sign an agreement to remove the poles in six months' time. Among those who have backed up their threats to take action against the company are Dr. F. H. Humphreys and Benjamin Nicoll, brother of De Lancey Nicoll. These men own two of the finest places in Morristown. They are comparatively near neighbors, dwelling on opposite sides of Sussex avenue. Both are fixed in their determination not to permit poles to stand on their property. Between them they have already cut down or had dug up perhaps twenty poles which had been set up on their property by the new lighting company.

Last week the aldermanic street lighting committee came to the rescue of the new lighting company by printing a long statement in the local newspapers taking all responsibility for the placing of the poles and pointing out the municipality's right to erect poles for street lighting, threatening both criminal and civil prosecution for any person who should tamper with any pole in the streets. No arrests have been made.

THE MONTFERRIER CHILD

Mrs. Baker, Who Took It to Paris, Explains Origin.

[By Telegraph to The Tribune.]

Winchester, Va., Dec. 16.—Mrs. Elizabeth S. Baker, who is well known socially and is deeply interested in the work of the Children's Home Society of Virginia, made a statement to-night through her attorney, Robert Barton, regarding the baby she took for adoption to Marquis de Montferrier and his wife at Paris. She says:

Elizabeth Carroll was the daughter of Charles Carroll, an upright citizen of Harford County, Md. She was well known to me. I never knew and never said she was "of Carrollton." She married William Fairfax, and she spoke of him as being related to the Fairfaxes of Virginia. I never of my own knowledge said her husband was of the Virginia Fairfaxes. I have for some years been the agent at Winchester for the Children's Home Society and my work has been the finding of good homes for desolate or abandoned children.

William Fairfax brought me an infant male child three days old in October, 1906. He said its mother had died in childbirth and asked me to find a home for it as near as possible to its station in life, as it was impossible for him to care for it. Some months before a Mr. Littleton brought a young girl to my house, saying she was his niece and had been unfortunate. He asked me to find a home for her child when it should be born. The child was born October 29, three days before the Fairfax child came. I sent the girl's child to a lady who had agreed to take it. The child was taken South and died there.

I put the Fairfax child with the girl to nurse. As soon as she was able to go I took her to a home provided for her, and it was then for the first time I learned her name was Carroll. The coincidence never struck me until recently, when I began to hear rumors of falsehoods.

After the De Montferriers determined to take the child they asked me to bring it to Paris, offering to pay me my expenses and $50 a day during my absence from home. I took the child to Paris and delivered it to them. They paid all they had promised, and were kind to me. I have had a letter written to the marquis offering to take the child back and find a home for it, even though it be not of the "Carrolls of Carrollton" or of the "Virginia Fairfaxes." I have not as yet had time to receive a reply. Every statement I here make I can prove by ample testimony.

"SHAME TO CUT CHRISTMAS TREES."

Forest Commissioner Whipple Would Have Their Substitutes Manufactured.

[By Telegraph to The Tribune.]

Albany, Dec. 16.—"Eleven carloads of Christmas trees taken from the Adirondacks," was a statement which Commissioner Whipple of the State Forest, Fish and Game Commission read to-day.

"That is a shame," the Commissioner commented. "There is no excuse for it, and it should be stopped."

"But the use of trees in connection with the celebration of Christmas is an old custom," some one remarked.

"That is true," the Commissioner answered, "but it was started when trees were not so scarce as they are now. The price of Christmas trees ranges from 25 cents to $5. But the choppers do not get anywhere near that figure.

"What will take the trees' place?" was asked.

"Let them manufacture trees, or a substitute," Mr. Whipple said. "That would give a chance for capital, would employ many hands and answer every purpose. They can imitate the evergreen tree, and that is all that is necessary to preserve the old custom. As it is now, they cut the trees that have been growing seven or eight years and have reached a size when they are of some good to the state. We are trying to do all we can to save the forests, spending hundreds of thousands for this purpose, and this custom of cutting trees for the holidays seems to be a useless waste."

UPPER HUDSON NAVIGATION CLOSED.

Newburg, N. Y., Dec. 16.—The Central Hudson Steamboat Company announced to-day the close of upriver navigation. The steamers Martin and Tremper, of that line, made their last trip of the season between Newburg and Albany to-day.

CITY NEWS IN BRIEF.

Frank DeK. Huyler, whose candy factory was badly damaged by fire last Friday night, sent a check yesterday for $500 to the firemen's pension fund in appreciation of the work done by the firemen.

The tenth annual dinner of the Society of the Genesee will be held in the grand ballroom of the Waldorf-Astoria on Saturday evening, February 8, 1908. Among the guests of the evening will be the supervisors of Livingston County.

The twelfth annual dinner of the Dutchess County Society will be held on Saturday evening, January 18, 1908, at the Plaza Hotel. Among the speakers will be Governor Hughes and Lieutenant Governor Lewis S. Chanler.

The six Chinamen arrested in a gambling raid on No. 22 Pell street on Sunday were arraigned before Magistrate Corrigan in the Tombs police court yesterday and discharged for lack of evidence.

Lawrence E. Smith, who was arrested for passing a worthless check on Tiffany & Co., was arraigned in the Court of General Sessions yesterday before Judge Whitman and sentenced to four years and a half in Sing Sing.

Stern Brothers

Dressmaking and Ladies' Tailoring Dep'ts

For a limited period orders will be accepted for

Tailored Suits, Street and Evening Gowns

at

Special Concessions from Regular Prices

(THIRD FLOOR)

West Twenty-third Street

ESCAPE TRENTON PRISON.

Two Convicts Free Themselves with Duplicate Key and Rope.

[By Telegraph to The Tribune.]

Trenton, N. J., Dec. 16.—Thomas Buckley, of Morris County, a thirteen-year convict, and John Langenberg, of Passaic County, serving a five-year sentence, escaped from the state prison at dusk this afternoon. Wearing the gray garb of the prison they passed through several streets and had a long start, as their absence was not discovered for almost an hour.

A rope, on the end of which was an improvised iron hook, dangling from the prison wall showed how the escape was accomplished. It is supposed that a duplicate key, either stolen or made by one of the men, enabled them to get out of the cell house. Both men were trusties and had more freedom about the prison than other prisoners.

Buckley handed the keeper in the new wing a note from a keeper in another part of the prison. The keeper, following the instruction contained in the note, went to the end of the wing on an errand. When he returned Buckley and Langenberg were gone. Buckley was committed to the prison on October 20, 1905, for robbery and breaking jail in Morris County. Langerberg began his sentence for larceny on December 13, 1906.

PRISONER FLEES AS CASE IS CALLED.

Alleged Pickpocket Waiting Trial Escapes from Richmond Courthouse.

James Gordon, an alleged pickpocket, who is known to the police under the aliases of Frank Howard and Frank Smith, and who was under indictment for grand larceny, escaped yesterday from the Richmond County Courthouse, after his lawyer had refused to handle the case. Gordon, who was out on bail and was waiting downstairs outside the Sheriff's office for his case to be called, opened the front door of the courthouse and fled toward the Richmond woods. The neighborhood in the vicinity of the courthouse is being scoured for the escaped prisoner.

Gordon and Frank Flood were arrested on July 24 for robbing George Marino at St. George of $24. Unless Gordon gives himself up or is apprehended by Wednesday his bail bond will be forfeited.

TWO FLEE NASSAU COUNTY JAIL.

Mineola, Long Island, Dec. 16.—Two more vagrants escaped from the Nassau County jail here to-day. Three vagrants got away last week, and John Moore, who had one more day to serve, and James Russell, who had until December 19 to serve, did exactly as did the men last week. They wheeled barrows of broken stone to the pile outside the wall, and then ran.

Sheriff-elect Foster has notified the Board of Supervisors that, owing to the stone breaking industry at the jail more keepers will be needed after January 1.

PEACE HOVERS OVER GOLDFIELD.

No Demonstration Against Arriving Miners—Committee Starts Investigation.

Goldfield, Nev., Dec. 16.—The Roosevelt committee began its investigation of labor troubles in Goldfield to-day. The committee will go over the testimony secured by Governor Sparks and General Funston before hearing new evidence.

Thirty men to take the places of the striking miners arrived from California to-day. The men were taken to the camp of the Consolidated mines, where accommodations have been made for five hundred men. No demonstration was made on the arrival of the strike breakers. The mine owners say that the end of the week will see the camp filled. More than one hundred men went to work this morning, and the mines will work three shifts from this time on.

ONE MONTH FOR TRYING TO FLIRT.

Didn't Even Get a Smile to Pay Him for Sojourn on Island.

Rachimel Auerbach, twenty-nine years old, who lives at No. 318 5th street with his wife and one child, is a student in civil engineering at Cooper Union, and has been in this country four years. While walking along 14th street yesterday morning he winked at Jeannette Butler, nineteen years old, of No. 59 Cherry street, who is considered one of the belles of the street. He followed her, despite her efforts to evade him, and made every attempt to engage in conversation with her, much to her distress.

He finally became so annoying that Miss Butler called Patrolman Dunnigan, of the Madison street station, who arrested the young Russian. When arraigned before Magistrate Walsh in the Essex Market Court yesterday afternoon Auerbach seemed vexed with the entire affair, which he evidently considered somewhat of a joke. He changed his mind, however, when the magistrate, after hearing Miss Butler's story, said:

"One month on the island."

"What!" gasped the astonished flirt.

"Didn't you hear? One month on the island. Lead him away," and away he went.

JUST A CHANCE FOR GLAZIER.

Chelsea, Mich., Dec. 16.—State Treasurer Frank P. Glazier, whose financial troubles have resulted in the closing of the Chelsea Savings Bank, the Glazier Stove Company and a demand from Governor Warner for Mr. Glazier's resignation, is declared to-day to have just a fighting chance for his life. Mr. Glazier, who has suffered from pneumonia, was stricken with an attack of valvular lesion of the heart Saturday, and the attack was renewed last night.

ECHO OF HAIGHT & FREESE FAILURE.

Boston, Dec. 16.—Judge Lowell, in the United States Circuit Court to-day, allowed additional fees to James D. Colt, jr., receiver of the Haight & Freese Company, which has been in his hands for more than a year, and also to other lawyers interested in the case. Mr. Colt received $4,000, as did William D. Turber, the senior counsel for the receiver; George Hoague, special counsel for the creditors, $2,500, and United States District Attorney A. P. French, counsel for the original creditors in the case, $750. Receiver Colt reported that funds amounting to $79,000 were now on hand.

LOUIS JAMES GETS "PEER GYNT."

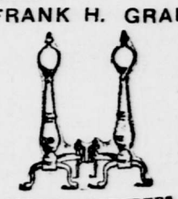
Louis James purchased yesterday the late Richard Mansfield's production of "Peer Gynt," and it was made known that it will be the only play in which he will be seen next season. It is his purpose to quit for a time impersonations of Shakespearian characters.

SPECIAL MENTION.

Advertisements admitted into these columns are recommended to the readers of The Tribune as thoroughly reliable, and business can be done by mail with the advertiser with perfect safety.

CROUCH & FITZGERALD
177 BROADWAY.
688 BROADWAY.
723 SIXTH AVENUE.

FRANK H. GRAF



ANDIRONS, FENDERS, FIRE SETS.
822 Seventh Avenue, Corner of 28th St.

Do Your Eyes Trouble You? Step into Spencer's, now at 31 Maiden lane, and get pair of pebble eye glasses, the cool, easy kind that never twist, or invisible Toric bi-focals for near and distant vision.

THE TRIBUNE ALMANAC FOR 1907

On Sale at all Newstands

Price 25 Cents

CLEW TO ROMER MURDER.

Police Looking for Philadelphia Negro with Ring and Coat.

Orange, N. J., Dec. 16 (Special).—The Orange police are working to-day on a new clew in the Romer murder mystery furnished by the Philadelphia police, who sent word that a negro tried to sell a diamond ring similar to that worn by Frederick R. Romer to a Philadelphia jeweller on Friday night. The description of the man, even to the gold fillings in the front teeth, coincides exactly with the appearance of George Williams, a negro employed at the Park Hotel, who was discharged for dishonesty about three weeks ago. Williams was seen near the hotel on the day before the murder. He wore no overcoat and had a dress suit case. Romer's overcoat was stolen after the murder, and one like it was worn by the negro in Philadelphia.

Francis J. Kieb, proprietor of the Park Hotel, said this morning that he had discharged Williams because he had overcharged a transient guest twice and had pocketed the money. "He came to me with no references," said Mr. Kieb this morning. "He said he had always been a waiter, and he did his work fairly well. He told me he lived in Philadelphia."

Miss Jessie Kieb said the man threatened to be revenged for his discharge.

The clew thus furnished is looked upon as the most definite the authorities have had to work upon yet, though they think it somewhat shatters the vengeance theory and seems to make robbery the motive for the crime. But the fact remains that Romer's room was not ransacked except that his letters were carefully gone over. The blows inflicted upon Romer, it is thought, were rather such as would be struck by a maniac or a man seeking vengeance. Romer's watch and $84 in cash were under his pillow. They were not touched.

Miss Kieb was positive in her belief that robbery was the chief motive. "There is no woman in the case," she said, "and I say that, knowing what I am talking about. I enjoyed Mr. Romer's acquaintance for a long time, and would know if there was a possibility of any such affair.

"He was robbed, and the man was noticed by Mr. Romer as he was in the act of searching his pockets for valuables. Mr. Romer struggled to his feet and was getting to the door when he was struck down and forced back to the bed, where the murderer finished his work. He was searching among the letters for money, and when detected he gave up his search. He was probably frightened after he had killed Mr. Romer and escaped after tearing off the ring and grabbing up the overcoat."

Detective Sergeant John Drabell, of Orange, who has charge of the case, was in New York all day yesterday and did not return until a late hour last night. He said he "felt better" about the case than he did yesterday.

Mr. Romer's funeral was held this afternoon in Grace Episcopal Church, Orange. The crowd in the church overflowed into the street. Special choral selections were rendered by the choir.

NEGRO DISFRANCHISEMENT.

[By Telegraph to The Tribune.]

Baltimore, Dec. 16.—Prominent Democratic lawyers and political leaders, including Senators Whyte and Rayner, were in conference this afternoon on a proposed amendment to the Constitution disfranchising negroes in Maryland. Mr. Straus, Attorney General-elect, submitted a draft containing a grandfather's clause and educational, naturalization and property qualifications which brought out a wide difference of opinion. Politicians from the "black" counties objected to an educational qualification on the ground that the negro with little education was less desirable than the illiterate.

After a long discussion it was decided to have Mr. Straus appoint a committee of seven to formulate a proposition for submission to the Legislature.

WESTINGHOUSE DIVIDEND DECLARED.

Pittsburg, Dec. 16.—At a meeting to-day of the directors of the Union Switch and Signal Company, a Westinghouse concern, the regular quarterly dividend of 3 per cent on the common and preferred stock was declared.

FIVE YEARS FOR BLACK HAND MAN.

Vincenzo Carbone, who was arrested for sending Black Hand letters to Cyrus Arnone, a fruit dealer, of No. 346 East 13th street, demanding money, was sentenced to five years in Sing Sing prison yesterday by Judge Crain in Part 3 of the Court of General Sessions. His companions, Paolo Castellano and Anesto Corella, were sentenced to Elmira Reformatory for an indefinite period.

PILOT TRANSFERRED AT SEA.

Paul Woodrich, one of the Sandy Hook pilots who were unable to leave the ships they were taking out Saturday, on account of the fierceness of the storm, returned to port yesterday on the steamer Philadelphia, from San Juan. Woodrich was piloting the Prinz Sigismund, of the Atlas service of the Hamburg-American Line, and was transferred to the Red D steamer one hundred and fifty miles south of Sandy Hook. Another pilot, M. A. Carr, on board the Dunottar Castle, of the Panama Line, was also unable to leave his ship, and will probably not have a chance to return before Jamaica is reached.

Amusements.

COLONIAL Mat. Daily, 25c. ROBERT HILLIARD, Empire City Quartet, Romany Opera Co., "MOTORING," others.

ALHAMBRA Mat. Daily 25c. HETTY KING, Wm. Hawtrey & Co., Novello's Circus, Searl & Violet Allen & Co., others.

Proposals.

CONSTRUCTION OF QUARTERS.—FORT WOOD, N. Y. H., December 14, 1907.—Sealed proposals, in triplicate, for the construction, including plumbing, heating, electric wiring and electric lighting fixtures, of one double set of Captains' quarters at this post, will be received here until 11:20 a. m. January 13, 1908, and then opened. Information furnished on application. The U. S. reserves the right to reject any or all bids. Envelopes should be marked "Proposal for Public Building" and addressed to the undersigned. G. C. BURNELL, Constg. Qr. Mr.

Public Notices.

NEW YORK SUPREME COURT, THIRD JUDICIAL District, Ulster County.—Ashokan Reservoir, Section No. 3, Ulster County. Towns of Olive, Marbletown and Hurley. In the Matter of the Application and Petition of J. Edward Simmons, Charles N. Chadwick and Charles A. Shaw, constituting the Board of Water Supply of the City of New York, to acquire real estate for and on behalf of the City of New York, under Chapter 724 of the Laws of 1905 and the Acts amendatory thereof, in the towns of Olive, Marbletown and Hurley, Ulster County, New York, for the purpose of providing an additional supply of pure and wholesome water for the use of the City of New York.—Public notice is hereby given that the First Separate Report of George Holmes Smith, Henry Smith and Josiah J. Hasbrouck, who were appointed Commissioners of Appraisal in the above entitled matter, by an order of this court made at a special term thereof, held at the Court House in the City of Kingston, Ulster County, N. Y., April 20th, 1907, was filed in the office of the Clerk of the County of Ulster on the 23rd day of November, 1907, and affects parcels Numbers one hundred and twenty-two (122), ninety-six (96), one hundred and twenty-nine (129), ninety (90), ninety-four (94), one hundred and seventeen (117), one hundred and twenty-four B (124-B), one hundred and twenty-five (125), one hundred and twenty-seven (127), one hundred and thirty (130), one hundred and nineteen (119), one hundred and twenty-six (126), one hundred and six A (106-A), one hundred and twenty-four A (124-A), one hundred and twenty-one (121), eighty-five (85), eighty-nine (89), eighty-three (83), and one hundred and thirty-four (134), shown on the map in this proceeding. Notice is further given that an application will be made at a Special Term of the Supreme Court of the State of New York, to be held in and for the Third Judicial District, at the Court House in the City of Kingston, Ulster County, New York, on the 21st day of December, 1907, at ten o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order confirming said report and for such other and further relief as may be just. Dated New York, November 28th, 1907. FRANCIS KEY PENDLETON, Corporation Counsel, Hall of Records, New York City.

NEW YORK SUPREME COURT, THIRD JUDICIAL District, Ulster County.—Ashokan Reservoir, Section No. 3, Ulster County, Towns of Olive, Marbletown and Hurley.—In the matter of the application and petition of J. Edward Simmons, Charles N. Chadwick and Charles A. Shaw, constituting the Board of Water Supply of the City of New York, to acquire real estate for and on behalf of the City of New York, under Chapter 724 of the Laws of 1905 and the Acts amendatory thereof, in the towns of Olive, Marbletown and Hurley, Ulster County, New York, for the purpose of providing an additional supply of pure and wholesome water for the use of the City of New York.—Public notice is hereby given that the undersigned, the remaining Commissioners of Appraisal appointed in the above entitled proceeding by an order of this court, bearing date April 20th, 1907, and filed in the office of the Clerk of Ulster County, at Kingston, N. Y., on the 24th day of April, 1907, will make application to the Supreme Court of the State of New York for the appointment of a disinterested and competent freeholder residing in the County of New York as a Commissioner of Appraisal in such proceeding, for Section No. 3, Ashokan Reservoir, to fill the vacancy occasioned by the resignation of Henry Smith, of the City of New York, one of the Commissioners of Appraisal in the above entitled proceeding.

Such application will be made under Chapter 724 of the Laws of 1905, as amended, at a Special Term of the Supreme Court, to be held in and for the Third Judicial District, at the Court House, in the City of Kingston, Ulster County, N. Y., on December 21st, 1907, at 10 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard.

The real estate to be acquired in this proceeding is situated in the towns of Olive, Marbletown and Hurley, Ulster County, New York, is to be acquired in fee for the purpose of furnishing an additional supply of pure and wholesome water for the City of New York, and a statement of the boundaries thereof, with a reference to the map on which said real estate is shown, was contained in the notice duly published for six weeks preceding the application for the appointment of commissioners, to which notice, proofs of the publication of which are duly filed in the said office of the Clerk of Ulster County, reference is hereby made.

Dated November 23rd, 1907.

GEORGE HOLMES SMITH, JOSIAH J. HASBROUCK, Commissioners of Appraisal.

FRANCIS KEY PENDLETON, Corporation Counsel, Office and Postoffice Address, Hall of Records, corner of Chambers and Centre Sts., Borough of Manhattan, New York.

HITS RAILROAD SECURITIES COMPANY.

Counsel for Mr. Fish Argues Against Harriman in Illinois Central Contest.

Chicago, Dec. 16.—The legal arguments in the case of Stuyvesant Fish against Edward H. Harriman, involving the voting of certain shares of stock at the postponed annual meeting of the stockholders of the Illinois Central Railroad Company, were continued to-day before Judge Ball in the Superior Court.

Edgar H. Farrar, counsel for Mr. Fish, devoted his attention particularly to the Railroad Securities Company of New Jersey, which holds the stock Mr. Harriman wants to vote. Mr. Farrar urged that the charter of this corporation contained the power and germs of monopoly in its worst form. It was not, he said, confined, like the Northern Securities Company, to the control of two corporations, but spread its wings over every state and territory in the Union. He contended that such a corporation could not come into Illinois and own and vote stocks in the public service corporations of the state, since to do so would be in conflict with the laws of the state. Mr. Farrar had eighty-four law books on the table near him, and he quoted liberally from these volumes.

After Judge Farrar had consumed considerable time in reading authorities he resumed his argument.

"This corporation," he said, "cannot exercise under the statutes of Illinois any corporate powers or functions unless the statutes permit a similar body to be organized in the state. The Legislature of any state may impose any limits it sees fit, so long as they are not in contravention of the law."

Mr. Farrar then read from the statutes of Illinois, declaring that the charter of the Railroad Securities Company contained provisions contrary to the laws of the state, and therefore it could not properly exercise corporate functions in the state.

Mr. Fish received the proxies to-day for 1,895 shares of Illinois Central stock held by Baron Rothschild & Sons, European bankers. The proxies are said to have been sent through Winthrop E. Scarritt, who is representing Mr. Fish in London.

MISS MARY E. LEWIS IS SANE.

So Declared by Sheriff's Jury—May Now Be Freed from Bloomingdale.

Miss Mary Elizabeth Lewis has been declared sane and competent to manage her estate of $700,000, by a sheriff's jury in Brooklyn which has been investigating her case for a month. The jury returned its verdict at noon Sunday, after having been out twenty-four hours.

If the report is sustained by the superintendent Miss Lewis will be freed from Bloomingdale Asylum, where she was sent by Justice Blanchard, of the Supreme Court, Manhattan, eighteen months ago, upon her brother's application.

The proceedings to determine Miss Lewis's sanity were begun on September 23, when her half brothers, John A. Lewis and Thomas Lewis, and her sister, Mrs. Rosetta Hodgman, obtained a writ of habeas corpus.

MAGISTRATE HELD OLD SCHOOLMATE.

They all went to school together in the old days, a prisoner in the Night Court last night, who said he was James McMahon, fifty-three years old, of No. 159 East 51st street; the detective, John Boncer, attached to the West 30th street station, and Magistrate Steinert, who was presiding in the Night Court.

When Detective Boncer saw a man asking alms of passersby in the vicinity of the Herald Square Theatre last evening and annoying men and women by clutching at their garments to attract attention he did not stop long enough to recognize in the beggar an old schoolmate.

Then when he brought his prisoner before Magistrate Steinert the magistrate recognized McMahon as an old schoolmate of his. The magistrate listened to the charge, but when the officer asked that clemency be shown he shook his head. McMahon was held in $300 bail for good behavior. The police say he has offended before.

CHECK PUZZLES GRAND JURY.

The grand jury summoned Frank A. Huck, cashier for the law firm of Gifford, Hobbs & Beard, which represents Joseph H. Sulzbacher, the broker arrested, accused of trying to get a witness to leave the state, and asked him many questions yesterday concerning a check for $100 which was paid to Charles F. Hodges, who turned, it is alleged, state's evidence. Anson McCook Beard, one of the members of the firm, said at his home last night that he knew nothing about any such check.

Amusements.

HIPPODROME
ENTIRE BLOCK, SIXTH AVE., 43d and 44th Sts.
Daily Mats., Best Seats, $1. Eves., 25c. to $1.50.
GREATER, GRANDER, BIGGER THAN EVER.
The Hippodrome's Annual New Production.
THE AUTO RACE
A Gigantic Automobile and Musical Spectacle.
Followed by the Crowning Triumph of all Hippodrome Sensations,
THE FOUR SEASONS
and unequalled riot of realistic action, gorgeous coloring, brilliancy and splendor.
THE WINTER CARNIVAL
ALL NEW CIRCUS ACTS IN THE ARENA.

LYRIC ENORMOUS SUCCESS. THE SECRET ORCHARD

CASINO DE ANGELIS—RING—CARR THE GAY WHITE WAY.

HACKETT Evgs., 8:30. JOHN MASON, THE WITCHING HOUR.

MAJESTIC—THE TOP O' TH' WORLD

BIJOU B'way and 30th St. Tel. 1530 Mad. Evgs. 8:20. Mats. Wed. & Sat., 2:20.
MADAME NAZIMOVA in Henrik Ibsen's A Doll's House

FIELDS' HERALD SQR. Lew Fields THE GIRL BEHIND THE COUNTER.

EMPIRE THEATRE. B'way and 40th St. Eves. 8:20.
Last 2 Mats. Wed. and Sat., 2:15.
LAST FIVE NIGHTS.
JOHN DREW "MY WIFE"
TUESDAY, DECEMBER 24.
MAUDE ADAMS
11 Evenings and 5 Matinees.....PETER PAN
Matinees Thurs., Dec. 26; Sat., Dec. 28; Wed., Jan. 1; Thurs., Jan. 2; Sat., Jan. 4.
Seat Sale Opens Thursday.

Criterion Theatre. B'way and 44th St. Eve. 8:20. Mat. Sat., 2:15. LAST TWO WEEKS.
MARIE DORO THE MORALS OF MARCUS.

KNICKERBOCKER. Broadway and 38th Street. Evgs. 8:15. Mats. Wed. & Sat. 2:15. "A BULL'S EYE."
VICTOR MOORE IN GEORGE COHAN'S THE TALK OF NEW YORK.
Matinee Wednesday. Popular Prices, 50c. to $1.50.

HUDSON THEA. 44th St., nr. B'way. Evgs. 8:20. Mats. Wed. and Sat., 2:15.
LAST 7 TIMES IN NEW YORK DEC. 25
ROSE STAHL THE CHORUS LADY.
ETHEL BARRYMORE in HER SISTER.

SAVOY 34th St., near B'way. Eves. 8:15. Mats. Thurs. and Sat., 2:15.
MAN OF THE HOUR By George Broadhurst.

LYCEUM THEATRE. Broadway & 45th, at 8:30. Mats. Thurs. & Sat., 2:15.
THE THIEF KYRLE BELLEW and MARGARET ILLINGTON.

NEW AMSTERDAM THEATRE. 42d St., West of B'way.
Evenings 8:15. Matinees Wed. & Sat., 2:15.
HENRY W. SAVAGE offers
THE MERRY WIDOW

BROADWAY THEATRE, B'way and 41st St. Eves. 8:15. Mats. Wed. & Sat.
Matinee To-morrow. Choice Seats $1.00.
THE ROUND UP

LIBERTY Last Week. Mats. Wed. and Sat.
Theatre, W. 42d St. CHAUNCEY OLCOTT O'NEILL OF DERRY
NEXT MONDAY—Seats now on sale.
POLLY OF THE CIRCUS

NEW YORK Twice Daily. Best Seats $1 Daily Mats., 25 and 50c.
LOUIS MANN JOSEPHINE COHAN & CO. FRED NIBLO, JAY W. WINTON, JOHNNY JOHNS, WALTHOUR TROUPE, others.

METROPOLITAN OPERA HOUSE
WED. EVG., Dec. 18, at 8—LOHENGRIN. Emma Eames, Homer; Knote, Goritz, Blass, Muhlmann. Conductor, Hertz.
THURS. EVG., Dec. 19, at 8—FEDORA. Cavalieri, Alten, Mattfeld, Jacoby; Caruso, Scotti, Tecchi, Begue, Muhlmann, Dufriche. Cond., Ferrari.
FRI. EVG., Dec. 20, at 8—LUCIA DI LAMMERMOOR. Sembrich; Bonci, Stracciari, Journet, Lucas, Tecchi. Conductor, Ferrari.
SAT. AFT., Dec. 21, at 2—TOSCA. Emma Eames, Jacoby; Caruso, Scotti, Dufriche, Barocchi, Lucas, Begue. Conductor, Ferrari.
SAT. EVG., Dec. 21 (popular prices), at 8—DER FLIEGENDE HOLLAENDER. Gadski, Langendorff; Knote, Van Rooy, Blass, Dippel. Cond., Hertz.
XMAS DAY MAT. at pop. prices, Wed., Dec. 25, at 3—HAENSEL und GRETEL. Seats now on sale.
WEBER PIANO USED.

MANHATTAN OPERA HOUSE. 34th St., near 8th Ave.
TO-MORROW (Wed.) at 8 (double bill)—LA NAVARRAISE and I PAGLIACCI. Mlle. Gerville-Reache; MM. Dalmores, Crabbe, Arimondi, Glanoli-Galletti; Mlle. Zeppilli; MM. Bassi, Sammarco, Crabbe. Mus. Dir., Campanini.
FRI. at 8—LOUISE (1st time in America). Miles. MARY GARDEN, Breesler-Glanoli; MM. Dalmores, Gilibert, 22 other principals. Mus. Dir., Campanini.
SAT. MAT. at 2—FAUST. Miles. AGOSTINELLI (debut), Giaconia; MM. Zenatello, Ancona, Didur. Mus. Dir., Campanini.
SAT. NIGHT at 8 (75c.-$3).—TALES OF HOFFMANN. Miles. Zeppilli, de Cisneros; MM. Renaud, Dalmores, Gilibert. Mus. Dir., Campanini.
Special HOLIDAY Matinees. Pop. Prices, 75c.-$3.00.
XMAS DAY...TALES OF HOFFMANN
JAN. 1ST (New Year's Day).CARMEN
Orders Now Received. Tickets Ready Thursday.

BELASCO West 42d St. Eve. at 8:15. Mats. Thurs. & Sat. at 2:15.
David Belasco presents The WARRENS OF VIRGINIA

DAVID BELASCO'S STUYVESANT West 44th Street, near B'way.
Evenings 8:15. Matinee Saturday at 2.
DAVID BELASCO presents David WARFIELD in A GRAND ARMY MAN.

MADISON SQ. THEATRE, B'way & 24th St. Mats. Xmas & New Year's.
MON., DEC. 23. Seats Thursday. MAY ROBSON in "The Rejuvenation of Aunt Mary."

ONLY THIS WEEK OPEN 9 A. M. TO 10:30 P. M.
MADISON SQUARE GARDEN.
NEW YORK POULTRY, P