SAW SUTTON FIRE SHOT

OFFICER OF THE GUARD TELLS HIS STORY.

Differs in Details from Adams, but Agrees as to Suicide—Rampage at Marine Camp.

Annapolis, July 20.—The proceedings to-day at the inquiry into the death of Lieutenant James N. Sutton, U. S. M. C., took a sensational turn when First Lieutenant William F. Bevan, now attached to the battleship New Jersey, related his part in the tragedy in the early morning of October 13, 1907. Lieutenant Bevan was officer of the guard in the marine camp on that night, and one of the first men to reach the scene of Sutton's death.

Like Lieutenant Adams, he testified that Sutton deliberately shot himself, but beyond that cardinal fact his description of Sutton's alleged suicide varied in important details from the story told by Adams, the man who said he had taken part in a life and death struggle with the young Oregon lieutenant just before the latter's death.

The most glaring disagreement with Adams's story came when Bevan swore that he and two other officers were on top of Sutton and trying to hold him down to prevent him from using his revolvers when Sutton freed an arm from under him and fired a bullet into his own brain after some one remarked that he (Sutton) had killed Lieutenant Roelker. Adams testified that he had risen from Lieutenant Sutton's body and that Sutton lay exhausted and alone on the ground when he saw him raise his right hand and fire the shot that ended his life.

Bevan's testimony also revealed that a situation bordering on a wild West rampage had existed in the marine camp just prior to the shooting, when Sutton had been trying to make Lieutenant Roelker dance by levelling two revolvers at his feet, and that he afterward rushed from the camp, disregarding his arrest by the officer of the guard, shouting that he would quit the marines for good.

BEVAN NOT WITH ROISTERERS.

It has been remarked, in view of the testimony so far, which makes it apparent more than one of the marines were in an excited and irresponsible condition on the night in question, that none of them could be expected to give a lucid account of the incidents leading up to Sutton's death. However that may be, the fact that Lieutenant Bevan was on duty and had not had an opportunity to join in the "larks" of his brother officers, is bound to attach more weight to his version of the affair.

He made a good impression on the witness stand and gave his testimony without nervousness. Major Leonard, the judge advocate, had not finished his direct examination of Bevan when court adjourned for the day.

The trio of young officers—Adams, Osterman and Bevan—who were all present at Sutton's death, occupied the time of the court to-day. Lawyer Davis, Mrs. Sutton's counsel, finished his cross-examination of Lieutenant Adams in quick order after court opened, and then Lieutenant Osterman took the stand, and his direct and cross examination took most of the day. Osterman, as a member of Sutton's automobile party on the night of October 12, corroborated Lieutenant Adams's story, except to add that he said he believed Sutton was badly intoxicated that night.

Commander John Hood, senior member of the board of inquiry, was called upon to make rulings to-day on objections raised to the questions by both Major Leonard and Mr. Davis. As proceedings advance more caution is being exercised by the judge advocate as well as the other interested attorneys to curb the latitude hitherto allowed the witnesses in testifying. Major Leonard said at the adjournment of court to-day that he did not expect the inquiry to be ended this week.

During the examination of Lieutenant Adams yesterday he sat at the right of the judge advocate and between him and Mrs. Rose Sutton Parker, the sister of the dead lieutenant, from whom he was separated by one or two others. To-day, however, soon after he began testifying, at the request of the Court he changed his place to the other side of the table, which brought him directly opposite Mrs. Parker. As soon as he sat down she fixed her eyes upon him, and they scarcely left his face for an instant while he continued on the stand. The effect was palpably to disconcert Lieutenant Adams, who showed considerable nervousness.

ADAMS'S MEMORY POOR.

Mr. Davis went over the scene of the shooting again with Adams this morning, and dwelt on the details of distances and time, in an effort to place the exact spot where and the time Sutton was shot. The witness could remember only approximately about these details. He said he was sure Sutton wore an overcoat that night, but did not remember that Sutton took it off any time before the first quarrel between himself and Sutton, when they both stripped to the waists preparatory to fighting. The lawyer read excerpts from Lieutenant Adams's testimony at the first inquiry, and pointed out some of the discrepancies.

The witness insisted wherever the testimony seemed to vary that his answers at the present inquiry were correct ones.

Mr. Davis pressed the question as to whether Sutton fired the fatal shot with the large service revolver or the small one.

"It wasn't very light around there," said Lieutenant Adams, "but it was my idea that he shot himself with the small revolver."

Mr. Davis called the witness's attention to his testimony of yesterday, in which he said positively that it was the small weapon. "I have told you a half dozen times already this morning that I did not positively identify the gun," said the witness. "It didn't seem as if it was as large as the service gun."

Mr. Davis referred to a reported interview with Adams in a New York paper of July 7 in which Adams was quoted as saying that the Suttons were trying to "trump up a murder charge against two men who were innocent," and asked the witness if he said anything like that. Commander Hood, presiding, ruled that Adams did not have to answer the question.

Mr. Davis questioned the witness in regard to his interview with Mrs. Parker, Sutton's sister, soon after Sutton's death.

"Did Mrs. Parker ask you at that time to make a statement of the truth of this whole affair?" asked Mr. Davis. The witness said he believed she did.

"Did you make such a statement?"

"No, sir," replied Adams.

Mr. Davis read from the assumed interview with Mrs. Parker and asked the witness if he remembered making the statement. Adams said he could not remember making any such statement to Mrs. Parker.

The statements Mr. Davis credited the witness with gave a somewhat different version of the tragedy from that which Adams has given on the witness stand.

At this point there was a brief conference of all the lawyers, who withdrew to another part of the auditorium, at the end of which Mr. Davis announced that he was through cross-examining Adams for the present. Major Leonard asked the witness a number of questions in regard to the interview with Mrs. Parker and other matters. The witness caused a burst of merriment on the part of Mrs. Parker, her mother and counsel when he declared that Colonel Doyen, senior officer, had told him Mrs. Parker was "a very shrewd looking woman."

Lieutenant Adams was excused and Lieutenant Edward A. Osterman called as the next witness.

OSTERMAN CORROBORATES ADAMS.

Starting with the hop at the academy and the meeting with Sutton later, about midnight, at the Carvel Hall Hotel, the witness told substantially the same story of the incidents of that night as told by Lieutenant Adams.

"We were in a room at Carvel Hall about 12 o'clock, when Lieutenant Sutton appeared at the door with a bottle of whiskey in his hand, and asked us to have a drink," said the witness. "We told him we were not drinking whiskey, and he went away. About twenty minutes later he came back and said he had an automobile outside, and asked if we did not want to ride to camp. I don't think any one made an answer, but we all went out and Lieutenants Adams, Utley, Sutton and myself got into an automobile and started for the camp."

From that point on Lieutenant Osterman told of the fist fights with Sutton of Adams and himself near the marine camp, and later, running down to where the shots were fired, he said he found Lieutenants Adams and Bevan standing near where Sutton and Lieutenant Roelker lay on the ground.

"Some one said Sutton had killed Roelker and then killed himself," the witness said.

In answer to further questions by Major Leonard, Osterman said the reason he and his friends refused to take a drink with Sutton at Carvel Hall was because Sutton was not wanted in the party.

"He was unpopular with his classmates," the witness said.

"Then, too, we had been drinking beer all day and didn't want to drink whiskey," the witness added.

Osterman told of an incident about a month prior to Sutton's death when Sutton "shot up the camp."

"I was awakened by the bullets whizzing through our tent," said the witness, "and stepping out into the camp street saw Sutton standing in the door of the tent firing his revolvers. Major Fuller came along and asked Sutton to give him his revolvers, and he finally handed them to Major Fuller."

"How long did it take you to get from where you heard the shots to the point where the altercation occurred?" inquired Major Leonard.

"About a minute," the witness returned.

"Did you run?"

"Yes, sir."

"Whom did you see there?"

"Lieutenants Adams, Bevan, Utley, Roelker and Sutton."

"What did Adams do or say?"

"He showed me his finger, and said Sutton had shot him. It was bleeding profusely."

The witness said Roelker was just picking himself up from the road as he got there.

"It was pretty dark where the shooting occurred," the witness proceeded, "but you might be able to see a revolver fifteen yards away."

At this point the noon recess was taken. Major Leonard brought out for the first time evidence in regard to the space of time between the firing of the five shots when Lieutenant Osterman resumed the witness stand at the afternoon session.

The witness said the first three shots were fired in rapid succession, with a perceptible interval between the fourth and fifth shots. The witness said he could not say what Sutton's physical condition was after the fight with him.

MISS STEWART'S NAME INTRODUCED.

Mr. Davis started the cross-examination of the witness, and immediately referred to Miss Stewart, of Pittsburg, the young woman with whom Sutton is said to have spent the evening prior to the shooting.

"When you went to Carvel Hall did you see Lieutenant Sutton and a young lady?" asked Mr. Davis.

"I did," answered Osterman.

"Did you know the young lady?"

"No."

"Did you sit at a table and talk with Sutton, the young lady and Professor Coleman?" asked the lawyer.

The witness said he couldn't recall that he did.

"While you were there did Adams come to the door and ask you to come out?"

"I don't remember that, but I know there was something said by Adams and Utley about going in a private room to have some beer," was the answer.

"Was there any disorder in the room?" asked Mr. Davis.

"Some one said we were making too much noise. We were blowing on empty bottles, that was all," said the witness.

"As a matter of fact, the party was cautioned twice to be quiet, isn't that so?"

"I think that is right," said Osterman.

Osterman insisted that no argument took place in the automobile on the way to camp until Lieutenant Utley suggested that they had better get out and walk to camp. Then Lieutenant Sutton said he would not get out, no matter what the others did, and turned on Adams, called him a coward, and said he would "beat hell" out of him, according to the witness, who added:

"Adams jumped out and, unloosening his coat, said that if Sutton was going to do any beating he better do it right now."

Mr. Davis went over the details of that fight, referring to Osterman's former testimony in an effort to trip him up, but he did not succeed in bringing out any material discrepancies.

Lieutenant Osterman said he knocked Sutton down at least three times in the fist fight they had on the way to camp, and the last time Sutton got up he started up the road and disappeared in the darkness. Osterman, Adams and Utley remained there for a few minutes discussing the possibility of Sutton carrying out his threat to shoot them all, and then went to the guardhouse to get some guns. They did not find any one at the guardhouse, and all three started for the barracks to report to the officer of the day, when Utley ordered Adams to go down to the scene of the fights and see if he could find any clothes. Soon after Adams started down the road Osterman and Utley heard the shots and ran to the scene of the shooting.

Osterman was excused and First Lieutenant William F. Bevan, U. S. M. C., now attached to the United States battleship New Jersey, was called. The witness was officer of the guard on the night Sutton was shot. Major Leonard asked him to relate the incidents of the night of October 12-13 from midnight on. In response Lieutenant Bevan said:

"Some one reported to me about 1 o'clock that a fight was going on in the marine camp. I went up there and found Lieutenant Sutton in his tent door with a revolver in each hand, pointing them at the feet of Lieutenant Roelker, who was remonstrating with Sutton and trying to get him to put up his guns.

"I placed Sutton under arrest and ordered both men to their tents. Sutton made some remark about disregarding arrest and ran down the walk, exclaiming he was going to leave the camp for good. Shortly afterward I heard several shots fired, and Lieutenant Utley and I ran down toward the parade grounds, where we saw several figures. There we found Lieutenant Osterman and Sergeant de Hart sitting on Lieutenant Sutton's body.

"Lieutenant Adams was standing near by and trying to get at Sutton to hit him. Some one had pulled him away from Sutton and was holding him. I stooped down and took hold of Sutton by each shoulder, intending to hold him down on the ground so he could not use the two revolvers he had when I last saw him. Some one said, 'My God! He has killed Roelker,' and then I felt a movement under me and saw Sutton extend his arm from under him to the right of his head and shoot. Then his body relaxed. Lieutenant Willing reached down and took the revolver out of Sutton's hand. It was a service revolver."

The witness told his story rapidly and without any traces of nervousness. The court adjourned with Lieutenant Bevan still under direct examination.

ROELKER IN WHEELING?

Ohio Man Tells of Letter from Miss Stewart.

Wheeling, W. Va., July 20.—With the avowed purpose of finding Edward P. Roelker, the much wanted witness in the Sutton inquiry at Annapolis, Harry B. Thomas, of Martins Ferry, Ohio, is in Wheeling. Thomas, in a statement last night, declared he had seen Roelker here within the last two weeks.

Thomas declared to-day he was sure Roelker had been employed for some time in the Wheeling offices of a coal mining company, working there under an assumed name.

Much interest is being manifested as to the contents of a letter purporting to be from Miss Mary Elizabeth Stewart, of Pittsburg, which Thomas says he will forward to the authorities at Annapolis. In the letter Thomas states Miss Stewart outlines graphically the happenings on the night of Lieutenant Sutton's sudden death.

Thomas, who is said to be a well known business man of Martins Ferry, Ohio, also states that he at one time considered entering the United States marine corps, but was advised to stay out of the service. Thomas claims to have known both Lieutenants Sutton and Roelker personally, and to have been Sutton's guest the day preceding the tragedy.

GIRL ARRESTED FOR FORGERY.

Messenger for Cloak Designer Accused of Signing Employer's Name to Check for $60.

Agnes Michaels, fifteen years old, of No. 538 West 47th street, was arrested yesterday on complaint of Mrs. Catherine A. Burke, a cloak designer at No. 26 West 31st street, who charged the girl with forging a check on the Lincoln National Bank, in East 42d street. The Michaels girl, who was employed by Mrs. Burke as a messenger, found a blank check on Friday, and, it is alleged, filled it out for $60, signing the name "C. A. Burke." The check, when presented to the bank, was badly blotted, and, in addition the word "dollars" was spelled "dollors."

These facts aroused the suspicions of the cashier of the bank, and he telephoned to Mrs. Burke, who said that she had drawn no such check. The 30th street police station was then notified, and Detective Sutting made the arrest. The girl was turned over to the Children's Society.

CHANCE TO LOSE "TYPHOID MARY."

Michigan Farmer Offers Germ-Laden One His Heart and Hand.

All the trouble which the Health Department has had through the detention of "Typhoid Mary" (Mary Mallon) on North Brother Island would be at an end if Dr. Darlington, the Health Commissioner, could accept the offer of a Michigan farmer to relieve the Board of Health of her further care. The farmer read in "The Lansing (Mich) State Republican" of Mary's detention, and writes the local health board his entire history and pedigree and his desire to wed her.

He says he has been in an insane asylum, has had much sickness and was never wealthy, but otherwise is all right. He owns his own farm and is twenty-eight years old. He continues:

If Miss Mallon is not more than ten years older and has nothing other than what you have found to bar her from the society of the world, and you will pardon her and get her into Michigan and see that the authorities of Michigan are not wise that she is here, and she will agree to become my wife, I will agree to become her husband.

The Health Board withholds the farmer's name and the names of the numerous references he gives. From the wide notoriety the germ-laden patient has received, the physicians expect to get next an offer from some enterprising manager to place her in vaudeville—behind a germ proof screen, of course.

ARMY AND NAVY ORDERS.

[From The Tribune Bureau.]

Washington, July 20.

ORDERS ISSUED.—The following orders have been issued:

ARMY.

Lieutenant Colonel ERASMUS M. WEAVER, General Staff, to Los Angeles, to deliver a lecture before convention of National Guard Association of United States, September 27.

Following assignments officers recently promoted announced: Colonel JAMES A. IRONS, 20th Infantry; Lieutenant Colonel LYMAN W. V. KENNON, 14th Infantry; Major CHARLES C. BALLOU, 7th Infantry.

Major WALLIS O. CLARK, 24 Infantry, found incapacitated, is retired.

Majors SAMUEL M. WATERHOUSE and WILLIAM J. L. LYSTER and Captains JOHN A. MURTAGH and WILSON T. DAVIDSON, medical corps, from Philippines, October 15, to San Francisco.

Major FRANK R. LANG (retired), assigned to active duty to take effect November 10, to recruiting service, Memphis, December 1, vice Major DANIEL I. HOWELL, 18th Infantry, recruiting officer, to his regiment.

Following officers to recruiting service at stations designated, December 1, vice officers indicated, who will proceed to their respective organizations: Captain ELLISON L. GILMER, coast artillery, Joplin, vice Captain CHARLES D. WINN, coast artillery; Captain RICHARD T. ELLIS, coast artillery, Columbus, vice First Lieutenant WILLIAM F. HERRINGSHAW, 13th Cavalry; Captain DAVID P. O'BRIAN, 26th Infantry, St. Paul, vice First Lieutenant EDWARD C. WELLS, 8th Cavalry; Captain JAMES D. WATSON, coast artillery, Indianapolis, vice Captain ELIJAH B. MARTINDALE, Jr., coast artillery; Captain CHARLES W. FARNER, 8th Cavalry, Boston, vice Major JOHN W. HEARD, 8th Cavalry; First Lieutenant CHARLES J. NAYLOR, 4th Cavalry, Newark, vice First Lieutenant LEO P. QUINN, 4th Field Artillery; First Lieutenant HENRY W. TORNEY, coast artillery, Wichita, vice First Lieutenant FRANK GEER, coast artillery; First Lieutenant HENRY S. KILBOURNE, Jr., 4th Field Artillery Springfield, vice First Lieutenant RICHMOND SMITH, 12th Infantry; First Lieutenant TAYLOR M. REAGAN, 15th Cavalry, New Orleans, vice First Lieutenant WILLIAM P. SCREWS, 19th Infantry; First Lieutenant JOHN SYMINGTON, 1st Cavalry, Atlanta, vice First Lieutenant RICHARD P. WINSLOW, coast artillery; First Lieutenant FRED W. BUGBEE, 25th Infantry, Huntington, vice First Lieutenant ERNEST H. AGNEW, 6th Infantry; First Lieutenant SHELDON W. ANDING, 30th Infantry, Grand Rapids, vice First Lieutenant ALVIN K. BASKETTE, 3d Infantry.

Second Lieutenant LAWRENCE C. RICKER, 10th Infantry, and Chaplain WILLIAM T. ANDERSON, 10th Cavalry, to Washington, examination for retirement.

Second Lieutenant CARL A. LOHR, coast artillery, assume charge construction work Fort Rosecrans, relieving First Lieutenant CHARLES E. T. LULL, coast artillery.

Leaves of absence: Captains KENNETH C. MASTELLER, ELISHA G. ABBOTT, HENRY C. MERRIAM and ROBERT W. COLLINS, coast artillery, one month on completion of duties at coast artillery school, Fort Monroe; Second Lieutenant GEORGE A. MATILE, 24th Infantry, and Major FRANCIS M. C. FISHER, medical corps, one month; Captain HALDIMAND P. YOUNG, quartermaster, three months.

NAVY.

Rear Admiral E. K. MOORE, transferred to retired list from July 24.

Civil Engineer A. J. MENOCAL, to navy yard, Boston.

Captain R. M. GILSON, commissioned in marine corps.

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

ARRIVED.

July 18—The Albany at San Francisco; the Yankton at Boston.

July 19—The Yankton, the Winslow, the Marcellus and the Brutus at Provincetown; the Wolverine at Holland; the Iris at Marc Island; the Olympia at Bradford, R. I.; the Yorktown at Esquimalt.

SAILED.

July 18—The Winslow, from Bradford for Provincetown.

July 19—The Yankton, from Boston for Provincetown; the Wolverine, from Muskegon for Holland, Mich.; the Chicago, the Hartford and the Tonopah, from New London for Gardiner's Bay; the Olympia, from New London for Bradford, R. I.; the Yorktown, from Port Angeles for Esquimalt; the Dupont, the Stockton, the Biddle, the Blakely, the Thornton and the Porter, from Boston for Provincetown.

RADICAL ARMY CHANGE

TO END DETAIL SYSTEM.

Secretary Dickinson Considering Recommendations to Congress.

[From The Tribune Bureau.]

Washington, July 20.—So serious is the problem growing out of the assignment of officers of the line of the army to staff duty, thus depriving line commands of their proper quota of officers, that the Secretary of War is being urged to incorporate in his forthcoming annual report an urgent recommendation to Congress that the so-called "detail system" be abolished, at least in part.

It is proposed that only the junior places in the special staff corps—that of major in the adjutant general's and inspector general's departments, that of captain in the quartermaster's, subsistence and pay departments and that of captain and first lieutenant in the signal corps—shall be filled by the detail of line officers. Line officers so detailed, it is proposed, shall serve their tour of duty and then return to the line, where they are greatly needed. This will not so completely divert them from their line duties, while it will enable these officers to obtain an acquaintance with the duties of staff officers, which is regarded as of practical value. It is further proposed to have the senior grades filled by the appointment out and out of officers who have served in a detailed capacity and have proved their usefulness on staff duty. In this way there would be furnished a permanent personnel in the upper grades of the staff departments and in the junior grades a detailed personnel from which the permanent officers may safely and profitably be selected.

The reports of the department commanders which are now reaching Secretary Dickinson and will be made public after they have been studied by the Secretary, are devoting much attention to this situation, and a number of them describe the conditions resulting from the long absence of line officers from their commands as seriously detrimental to the discipline and efficiency of the line.

The present system was adopted as a part of the reorganization of the army brought about by Senator Root, when he was Secretary of War, the most important feature of which was the creation of the General Staff. At that time the permanent personnel of the special staff corps was abolished, and since then vacancies as they have occurred in the quartermaster's, pay, subsistence, adjutant general's and inspector general's departments and the signal corps have been filled by detail of officers of the line. It has been usual to select for this duty a line officer of the grade next below that to be filled in the staff, so that the assignment might carry with it promotion for the officer chosen and for the junior advanced to the place temporarily vacated. Rotation in these details has made it possible to make promotion a condition which will last until all the places in the staff corps have been filled by detail. While this has had its immediate advantage for the individual selected for staff duty and the junior promoted to the vacancy thus caused, it has had the effect of depriving line commands of more than seven hundred officers of all grades, from colonel to second lieutenant inclusive. It is this change which has caused much confusion and has resulted in depriving many troops, batteries and companies of their captains, in many respects the most important of commanding officers. It is foreseen that with the retirement of senior officers in the special staff corps it will be more and more difficult to fill their places by details from the line.

One of the difficulties encountered at present is getting senior officers to serve with the staff. This is especially so in the case of colonels, although that grade has been reached only in the detail system. Now three colonels of the line are described as being anxious to return to their regiments. There is one colonel with the inspector general's department, and there are three lieutenant colonels in the adjutant general's department. In time of war it is foreseen that these line officers, whether they are first lieutenants, captains or colonels, will desire at once to return to their line commands. Certainly no colonel of a cavalry regiment will wish to stay with the General Staff or in the adjutant general's department. A captain of an infantry company will not be contented to be a quartermaster or a commissary when there is any fighting to do. It is predicted, therefore, that there will be an utter failure of the purpose of the detail system as originally set forth by the authors of the legislation, who believe that in time of war these line officers, having been trained for staff duties, would be much better—as they undoubtedly would be—than men selected from the volunteers who obtained such places by political and personal preference.

The time is rapidly approaching when there must be some modification of the system as it has been in vogue, and this year's reports of department commanders and heads of staff corps contain some pertinent references to the subject and emphatic recommendations for relief. The situation is regarded in some quarters as one of the most serious of those with which the military administration must cope.

THE ARMY AND TRUSTS.

Only Unlawful Combinations To Be Barred in Purchase of Supplies.

Washington, July 20.—Only corporations adjudged to be unlawful trusts or combinations in legal proceedings undertaken by the United States will be boycotted by the War Department in the purchase of supplies for the army, according to a statement made at the department to-day. This explanation is made because many corporations have written Secretary Dickinson since his order against the purchase of supplies made by trusts was issued, asking if it applied to them.

THE FLUSSER LAUNCHED.

Bath, Me., July 20.—The torpedo boat destroyer Flusser was launched here this afternoon. The new craft was named with champagne as she took the water by Miss Genevieve Virden, of Louisville, Ky. The Flusser is 64 per cent completed. Her contract calls for a speed of twenty-eight knots an hour. She is 293 feet in length, with a trial displacement of 700 tons, and is equipped with Parsons turbines. The Flusser is one of two destroyers under construction by the Bath Iron Works.

CONSTRUCTORS VISIT NAVY YARD.

Among the visitors at the navy yard yesterday was Rear Admiral Washington Lee Capps, chief of the bureau of construction and repair, who made an unofficial call. He is on his way to Europe, where he will investigate the latest foreign ideas in naval construction. H. G. Smith, formerly of the construction corps, but now connected with the Fore River Shipbuilding Company, was also a visitor at the yard. He came to New York to see his chief, former Naval Constructor Francis T. Bowles, who is also preparing to go to Europe.

NAVY YARD SOIL SINKS.

Buildings Damaged and Endangered by Motion of Underlying Sand.

Shifting sands under what is hoped will be the foundation of drydock No. 4 in the navy yard in Brooklyn have carried their work of undermining the surface soil so far that workmen are now engaged in taking down the cornice and part of the brickwork and shoring up the eastern end of building No. 20, in which a serious crack developed some time ago. The subsidence of earth is marked for some distance outside the dock reservation, and if the quicksand continues its motion it may endanger the big construction woodworking shop, building No. 131, on the top floor of which is the electrical school for enlisted men.

A rumor yesterday that the sinking of the earth had caused a crack in the façade of building No. 41, the largest of the power plants in the yard, and made necessary the stopping of the big dynamos, was shown upon investigation to be an error. The plant is shut down, but not from the cause given.

While the plant is not running, however, the yard is in grave danger from fire, as the high pressure pumps, it is said, will be removed to a place alongside building No. 10, and a new connection with the 16-inch salt water main made for them. This will require at least ten days, and during that time the chief fire fighting force of the yard will be out of commission.

MICHIGAN SAILS TO FINISH TESTS.

Philadelphia, July 20.—The battleship Michigan, built by the New York Shipbuilding Company at Camden, N. J., sailed to-day for the Delaware Capes, off which the warship will complete her official trial tests, which were interrupted some time ago by the vessel going aground off Cape Cod. The Michigan will make two twenty-four hour runs, one at a speed of twelve knots and the other at seventeen and one-half knots.

SEVEN BLOWN TO DEATH.

Blast Goes Off Unexpectedly in Lackawanna Cut-Off.

Newton, N. J., July 20.—Seven men, Hungarians and Italians, were killed to-day, and at least one was fatally injured, by an unexpected explosion of a blasting charge in the cut-off being built by the Lackawanna Railroad through the mountains near Blairstown. There are six bodies in the morgue. It is thought that the seventh body was hurled into some thicket and has escaped the searchers.

The injured man, who is in the company hospital, was working fifty yards from the scene of the explosion. There were seven men directly over the spot which had been drilled and charged for blasting. A heavy charge had been set and one man was engaged in tamping it home with a crowbar.

What happened can only be surmised. The blast went off and tore loose many tons of rock and killed the men. All of them were more or less mangled and one was dismembered. The stone and dirt displaced by the explosion is piled twenty-five feet high in the cut, and many of the large rocks that slid down will have to be blasted before they can be removed.

Large forces of men were put to work in relays trying to rescue the men, and physicians from every town within twenty-five miles of the scene were rushed to the place in automobiles.

JERSEY CITY WINS CAR TAX CASE.

[By Telegraph to The Tribune.]

Trenton, N. J., July 20.—Justice Swayze handed down a decision in the Supreme Court to-day holding that Jersey City is entitled to recover a license fee of $10 a year for each car operated within its corporate limits by the North Jersey Street Railway Company, of which the Public Service Corporation is the lessee. The license fee has not been collected since 1907, and the company alleged that the failure of the city to attempt collection amounted to a release.

FALLS FROM APARTMENT WINDOW.

Mrs. A. W. Teele Badly Hurt When She Trips in Curtain and Plunges to Pavement.

Mrs. Arthur W. Teele, of No. 422 West End avenue, fell last night from the window of her apartments, on the second floor, to the street. In falling she struck an iron fence, receiving possible internal injuries and severe shock. She was treated in her apartments by Dr. Hunt, of No. 412 West End avenue, and remained at home.

Mrs. Teele had been talking to a maid in her apartments, and was standing near an open window which opens on 80th street. The window ledge is only about six inches above the level of the floor, and while talking Mrs. Teele's feet became entagled in the window curtain. Before she could save herself she toppled out of the opening, tearing the curtain from its fastening as she fell.

MONEY IN DEAD MAN'S MOUTH.

Companion Arrested When He Tries to Take It in Undertaking Shop.

A man known to the police as Michael Murphy was arrested last night in an undertaking establishment in Pearl street on suspicion of having caused the death of Andrew Erickson. Whether he was drowned or killed by a blow on the head the police do not know.

The body of Erickson, who was a bartender in a saloon at No. 180 Park Row, was recovered yesterday from Canarsie Bay and brought to the undertaking place. When Murphy entered he asked to see the body of Erickson, claiming he was an old friend. The undertaker watched him closely, and surprised him in the act of trying to open the dead man's mouth.

The undertaker investigated, and to his amazement extracted a $5 bill. The policemen say that Murphy stood by and said that there was more than that, and that the undertaker continued the examination and found two more $5 bills. The detectives said that Murphy made a vain demand for the money, and then left the place. His arrest followed.

After he had been taken to Police Headquarters Murphy said, according to the police, that he, Erickson and an unknown sailor, whom it was their purpose to rob, had gone on a fishing trip to Canarsie. The sailor was plied with liquor, and then Erickson took his money, stuffed it in his mouth and started for shore in a boat. He jumped overboard to recover an oar, was taken with cramps and sank, dying apparently with the money in his mouth.

FIGHT ENDS EXCURSION

Bayonne Democrats Leave Rockaway Beach in Wrath.

Four thousand Democrats, about one-fourth of them members of the Bayonne Democratic Club, arrived at Rockaway Beach at noon, yesterday for their annual outing. An hour later they were all back on the steamer Grand Republic, after sixty minutes of the wildest excitement that Rockaway Beach has seen in a long time.

The trouble started when Jesse J. Feinberg, of No. 46 West 26th street, Bayonne, instead of going to the beach to go in bathing, set his course for land. A special officer attached to the Steeplechase Baths, where the majority of the visitors were preparing for the surf, remonstrated with Feinberg. Whether Feinberg fell or was pushed will be decided in the Rockaway Beach court this morning.

At any rate, the police found the excursionists at the bottom of a struggling mass of New Jersey and Long Island humanity, the former predominating. On his complaint they arrested Dr. Herman D. F. Heath, of No. 74 East avenue, Long Island City, on a charge of assault. The physician is a friend of the manager of the bathing pavilion and was the nearest person to Feinberg when the mass was untangled. Later preferred a charge of disorderly conduct against Feinberg.

While Dr. Heath was being held in $500 bail for examination and his accuser was depositing $100 cash bail to insure his appearance this morning, Matthew Cronin, president of the club, assisted by Recorder Mars, of the Bayonne Municipal Court, and others, was herding the excursionists back on the Grand Republic. What the departing Democrats said about Rockaway Beach would hardly bear repetition.

VOICE OF EVELYN SAYS SHE'S HERE

Montreal Dispatch Made Folk Think Mrs. Thaw Had Gone to Canada.

A dispatch yesterday from Montreal, stating that Evelyn Nesbit Thaw had arrived in that city on her way to Metapedia, a New Brunswick summer resort, made some folk think she had left the jurisdiction of the New York Supreme Court, which is considering the application of her husband for release from Matteawan. But a different word came from Mrs. Thaw's apartments.

A woman, who said she was Mrs. Evelyn Thaw, answered a telephone inquiry, and said:

"Well, I am here. But I wish I were in Montreal. I would like a vacation. But I couldn't leave, for I am under subpœna by the state. I was served again yesterday afternoon. Somebody came to the door, and I answered it myself, as I sometimes do.

"I am not surprised at the report that I arrived in Canada. All sorts of reports have been printed about me. But you can see—or rather hear—for yourself that I am right here on the job in old New York."

Whether it had anything to do with the Thaw hearings or not, it was announced at the Criminal Courts Building that District Attorney Jerome came back to town from the Adirondacks yesterday, cutting short his vacation.

SAYS JURIES CANNOT JUDGE INSANE

Dr. Lamb Says Their Competency to Determine Mental Disease Is Farcical.

Albany, July 20.—Reform in the commitment and discharge of persons adjudged to be insane criminals was favored to-day at a conference of superintendents of state hospitals by Dr. Robert S. Lamb, medical superintendent of the Matteawan State Hospital, to which Harry K. Thaw was committed after his trial on the charge of killing Stanford White.

One factor that receives little attention in courts, according to Dr. Lamb, is that through three months of simple living in a hospital for the insane the patient's environment is favorable and utterly unlike conditions he must face when he re-enters society. Dr. Lamb read statistics of forty-three cases where the release of patients from Matteawan was appealed for on habeas corpus proceedings. In thirty-four cases the patients were discharged, and of these fourteen found their way back to either prison or hospital. Eight showed signs of mental disturbance, three were unable to earn their own living, six disappeared from view, two committed suicide, and one was partially self-sustaining. Of the forty-three patients twelve were charged with murder in the first degree.

"In relation to the competency of a jury to determine mental disease," Dr. Lamb said, "it can only be said that to the experience of both law and medicine it appears as little short of farcical."

BELLEVUE EMPLOYES ON GRILL

Auditor and Assistant Accused of Passing Doctored Bills for Food Supplies.

At a meeting of the board of trustees of Bellevue and Allied Hospitals, held yesterday afternoon, at Bellevue Hospital, charges of misconduct, incompetence and neglect of duty were preferred against Frank Eckstein, auditor in the bookkeeping department, where he has been a trusted employe for seventeen years.

The finance committee of the board, which brought the charges, alleges that on five specified occasions he certified doctored bills for supplies in the household of the general medical superintendent of Bellevue, Dr. W. H. Smith, and his assistant superintendent, Michael J. Rickard.

George A. White, an assistant of Eckstein in the bookkeeping department, was also charged with neglect of duty on the same occasion.

HEALTH BOARD DELAY BOTHERS HIM

Coler Can't Understand Why Titus Wells Are Still Working—Tests Being Made.

Chemists from the Department of Health were sent to Brooklyn yesterday to make an examination of the water pumping station of Silas W. Titus, at Fourth avenue and 6th street, which Dr. Darlington, Health Commissioner, had declared would be closed. Samples of the water were taken and a careful analysis will be made.

Borough President Coler could not understand, he said yesterday, what Dr. Darlington meant by delaying the closing of the station. "I don't know why there should be any delay," he declared, "for his order says the wells are unhealthful." He said the Borough President said things about a "political gang" being allowed to "gamble" with the lives of Brooklynites.

Books and Publications.

The New Novel by BARBARA
(MABEL OSGOOD WRIGHT)

Poppea of the Post-office

Author of "The Garden of a Commuter's Wife," etc.

"A rainbow romance . . . tender yet bracing, cheerily stimulating . . . its genial entirety refreshes like a cooling shower."—*Chicago Record-Herald.*

Of these books by "Barbara" the *Boston Advertiser* says:—"There cannot be too many of them. Mrs. Wright knows good American stock through and through and presents it with effective simplicity."

Cloth, $1.50

Poppea of the Post-office

Published by THE MACMILLAN COMPANY For sale at all bookstores.

Books and Publications.

If You Please —
Don't
Merely
Ask for Flour
Ask for —

WASHBURN-CROSBY'S
GOLD MEDAL FLOUR
THE VERY HIGHEST QUALITY