

TO ENJOIN PAULHAN GREETED BY SUMMONS Wrights' Lawyer on Pier to Meet French Aviator.

Louis Paulhan, the young and daring French aviator, did not understand English yesterday, nor did he understand why he was not met by at least one member of the Aero Club of America when the French liner La Bretagne docked, but, instead, was greeted by a lawyer with singleness of purpose and a legal document asking him to show cause why he should not be enjoined from making flights in this country.



His skills under no false colors as to the object of his visit here and his flights abroad. He said frankly that it was the money he was after, and that he loved to fly high for much money. The machine that would carry him most quickly to the most money was the one he most wanted.

The French aviator, who arrived yesterday, Smith, of No. 115 Broadway, acting on behalf of the Wright company. The papers allege infringement of the Wright brothers' patents in the use by Paulhan in his flights of a Farman flying machine. The suit calls for an answer to the complaint before the first Monday in February.

With Paulhan on the steamer were D. Masson and C. E. Miscalrot, both French aviators, and E. Ronon, a mechanician. The party expect to leave this city this morning for Los Angeles, where Paulhan has been engaged to fly at an aviation meet.

His equipment consists of two Bleriot monoplane, No. 11, and two Farman biplanes. One of the Farman machines is built to carry three persons, besides the aviator, and is equipped with a 50-horsepower Gnome motor, and is said to carry enough gasoline for a flight of eight hours.

The total entries in the three divisions have reached sixty. The aeroplane entered by Glenn H. Curtiss arrived yesterday. Charles F. Willard, of New York, who has made flights in a Curtiss machine, is here with the Curtiss machine No. 1. Roy Knabenshue and Lincoln Beachey are here with two distinct balloons, Clifford E. Harmon, the New York aeronaut, has sent the balloon New York, holder of the United States duration record. Hillery Beachey is present with an aeroplane built in Baltimore by H. H. Gill.

Louis Bergdoll, of Philadelphia, is coming with a Bleriot monoplane. Captain A. E. Muller has already assembled his monoplane.

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ICE BATH WAS HOT. Policeman Jumped Into Hudson Near Steam Pipe.

It seems that George Boroho will have to admit his defeat in the "fresh air contest" for James J. Scanlon plunged into the ice-caked North River yesterday, and Boroho did not even appear. Both are policemen attached to the Charles street station.

For several days Boroho, a freshman on the force, had been complaining of the hot air in the sleeping quarters of the station, and when the window was closed, he would open every window, regardless of the icy blasts blowing over the heads of the sleepers. Scanlon resented this, and asserted that he could stand more real exposure than Boroho. The first try-out was to sleep on the roof during one of those near-zero days in the winter season, and both lay down to sleep under the stars, but it was a freeze-out for Boroho, and while Scanlon was keeping the inhabitants of Mars awake by his snoring Boroho had to retreat below.

Scanlon and a strong force got to the German Club in about 3 a. m., as the next contest was to be a swim to the Jersey shore through the ice. At the appointed hour, Boroho not appearing, Scanlon took off his uniform and plunged in. After paddling around for a few minutes and saying the water was fine, his friends declared him a winner.

Later the big German guard let out the secret that Scanlon was in the "Gulf Stream" off Pier 58, as the Interborough power house sends out a tremendous stream of hot water there, which can be felt for quite a distance out.

LOS ANGELES AVIATION MEET. Total Entries Now Reach Sixty—Expect 150,000 Visitors.

Los Angeles, Jan. 3.—With work well under way on the grandstand that will seat 25,000 persons and on the aviation course at Dominguez, final plans for the aviation contests to be held next week are on the way to execution. The meet will begin on January 10 and continue until January 20. It is expected that 150,000 visitors will attend.

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RUSSIANS FOR SOUTH POLE. Army Officers Buy Two Dirigibles for Their Expedition.

Paris, Jan. 3.—M. Mathiessen and Volt-schok, officers of the Russian army, today purchased two dirigible balloons, with capacities of 1,400 and 2,000 cubic metres, with which they will undertake an expedition to the South Pole.

HEAD WAITER MISSED DEATH. Assailant, Thought To Be Insane, Held at Bellevue Hospital.

Mentally unbalanced because of his failure to obtain work and earn money to give his little daughter a proper burial, George Kelly, of No. 323 West 23rd street, attempted to kill Fred Biscotte, head waiter in a chop house, at No. 61 John street, yesterday afternoon, the police say. A man in the dining room saw Kelly draw a revolver, and jumping up, struck him over the head with a chair. The blow knocked the man down and the bullet went into the ceiling.

GIRL SHOT AT DANCE BETTER. Victim of Fight of East Side Gangs in Lyric Hall Out of Danger.

Grace Foley, of No. 63 Jane street, who was thought to have been mortally shot at a dance in Lyric Hall, in Sixth avenue, between 41st and 42d streets, when two East Side gangs started a sensational gun fight early yesterday morning, was reported as out of danger at the New York Hospital last night.

HEADS CHICAGO BOARD OF TRADE. Chicago, Jan. 3.—A. Stamford White was elected president of the Chicago Board of Trade today. J. C. F. Merrill was chosen first vice-president and Frank M. Bunch second vice-president.

VAUDEVILLE FOR A CHARITY. An amateur vaudeville performance under the management of Mrs. Edward Stegman, will be given at the Waldorf next Tuesday evening and next Saturday afternoon, for the benefit of the Charles J. Cannon and the police are satisfied that Nathanson was a suicide. He was found dead from gas before ending his life. He had tied himself to a chair. Nathanson had taken out an insurance policy for \$100,000 only two weeks ago, and recently was despondent because of financial troubles.

NATHANSON'S PARTNER FRED. Isaac H. Gold, of No. 418 Prospect avenue, the Bronx, who was arrested following the finding of the body of Moses S. Nathanson in a loft at No. 58 Walker street, was discharged from custody yesterday. The coroner and the police are satisfied that Nathanson was a suicide. He was found dead from gas before ending his life. He had tied himself to a chair. Nathanson had taken out an insurance policy for \$100,000 only two weeks ago, and recently was despondent because of financial troubles.

C. N. BLISS NOT TO RETIRE. (By Telegraph to The Tribune.) Fall River, Mass., Jan. 3.—It was reported in trade circles here today that C. N. Bliss, of Bliss, Fabian & Co., of New York and Boston, a commission firm and the selling agents of the American Printing Company, of this city, would retire on July 1. It was also reported that the American Printing Company would open a house in New York and sell direct to the trade, and that the Barnaby Manufacturing Company, of this city, would sell through the American Printing Company's office.

TRIBUNE ADS. GET SALESMEN. Brooklyn, December 23, '09. Gentlemen: I got a salesman through the advertisement and think he is all right. BENJAMIN LEVY. No. 203 Flatbush avenue, Brooklyn.

WRIGHTS WIN POINT CURTISS INJUNCTION. Company Cannot Sell Infringing Aeroplanes.

Buffalo, Jan. 3.—Judge Hazel, of the United States Circuit Court, today granted an injunction against the Wright company, preliminary injunction against the Herring-Curtiss company and Glenn H. Curtiss restraining them from the manufacture and sale of aeroplanes infringing on patents "for improvements in a flying machine" granted May 22, 1906, to Orville and Wilbur Wright, and subsequently assigned to the Wright company.

"The requirements in patent cases for issuance of an injunction pendente lite—the validity of the patent, general acquiescence by the public and infringement by the defendants—are so reasonably clear," says Judge Hazel in an opinion discussing exhaustively the technicalities of the case. "That I believe it not improbable that complainant may succeed at final hearing, and therefore a preliminary injunction should be granted."

In his opinion—the first in the history of jurisprudence involving the airship—Judge Hazel says: "The essential claims of an infringement are an aeroplane, or supporting surface, the lateral portions of which are capable of adjustment to attain different angles of incidence, and a vertical rudder in the rear of the machine. Claims further include as elements a horizontal rudder, which is positioned forward of the machine, and means for raising and lowering it so as to present its upper and lower side to the pressure of the wind."

News of the decision of Judge Hazel, in the United States Circuit Court, at Buffalo, granting the injunction asked by the Wright brothers against the Herring-Curtiss company and Glenn H. Curtiss, caused a decided stir in local aeronautic circles yesterday. Coming simultaneously with the filing of a bill of complaint in an action for infringement of patents against Louis Paulhan, the French aviator, on his arrival on the French liner La Bretagne, it added strength to the promise recently made by the Wright brothers to lose no time in trying to protect their interests wherever and whenever they were jeopardized.

Emerson R. Newell, counsel for the Herring-Curtiss company, said at his office yesterday: "Except that we shall, of course, appeal from the judge's decision, I have nothing to say."

Pliny W. Williamson, personal counsel for the Wright brothers, said: "It is what we expected would happen. The facts warrant no other result. The Wright brothers will some day be remembered as the two most self-contained men, under peculiarly trying circumstances, that latter day history records. They have seen the fruits of their work seized upon by others, who have become rich, and have maintained a silence which, the better understood, reveals a most wonderful degree of forbearance."

The wording of the decision of Judge Hazel left aeronautic students in this city uncertain last night whether Glenn H. Curtiss would be restrained from giving exhibitions as an aviator. Mr. Curtiss is now on his way to California, where he is under engagement to fly to Los Angeles, and H. A. Toumin, chief counsel for the Wright company, said in his brief regarding Curtiss that "he obtained a knowledge of how the Wright machine was built before he became an infringer." He wrote to the Wright brothers, the brief continues, for friendly advice and information as to how they constructed their machine, while he (Curtiss) was experimenting for the Aerial Experiment Association, the president of which was Dr. Alexander Graham Bell. The Wright brothers, say the papers in the case, replied, giving full information, directing attention to their Wright's public addresses, and, in particular, to the patent now in suit.

Mr. Herring—who, by the way, cannot be found—was at Kitty Hawk, N. C., says his brief, in 1902, and there saw a Wright machine in flight while he was in the employ of Octave Chanute, of Chicago, and while Mr. Chanute was a guest at the testing camp. The papers allege that "it was there that this member of the defendant company first acquired a knowledge of this invention, which he carried away with him."

MARINE INTELLIGENCE. MINIATURE ALMANAC.

Sunrise, 7:24; sunset, 4:46; moon rises 12:46; moon's age, 25.

WIRELESS REPORTS. The Caledonia, reported as 165 miles east of Sandy Hook at 10:35 a. m. yesterday, is expected to dock this morning.

INCOMING STEAMERS. TO-DAY. Vessel, For, Line, Class, Sailed.

OUTGOING STEAMERS. TO-DAY. Vessel, For, Line, Class, Sailed.

STEAMERS AT FOREIGN PORTS. ARRIVED. Plymouth, Jan. 3, 4:35 p. m.—President Grant (Ger), New York for Cherbourg and Hamburg.

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Advertisement for Howard & Co. Diamond Jewelry, Pearl Necklaces, Antique and Modern Silver Gold Jewelry. Offer for a limited time, their magnificent stock of Diamond Jewelry, Pearl Necklaces, Antique and Modern Silver Gold Jewelry at a uniform reduction of 20% Fifth Avenue and Forty-Seventh St.

Advertisement for Lewis & Conger. Fireplaces, Firebricks, Fire Irons and Brasces, Spark Guards, Andirons, Coal and Wood Carriers, Antique Bellows, &c. In Large Variety. 130 & 132 West 42d St.

Advertisement for James McCutcheon & Co., 5th Ave. & 34th St., Waldorf-Astoria. A Sale of Overcoats. We have marked all the Heavy-weight Overcoats at our Cooper Square Store only at these three prices: \$12, \$15 and \$20.

Advertisement for Lewis & Conger. Fireplaces, Firebricks, Fire Irons and Brasces, Spark Guards, Andirons, Coal and Wood Carriers, Antique Bellows, &c. In Large Variety. 130 & 132 West 42d St.

AMUSEMENTS. NEW YORK'S LEADING THEATRES & SUCCESSORS.

EMPIRE. 4th St. nr. B'way. Evs. 8:20. Mats. Tom'w. & Sat. at 2:15. LAST NIGHTS! THE BROTHERS MAUDE ADAMS. 4th St. nr. B'way. Evs. 8:15. Mats. Tom'w. & Sat. at 2:15. GARRICK. 85th St. nr. B'way. Evs. 8:15. Mats. Tom'w. & Sat. at 2:15. OTIS SKINNER. 4th St. nr. B'way. Evs. 8:15. Mats. Tom'w. & Sat. at 2:15. FRANCIS WILSON. 4th St. nr. B'way. Evs. 8:15. Mats. Tom'w. & Sat. at 2:15. LYCEUM. 4th St. nr. B'way. Evs. 8:15. Mats. Tom'w. & Sat. at 2:15. MARIE TEMPEST. 4th St. nr. B'way. Evs. 8:15. Mats. Tom'w. & Sat. at 2:15. HUDSON. 4th St. nr. B'way. Evs. 8:15. Mats. Tom'w. & Sat. at 2:15. SAVOY. Broadway & 34th St. Evs. 8:15. Mats. Thurs. & Sat. at 2:15. KNICKERBOCKER. Broadway, 38th St. Evs. at 8. Mats. Sat. at 2. THE DOLLAR PRINCESS. 4th St. nr. B'way. Evs. 8:15. Mats. Tom'w. & Sat. at 2:15. BURTON HOLMES. 4th St. nr. B'way. Evs. 8:15. Mats. Tom'w. & Sat. at 2:15. GLOBE. 4th St. nr. B'way. Evs. 8:15. Mats. Tom'w. & Sat. at 2:15. THE BARRIER. 4th St. nr. B'way. Evs. 8:15. Mats. 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