

RUTH WHEELER'S TWO SISTERS ON THE STAND

Prisoner Stoical as They Describe Events That Led to Her Murder.

HAIR FOUND IN DEAD HAND

Locks of Slayer Were Clutched in Victim's Fingers—Girl Was Alive When Put in Fireplace.

Dr. John S. Huntington, professor of anatomy at Columbia, testified in the Court of General Sessions yesterday at the trial of Albert W. Wolter, charged with the murder of Ruth A. Wheeler, that he found locked in her left hand a mass of hair which had been torn from the head of her slayer.

Hairs Held in Girl's Hand.

"A dozen moderately long hairs were clutched in that hand," said Professor Huntington. Then, as if to impress the crowd in the courtroom, he waited until Mr. Moss asked him if he had compared the hairs with those which were found on the skull of Ruth Wheeler.

"They did not belong to the same person. A microscopic examination showed that the hair in the left hand did not belong to the victim," said Dr. Huntington, as he leaned forward from the witness chair.

Albert Wolter had listened intently to the testimony which was given earlier in the afternoon by Professor John H. Larkin, of Columbia University, who said that he had found evidences of another crime during the examination of Ruth Wheeler's body.

Pearl Wheeler Last Witness. Pearl Wheeler, the older sister of Ruth, was the last witness who confronted Wolter yesterday. She told of her sister's desire to get work and how she hoped that she would be sent to a place on March 24.

"That man, Wolter, was in the apartment at No. 224 East 75th street on the night when I called there in search of my sister," said the witness, pointing to the prisoner.

"A woman, Katie Mueller, opened the door. I asked if Wolter lived there, and she said that she had not seen him since," continued Miss Wheeler.

"Ruth! Ruth! Answer me if you are here!" cried, as I looked under the bed and in every closet. Wolter did not offer to help me, and Katie Mueller only looked indifferent at my efforts.

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ARCHITECT'S STRANGE FALL

Found in Rear of Tenement with Fractured Skull.

Emilio de Marco, a young architect, of No. 504 West 159th street, was found in the rear of a tenement house, at No. 1440 Park avenue, last night, with a fractured skull, and the police are trying to learn how he received his injury.

PERSCH JURY DISMISSED

And Lawyer Rages Because Court Clerk Gave the Word.

The jury in the trial of Donald Persch was dismissed last night after it reported that it could not agree upon a verdict at the end of nearly eleven hours' deliberation.

"I shall apply in the morning for a writ of habeas corpus and fight the case to the highest court," said Mr. McIntyre.

"The court has no right to delegate its power to dismiss a jury more than it can delegate its other powers."

After the dismissal the jurors said that on the first ballot they stood 9 to 3 for conviction, but that the last vote was evenly divided.

Assistant District Attorney Nott said that Justice Marcus's procedure was customary up to the state, where the judge often delegated to a sheriff the power to dismiss a jury.

John F. Sherman, one of the men indicted in connection with the Helzke copper loan matter, was with Mr. Nott yesterday. It was reported that Mr. Nott was preparing evidence which came into his possession during Persch's trial for presentation to the grand jury.

MOUNT M'KINLEY MAGNET

Two More Expeditions Under Way; Third Talked Of.

Seattle, April 20.—The open season for climbing Mount McKinley seems to be in full blast. One Alaska party has reported a successful climb to the peak, two other expeditions are under way and a third is talked of.

The revenue cutter Tahoma will sail for Bering Sea next week with an expedition organized by New York and Portland newspapers. The party is composed of C. E. Rusk, of Chelan, Wash., a geologist, two rangers and a photographer.

The third party talked of is backed by New York men who wish to exploit Seattle mountain climbers. The two expeditions already under way will approach the mountain from the sea. The Fairbanks expedition, which reached the summit on April 3, went up the north side.

THREE FISHERMEN LOST

Three Others Saved from Upset Pound Boat at Anglesea.

Anglesea, N. J., April 20.—Braving a heavy sea, the government crew of the Anglesea Lifesaving Station, commanded by Captain Ludham, about 3 o'clock this afternoon drove their lifeboat to the side of a capsize pound boat of the Ocean Fish Company and rescued three of the crew, who were clinging to the side of the overturned boat, almost exhausted and numbed.

FORTY BURIED IN MINE

Trapped by Explosion in Alabama Workings.

Birmingham, Ala., April 20.—About forty men are entombed in the Mulga mine of the Birmingham Coal and Iron Company as the result of an explosion to-night. Their fate is not known.

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HEARST INDORSES PRESIDENT TAFT

Roosevelt Severely Criticised in Statement Issued in Washington.

THE TWO ADMINISTRATIONS

Says Roosevelt Left Country in "Depths of Adversity," and Taft Has Restored Prosperity.

Washington, April 20.—William Randolph Hearst, former aspirant for the Democratic nomination for the Presidency, issued a remarkable statement over his own signature to-night, in which he unqualifiedly indorses Mr. Taft. He also criticises in severe terms the administration of President Roosevelt, and in so many words warns the nation against a renewal of the political domination of the former President.

Mr. Hearst called at the White House this afternoon. He spent a half-hour with the President in the executive offices. On leaving the White House Mr. Hearst said he had called merely to pay his respects to Mr. Taft, whom he admired. Later he issued his indorsement of the Taft administration.

"No one can talk with the President without appreciating and respecting his earnestness and sincerity," Mr. Hearst says. "Personally, I believe also in his efficiency. He has been one year in office, and he has certainly accomplished more in that one year than Roosevelt did in his first year."

Taft's One Year—Roosevelt's Seven. "It is hardly fair to compare Taft's one year with Roosevelt's seven, and yet I am not sure that even with that comparison might not be to Taft's advantage. Taft's methods are not those of Roosevelt, but then Taft will probably not conclude his term with a panic."

"On the whole, it seems to me that a quiet, earnest gentleman who came into office when the country was in the slough of adversity, and after one year in office has placed the country on the high road of prosperity, is quite as valuable a President as a more showy and spectacular person who found the country in the height of prosperity and left it in the depths of adversity."

Mr. Hearst says he does not charge Mr. Roosevelt directly with responsibility for the panic of 1907, nor does he undertake to give Mr. Taft the entire credit for the restoration of prosperity. He declares, however, that an administration which is producing more dividends for business men and finding work for the unemployed "should not be too carefully criticised for certain minor faults of omission or commission."

"Taft is carrying out Roosevelt's policies in the one way that they ought to be carried out," he adds. "That is to say, he is doing the things that Roosevelt should have done, but did not do."

"Stiffening" Rate Law. "Taft is making the Roosevelt railroad rate act complete and effective. The Roosevelt railroad rate act has always been an after fact, and everybody who knew anything about the subject knew when it was passed that it was a farce and would be a failure. At any rate, Mr. Hepburn, the gentleman who was selected by the Roosevelt administration to stand sponsor for that bill in the House, had but lately been hung in effigy by his enthusiastic constituents for too great friendliness to the railroads. Would you have selected that kind of a man to frame that kind of a bill? And can you imagine Mr. Roosevelt, the Diogenes of politics, hunting through the house of Congress, lantern in hand, to find an honest man and selecting this executed effigy as the fittest one to frame the people's railroad bill?"

Mr. Hearst says President Taft is trying to stiffen into an active force the "spineless railroad bill" of the Roosevelt administration. He gives Mr. Taft credit for the prosecution of criminal trusts and for throwing his powerful influence behind many needed laws, among them the corporation tax bill, the overcapitalization bill, a bill providing for postal savings banks, the parcels post measure and the income tax bill.

"All these measures are good," he continues. "Some of these the Roosevelt administration willfully omitted, others it fairly neglected, and some it discussed but never accomplished."

"If the people want more of achievement than Taft is giving them, for I do not believe that there is another man in the Republican party who will do more or as much. Most certainly if the people want the tariff modified they must turn to another party, for the tariff will never be modified by its beneficiaries. And its beneficiaries control the Republican party."

Mr. Hearst closed his statement with the declaration that the American people need look for no tariff reform.

BOY, STEALING RIDE, KILLED

Falls from Car and Meets Death Under Its Wheels.

Passengers on a northbound Third and Amsterdam avenue car were horrified when an eight-year-old boy fell under the wheels yesterday afternoon and was instantly killed. Alfred Faller, son of John Faller, a janitor at No. 619 Amsterdam avenue, had leaped on the car and huddled his body on the folding step on the closed side of the front vestibule.

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MOVE MADE TO OUST LAND COMMISSIONERS

Corporation Counsel Watson Gets Order from Court Against Three.

RIGBY, MARTIN AND APGAR

Appraisers of Hill View Reservoir Property at Yonkers to Explain Their Theory as to Values.

Charging them with dilatoriness, causing the city unnecessary expense, bias in favor of a certain lawyer and contempt of court, Corporation Counsel Watson has obtained an order directing George N. Rigby, Bernard F. Martin and James K. Apgar to show cause why they should not be removed as commissioners of appraisal in the matter of acquiring property for the proposed Hill View reservoir at Yonkers.

The order is returnable before Supreme Court Justice Tompkins, at Nyack, Rockland county, on Saturday at 10 a. m. Not only has the order been served on the commissioners, but also on Joseph A. Flannery, a lawyer, who represents the owner of the last of five parcels which constitute the tract needed for the reservoir. The commissioners are restrained from carrying on their work pending a decision of the case.

Other Commissions Under Scrutiny. This is the first time since the beginning of the Catskill aqueduct work that the city has taken steps to have any of the condemnation commissioners removed. That it may not be the last is apparent, because Corporation Counsel Watson has the work of other commissions under the closest scrutiny.

The record shows that Martin, Rigby and Apgar were appointed on May 4, 1907, and filed their oaths of office seventeen days later. According to the petition of Corporation Counsel Watson for the order to show cause "the commissioners wilfully and without justification have held and are holding unnecessary and improper sessions to the delay and injury of the claimants and adding greatly to the cost and expense of these proceedings to the city of New York."

The commissioners first took up work on parcel No. 1, consisting of between one and two acres of cleared land, and parcel No. 3, including a little more than three acres of land covered with a thick growth of trees and bushes. Instead of condemning each tract as acreage, they allowed the claimants to bring in testimony to show what the property was worth cut up into fifty-seven different lots. In doing this they held twenty-three separate meetings and took 739 pages of testimony, which, according to the Corporation Counsel, "was grossly excessive and unnecessary to determine the compensation which ought to be made for these parcels."

The expense incurred by these "illegal actions" it is stated, was at least \$10,000, whereas it would have been considerably less if the work had been properly done.

Disregard of Court Decision. By reason of these alleged errors the awards on parcels 1 and 3, made in a report dated November 18, 1908, were set aside by Justice Tompkins on January 18, 1909. He ordered the parcels referred to a new commission for reappraisal. In doing so, he said: "It seems to me that the proofs before the commissioners did not justify the admissions of testimony as to the value of the tract by lots or the making of awards based upon the assumption that the property is valuable and marketable as lots, and my opinion is that the evidence of values should have been limited to each of the two parcels as a whole."

Notwithstanding this decision of the court the commissioners went ahead to determine the value of parcel No. 5 on the same theory they had used in parcels Nos. 1 and 3. According to the Corporation Counsel they did this "wilfully, illegally and improperly, and against the objections of counsel for the city of New York" and they again put the city to some \$10,000 expense. A report was handed in on this parcel on June 8, 1909, awarding \$76,200 for the property, whereas the property according to its acreage value would not have cost the city more than \$48,457.

In October of last year Justice Tompkins rejected this report and ordered a rehearing before new commissioners. In his memorandum the justice said that the tracts, consisting of seven or eight acres, had never been subdivided, and were covered with brush, trees and bowlders. "The claimant's witnesses," he said, "were allowed to fix a value on each separate two-foot lot, on a map by which a proposed subdivision of the property was shown, and the commissioners evidently made their award upon the theory that the whole property was immediately available and marketable as lots. There was no evidence that there was any demand or any market for lots in this rough piece of woodland at the time it was taken by the city in this proceeding."

Stick to Same Old Theory. Notwithstanding this second rebuff and admonition by the court the commission, according to the Corporation Counsel, started right out to determine the compensation to be given to the owner of parcel No. 4 on the same old theory. This parcel, which is known as the King property, consists of some fifty-three acres taken by the city from an entire tract of eighty-five acres.

One of the specifications in the petition of the Corporation Counsel is: "That the commission has been adjourning its proceedings in an arbitrary and unnecessary manner against the objections of the counsel of the city of New York, and by its rulings and decisions on motions, ob-

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CONDEMNATION COMMISSIONERS AGAINST WHOM CHARGES HAVE BEEN FILED.

BERNARD F. MARTIN. JAMES K. APGAR.



GEORGE N. RIGBY.

BUSY DAY FOR WRECKERS

Islanders Gather Up Flotsam from the Minnehaha.

TO CUT STEAMER IN TWO

Great Quantities of Cargo Cast Into Sea—Cattle Swim Ashore—Fear of Total Loss.

Hugh Town, St. Mary's, Scilly Islands, April 20.—The inhabitants of the rocky Scilly Islands were famous wreckers in primitive times, but they will remember this as the greatest day in their history. The Atlantic Transport liner Minnehaha, which ran ashore early on Monday morning, disgorged part of her 17,000 tons of valuable cargo, casting it on the waters all day long, to be gathered up by those who cared to take the trouble.

Farming and fishing were abandoned, schools were dismissed, and most of the population of the nearby islands, men, women and children, devoted themselves to obtaining treasures from the waves. The salvagers decided to try to rescue the Minnehaha in the way they did the White Star steamer Suevic, which went ashore near the Lizard in March, 1907, by cutting her in half.

Every effort to lighten the ship is now imperative. To-day the waves were too high and strong for the tugs to go alongside. Consequently, goods were thrown overboard from the forward hold as fast as the stevedores and a large crew, who arrived here last night from Falmouth, could raise them to the deck.

Cases containing automobiles and pianolas followed one another over the side, striking the water with a great splash. Sewing machines and clocks went with them, while Michigan furniture floated everywhere. Many bales of cigarettes covered the face of the water and tons of cheap American novels drifted to the nearby shore of Bryher, where they were piled like seaweed.

Tidings of this jettisoning spread early, and a fleet of fishing craft, buggers and rowboats hastened to the scene. As fast as the cargo hit the water the enterprising boatmen pulled up the smaller cases and took the larger ones in tow.

The Minnehaha lies pointing southwest, parallel with Long Rock. She appears as if she were at anchor, and smoke still curling from her funnel adds to the illusion. In the half-mile channel between her and the little island where the passengers first landed and the cattle are now huddled several tugs are assembled, comparatively small boats, which are unable to approach closer, but are standing by in case of an emergency.

Most of the machinery was taken from the wreck and transported to St. Mary's, where the customs officials took charge of it. It will be stored in warehouses and later sold by the insurance companies, but it is doubtful if the water-soaked articles will bring much.

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INCOME TAX FAILS TO PASS ASSEMBLY

Resolution Lost by Two Votes After Four Hours of Sharp Debate.

BALLOTING NON-PARTISAN

Advocates of Measure Say It May Have Passed—A Motion to Reconsider.

[By Telegram to The Tribune.] Albany, April 20.—By just two votes the concurrent resolution of Assemblyman Murray, of New York, providing for the ratification of the federal income tax amendment, failed of passage in the Assembly to-day.

The vote on it, which came after more than four hours of earnest, and at times bitter, debate, stood 74 in favor, 65 against, two short of the seventy-six votes necessary for passage. This vote was non-partisan, several Republicans voting for the proposition and two Democrats—Chanler, of Dutchess, and Shortt, of Richmond—voting against it.

Assemblyman Murray followed the announcement of the result by a motion to reconsider the vote and to lay that motion on the table. This was passed, 97 to 16.

"I intend to call this resolution up again and it will pass," said the introducer afterward. "It would have been successful to-day had it not been for the absence of three members who were pledged to support it. They are Graubard, Aaron J. Levy, of New York, and Wende, of Buffalo, Democrats."

Late to-night, however, advocates of the federal income tax, after a close scrutiny of rules of procedure and precedence for several years, declared that the Murray resolution had been passed. While a bill requires seventy-six votes, or a majority of the Assembly, for its passage, these legislators declare that there is nothing in the rules to show that a resolution requires more than a majority of the Assemblymen voting. A resolution for the ratification of the proposed federal constitutional amendment would have no different treatment from that accorded to any other resolution, they say.

Wadsworth's View. Speaker Wadsworth, who voted against the resolution, made a short speech, in which he said he saw grave danger to the state if the income tax were adopted. He believed it would mean the taking of wealth from this state and the spending of it two thousand miles away, where it would be of no use to the state. New Yorkers ought to protest against this flinging of the state's wealth.

A close call of the income tax resolution, which was the first thing on the calendar to-day. The argument was begun by the deliverance of a set speech by Mr. Murray. Objection had been made that the government should only have the right to levy an income tax in time of war, but Mr. Murray argued that if the tax were imposed in time of peace it would only be upon large incomes.

He believed that the tax would reduce the high cost of living, thereby making a high tariff unnecessary. He laid the high cost of living to extortion, which, he said, combinations were able to practice upon the people because of the tariff. He declared that the fact that the Standard Oil Company was vigorously opposing the income tax was the best argument he could advance for its adoption by the Legislature.

Objects to Broad Scope. The minority leader, Mr. Frisbie, also made a long speech favoring the resolution. The principal argument on the measure was over that provision in the proposed amendment allowing the taxation of incomes "from whatsoever source derived."

It was the broad scope allowed under this clause to which Governor Hughes, who some time ago sent a message to the Legislature urging unfavorable action on the proposed amendment, objected. He declared that it would allow a tax to be placed on incomes derived from state and municipal bonds, and thereby make it more difficult than it is at present to sell them.

Assemblyman Charles A. Dana, of New York, made a vigorous argument against this clause of the amendment. "Congress now comes forward," he said, "and asks us to relinquish the right of self-preservation in maintaining our financial system unhampered from outside control or limitation, with the possibility of a tax to be levied by the federal government. The value of the credits issued by our state will be greatly diminished, and the possibility of prosperity and success of the state will be defeated. The State of New York has more real wealth than the wealth of the other Eastern states combined, and a larger debt than the total debt of one-half of the United States. Now, shall we permit Congress to tax the incomes derived from the securities of the state given for our debt that will result in our credit becoming so weakened as to be destroyed?"

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DEWEY'S MADEIRA OR SHERRY WINES