

QUALEY HOLDS THE FORT

Browning, Who Paid \$28,000 for Newark Plant, Ordered Off.

MIGHT HAVE SOLD; NOT NOW

Litigation Grows as Workmen Rush Completion of Magnesia-Asbestos Machinery.

A punitive expedition against the plant of the Magnesia-Asbestos Company, in Newark, is scheduled for to-day, the peaceful ways of diplomacy having failed to place in physical possession of the property Clarence P. Browning, who bought it for \$28,000 at the Sheriff's sale on Tuesday.

Browning had an idea that because the plant was knocked down to him at the foreclosure sale he could at least go over to Newark and inspect the property he had bought.

"I bought it in because the second mortgage I held amounted to \$15,000," he said, "and I consider the property worth at least \$150,000."

So he went over yesterday with his son and Henry M. Haviland, his lawyer, thinking he would look the plant over and perhaps, if Qualey were there, make a dicker with him to sell the property back to the Magnesia-Asbestos Company, but the antagonists of peace were met by an exhibition of force, and in accordance with their peaceful calling hastily retreated.

Qualey Shows "Big Stick."

They expected to find the place vacant, but John A. Qualey, who sold stock in the Magnesia-Asbestos Company to Mrs. William T. Bull to the amount of \$35,000 and is now trying to make it clear that he did not intend to offend against the criminal law of New York, was on hand with a corps of workmen busily putting machinery in place.

Browning and his party got as far as the second floor of the plant, when Qualey came on the scene with a big stick.

"Get out of here or I'll break you in two and throw you into the canal!" he shouted, flourishing the weapon.

Mr. Browning's party did not wait for argument, but hunted the shortest road to the street.

Qualey would not say that he was put out by force, Mr. Browning said later. "But I wouldn't want to say that we were cowardly received. In fact, I don't want to say anything about it."

"Will you sell the plant back to Qualey and Corbett?" he was asked.

"I can't sell it to-day to look around and learn Qualey's attitude," he replied. "But after what happened to-day I wouldn't sell to Qualey and Corbett under any circumstances."

The Browning party went from the asbestos plant to the offices of a lawyer and prepared affidavits, which were sent to Vice-Chancellor Walker at Trenton.

Then they looked around for a watchman who would brave Qualey's club. They hope to find the right man to-day and have him on the job to see what happens to the machinery.

The regular course of procedure after a sheriff's sale is to have the sale approved by the Vice-Chancellor. This usually takes ten days, and Browning is uncertain about what his rights are in that time. He feels sure that Qualey has no right to be on the ground at work, and for that reason wants the court to take charge.

Says Price Was Inadequate.

Qualey, on the other hand, is certain he can hold the plant. He is preparing affidavits to show that the price for which it was sold was entirely inadequate, and it was sold with the Vice-Chancellor set aside the sale. If necessary, he intends to take the case into the United States courts.

Frank H. McDermitt, of Newark, Qualey's lawyer, said yesterday:

"One thing is certain, and that is we are in possession of the plant, and we are going to remain in possession until the execution of a valid deed makes us vacate. The work of equipping the factory for the manufacture of magnesia is going forward rapidly, and we expect to make our first finished product Saturday morning. To prevent any further attempts to take possession of our plant, we have employed private detectives to protect our property."

Meanwhile the grand jury in this city has about finished its consideration of the charges brought against Qualey and Corbett by Mrs. Bull, and indictments are expected to be handed down to-day or tomorrow.

Justice Goff in the Supreme Court yesterday granted the injunction obtained by Mrs. Bull restraining the Fifth Avenue Bank of New York, the Second National Bank, the First National Bank of Hoboken, the Stone Age Plaster Company, the Magnesia-Asbestos Company and Qualey and Corbett from disposing of any money in the possession of the banks.

Charles L. Craig, attorney for Mrs. Bull, said that an appeal would be taken. It is understood that the injunction only affected about \$5,000.

CALMS ARMENIAN MERCHANTS

District Attorney's Office Tells Them Not to Fear Return of Convict.

COULDN'T SHUT HIS MOUTH

Man with Dislocated Jaw Explains Woes in Pantomime.

A man whose mouth was wide open walked up to Patrolman Thomas Mooney at First avenue and 126th street at 2 o'clock yesterday morning, pointing to his jaw.

"Are you laughing at me?" asked Mooney.

Shaking his head in the negative, the man pointed to his jaw.

"Oh, a toothache," said Mooney, thinking he had discovered the man's trouble.

Shaking his head again, the man seized his jaw with both hands and tried to move it. Then he placed the palm of his left hand on his head, pressed his knuckles under his jaw, and discoursed violently in pantomime.

It dawned on Mooney at last what had happened. He tried first aid without avail, then called an ambulance.

Dr. Paulson soon arrived from Lincoln Hospital, and by pressure skillfully applied, reduced the peculiar face to normal proportions.

It was only a case of dislocated jaw, and the owner thereof quickly explained he was Andrew Johnson, 63 years old, captain of the Haven Railroad transfer boat No. 9. He said while asleep in the early morning, he had yawned suddenly and awakened to find his jaws wide apart. Then he wandered forth in search of relief.

ORATOR ATOP LIGHT POLE

Speech Halts Traffic Until a Woman Lures Him to Earth.

A large crowd at the corner of Fifth avenue and 42d street, yesterday, watched a man who had climbed to the top of an electric light pole on the corner.

From the height he delivered a harangue on the glory of citizenship, the full dinner pail and the delights of aviation.

As the man's voice rang out the pedestrians halted, and the automobile traffic stopped. Finally a woman in an automobile motioned him to come down.

"As we reached the sidewalk," wrote Mr. Leuschner, "some one came up to Mr. Maxwell and said: 'Commissioner, what is the real reason for the interference?' and he said, 'You've got me wrong. I'm not even a park commissioner.' We thought some one was joking and walked away."

Acting Mayor Mitchell, who had Police Commissioner Baker and Inspector Hussey before him in the afternoon, said he had not finished his investigation of the case. He wanted to know why the police had allowed the sale of tickets to the exhibition after he had warned them as early as 5 o'clock on Tuesday afternoon not to permit the sale.

Inspector Hussey said the police had understood that the preliminary bouts were not prizefights, and they did not think they had any right to stop them.

The attention of the Commissioner and the inspector was then called to the law which prohibits not only prizefights, but also boxing bouts to which an admission fee is charged.

Mr. Mitchell explained in the morning that he had not the slightest intention of watching the work of the police at the Fairmont Club. He had given them instructions to see that the law was not violated, and that should have been enough.

It was the first attempt to hold a big fight in New York since the intended Ketchel-Langford fight, which was stopped by order of the Governor," said Mr. Mitchell, "and I think we were extremely fortunate in getting advance information in time to prevent a violation of the law."

DRISCOLL GETS JEWELLERS

Two More Arraigned on Charge of Using False Marks.

Two more jewelers were arraigned in the Court of Special Sessions yesterday as a result of the crusade of Commissioner Driscoll, of the Bureau of Weights and Measures, against the practice of dishonestly marking the fineness of gold and silver articles, in which work he is backed by the Jewellers' Board of Trade, which has placed in his hands a fund for the purpose of arming the tester.

In one case a woman held the written guarantee of a jeweller that a bracelet she purchased was 14 karats fine. The United States Assay office found it to be a trifle under 7 karats fine. A bracelet bought from another dealer with a 14-karat guarantee proved to be something less than 10 karats.

"We found an almost total disregard of honesty in marking gold and silver," said Commissioner Driscoll. "In toilet articles, combs, brushes and the like we found the cheapest kind of metal branded 'sterling silver' and no silver in them. They were simply polished with a nickel polish. Then we found '14 kt.' and '18 kt.' stamped on rings and bracelets which had been tested to merely the cheapest kind of gold dip."

"In England and all Great Britain the words 'sterling silver' and the 'karat' mark are regarded as sacredly as the seal of the government itself. They have a crown stamp there for the use of the jewellers, with the karat mark on either side of it, and if you mismark your jewelry there is the weight of the law against you for about seventy thousand years, and after you get out they'll send you back again just for luck. But in New York City the gold and silver marks are used as liberally as the words 'pure silk' on the commonest of cotton materials."

WIDEN SHORE ROAD IN QUEENS

Plan Urged by Farmers and Taxpayers' Association Approved.

One of the biggest improvements for the North Shore of Queens was won by the Bayside Farmers and Taxpayers' Association, composed of wealthy and prominent business men, yesterday. At a public hearing in the Borough Hall, Long Island City, the association got the approval of Borough President Gresser to the project of widening Broadway from the old village line of Flushing to the city line at Little Neck, a stretch of four miles.

In conformity with the plans Broadway is to have a uniform width of one hundred feet and the topographical bureau was directed to begin work on maps for the improvement. Among the speakers for the association were G. Howland Leavitt, George H. Gill and T. Whitney Powell.

CAUGHT AFTER LONG SEARCH

Young Italian Held Without Bail on a Charge of Homicide.

After a search of nearly two years, Luigi Vizi, twenty-eight years old, was arrested yesterday morning and arraigned at Police Headquarters that he was to testify for the prosecution. The inspector said that the thought of retiring from active service had never entered his mind, and that the rumor was entirely without foundation. He said that he is good for several years of active service and intends to remain as long as he can.

SCHMITTBERGER NOT TO RETIRE.

Chief Inspector Max Schmittberger denied a rumor which was current yesterday morning at Police Headquarters that he was to retire from the department. The inspector said that the thought of retiring from active service had never entered his mind, and that the rumor was entirely without foundation. He said that he is good for several years of active service and intends to remain as long as he can.

WINTENUTE BOND NOT REDUCED.

William T. Wintemute, arrested on a charge of using the mails to defraud, went from the Tombs to the Federal Building in custody of the police to hear his counsel make another attempt to induce United States Commissioner Shields to reduce the bail to some figure below \$5,000. But Commissioner Shields refused to scale the bond, and Mr. Wintemute was led back to the Tombs. He will have an examination on October 11.

ACTING MAYOR NOT THERE

Mitchel's Double at Fairmont A. C. Was Mark A. Leuschner.

Acting Mayor Mitchell learned yesterday afternoon the identity of the three men whose presence in a window opposite the Fairmont Athletic Club on Tuesday night led to the rumor that one of them was the acting Mayor.

Mark A. Leuschner, writing from the offices of a theatrical syndicate, said: "I seem to be the innocent cause of a misapprehension, which I regret very much; and I wish you to understand that no one in the party with me was responsible for what would happen when the acting Mayor was watching the movements of the police at the Fairmont Club last night. It was I who, with two friends, Joseph Maxwell and Julius Matzner, occupied the window opposite that club, and we did not speak to a single person nor make any representations as to who we were to any one."

Mr. Leuschner wrote the explanation at the request of Inspector Hussey, who had learned who was in the window. He explained that his party had gone to the club, intending to see the boxing, when Inspector Hussey had told him that the affair would be broken up.

Out of curiosity they had asked the occupants of the room across the street to allow them to sit in the window to see what would happen when the police came. They stayed there until most of the crowd had gone and then started away.

"As we reached the sidewalk," wrote Mr. Leuschner, "some one came up to Mr. Maxwell and said: 'Commissioner, what is the real reason for the interference?' and he said, 'You've got me wrong. I'm not even a park commissioner.' We thought some one was joking and walked away."

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MR. TAFT INTERESTED

Report of Indian Fees Sent to Him by Gore Inquiry.

Washington, Aug. 17.—In response to a request from the Commissioner of Indian Affairs, Mr. Taft, the committee investigating Indian land affairs forwarded to Governor Gore, to-day a statement covering the amount of attorneys' fees paid by the Indians. The statement was said to be for the use of President Taft.

The statement covers a period of twenty years, and embraces money paid out as contingent fees. It shows the total money paid was \$38,339.54. Among the largest Indians to receive were the Chickasaw Indians to receive \$2,853.28. The New York Indians paid \$24,843 to recover less than \$2,000.00. The Eastern Cherokee paid a fee of \$73,000. In some instances the fees paid were as high as 25 per cent of the property involved. The contracts now held by J. F. McMurray call for a 10 per cent fee for the sale of \$30,000,000 worth of land in this state.

Indians have so much legal business that they have to employ lawyers by the half dozen, according to Douglas H. Johnson, governor of the Chickasaw tribe, who testified before the committee to-day. Johnson, who was called as one of the chief witnesses in the investigation of the McMurray contracts, to promote which in Congress Senator T. P. Gore charged a \$50,000 bribe was offered him, testified he was unable to state who service some of the lawyers were paid for.

The lawyers were employed previous to the existence of the present contracts, which provide for the sale of \$30,000,000 worth of land with a 10 per cent fee to McMurray. Here are some of the expeditions made by the Indians for legal services, made by the lawyers being employed simultaneously.

Paul J. F. McMurray's law firm \$5,000 a year, with \$7,500 expenses; paid McMurray's firm another \$5,000 a year at the same time on another contract; paid McMurray \$750,000 as a special fee in the citizenship cases, with an expense account of \$300,000; paid four other attorneys an aggregate of \$10,000 a year.

It was the belief, Johnston testified, that without the employment of so many attorneys the Indians would have lost millions of dollars. He asserted that in the sale of Indian property in Mississippi it had cost the government \$6,000,000 to sell \$2,000,000 worth of land.

In reply to a repetition of the question put to him yesterday, when he was asked to explain how he came to deposit \$5,000 to a new account after McMurray had received the \$750,000 fee, Johnston declared he never deposited \$7,500.

Senator Gore told the committee he would have no more evidence relating to his charge that J. Hamon had offered him a \$50,000 bribe to promote the McMurray contracts.

Washington, Aug. 17.—The Interior Department is preparing data for President Taft in regard to the Five Civilized Tribes in Oklahoma. The information will embrace all the facts in the department's possession relating to the lands and claims of the Indians and the amounts of money paid for the lands to the men in counsel fees. The statement will cover a number of years. It probably will be completed at an early date and forwarded to the President at Beverly. It is not known what specific purpose the President is seeking the data, but it indicates to officials here that he is evincing a lively interest in the affairs of the Indians as a result of the hearing of the Gore charges.

NO ILLNESS IN 110 YEARS

Long Island's Oldest Woman Passes Away in Peace.

Mrs. Margaret Johnson, said to be 110 years old, was buried to-morrow after a long illness at a quiet cottage in Bay-side, where she is known to have lived for the last eighty years. According to her death certificate, she was born in Cornelia street, Manhattan, on May 15, 1800.

She went to Long Island with her husband in 1830, and was known to the old families in Bay-side, and there were many reports to search for her age.

She was the mother of ten children, but is survived by only one daughter, Mrs. Annie Abbott, who made her home with her mother, and eight grandchildren. Her husband was more than seventy years old when he died, about forty years ago.

It is said by Mrs. Johnson that she knew the taste of liquor, never smoked and never had a doctor. Furthermore, it is said, she was never seriously ill. Her medicine chest consisted of bundles of dried herbs. Her eyesight failed during the last few years of her life, and it is said her death was due to no discoverable malady, but that the functions of the body simply ceased working. She owned the cottage in which she lived and died. She was said to be the oldest person on Long Island and one of the oldest negroes in America.

LIVE TEDDY BEAR IN TOWN

Skipper Williams Will Have To Be Manicured Before Becoming a Pet.

The first living Teddy Bear to reach this port, according to the press agent of the line, arrived last night on the Royal Mail steamship Oruba, from Southampton and the West Indies. The bear, which is about the size of a full grown fox terrier and is called Skipper Williams, has pink claws, which the purser thinks will have to be manicured before the Teddy may safely play with children. Skipper Williams was captured in the mountains of Colombia after his mother was shot and was sold to the Oruba's purser at Cartagena.

Among the passengers on the Oruba was Señor Eduardo Muelle, Peruvian Consul General of Yokohama. He will go to the Orient via Suez, that he may compare that waterway with the Panama Canal. Señor Muelle said that war talk between Peru and Ecuador had been buried, and that peace and progress is now the watchword of both countries.

RUNS CHINESE INTO STREET

Laundryman Who Brandished Knives Lands in Bellevue.

Brandishing three knives and running madly about the rooms of the Chn Company, at No. 10 Pell street, Ong Ying, a laundryman, was removed to Bellevue Hospital last night for observation by Dr. Brown, of the Hudson Street Hospital.

Ong is employed by the Chn Company with about a dozen other Chinamen. Shortly before closing time he went into the kitchen and came running out with a table knife and two large pocket knives, charged upon the other employees and drove them to the street.

Sergeant Howe and Patrolman Walsh, of the Elizabeth street station, thinking the tong war had broken out again, rushed upstairs, where they found Ong sitting on a chair, with the knives in his lap.

MAY ARREST LIEUTENANT

Alleged Neglect of Complaint of Coney Island Swindle.

As a result of the alleged indifference of the Brooklyn police in a case of common gambling, Assistant District Attorney Robert H. Elder of that borough may ask for a warrant for the arrest of a desk lieutenant of Coney Island station. Mr. Elder was evidently indignant yesterday when told about the experience of an Armenian in the station and subsequently in the Brooklyn detective bureau. The man said he had been swindled out of \$25 and that he had been unable to get any satisfaction from the police.

Hackadour K. Hesotian lives at No. 21 Washington street. His wife is a Virginian. On August 11 Hesotian went to Coney Island. He said he strolled into a resort in Bushman's Walk, near the Bowery, where he played "stuss" and "schlag." After losing \$25, all the money he had, he began availing to the belief he had been swindled. He went to the Coney Island station, where he alleged, a desk lieutenant told him to get out.

Hesotian told his wife, who brought him to the detective bureau, where, according to Mrs. Hesotian, she was told that the desk lieutenant had no jurisdiction in the case.

The Hesotians went to Mr. Elder, who said that if investigation supported their story he would ask for a warrant for the arrest of the Coney Island lieutenant, and also would make a visit to the detective bureau.

Detectives Van Wagner and Murphy, of the District Attorney's office, went to the island with Hesotian. They arrested and Lewis Rogers, who was handled by Hesotian as the man who handled his money. In the district street police court Patrick Shea, proprietor of the Gilsey House, in Bushman's Walk, furnished \$1,500 bail for the prisoner's appearance on August 27.

WOULD CALL OFF STRIKES

Most of the Bricklayers' Unions Said to Favor That Step.

It was said yesterday that all the local unions of the bricklayers would not have time to hold meetings to vote on the question of calling off the strikes on the contracts of P. T. Nesbit & Co. before to-morrow, when the ultimatum of the Mason Builders' Association to the bricklayers' unions goes into effect. The unions which have not voted will be guided by the decision of their officers.

Two of the largest of the locals, it was said, had decided to continue the strike, but that several had decided to stand by the trade agreement, call the strike off and face suspension by their international union. It is predicted that on one of the thirteen unions will vote to call the strikes off.

MINIATURE ALMANAC

Sunrise, 6:12. Sunset, 6:55. Moon rises, 2:21; moon's age, 13.

HIGH WATER

Sandy Hook, 6:00. P.M. Governor's Island, 6:00. Hell Gate, 7:30. 8:19.

WIRELESS REPORTS

The Adriatic, reported as 776 miles east of Sandy Hook at 10:50 p.m. on Tuesday, is expected to dock at this port on Friday forenoon.

The Regina d'Italia, reported as 250 miles east of Sandy Hook at 6 p.m. yesterday, is expected to dock this forenoon.

INCOMING STEAMERS

TO-DAY.

Vessel, From, Line, Arrive, Depart.

Adriatic, Palermo, Aug. 10, Lloyd-Sab.

Algeria, Algiers, Aug. 5, French.

Albatross, Baltimore, Aug. 11, Mallory.

STEAMERS AT FOREIGN PORTS.

ARRIVED.

Algeria, Aug. 13—Chryseia (Fr.) New York for Savona.

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