NOTHING that a discerning New Yorker does so aptly reflects his way of ringing luxury within his reach, of making an ordinary occurrence of an extraordinary event, as his daily habit of riding upon a

Fifth Avenue Bus

START WORK TODAY ON CONSTITUTION

Delegates Intimate That Radicalism Will Get Cold Shoulder.

[From a Staff Correspondent of The Tribune.]

Albany, April 5.—Members of the Constitutional Convention, which will convene in the Assembly chamber at noon to-morrow, crowded into Albany to-day, and the talk heard about the hotel corridors showed that radicalism will have a cold reception in the deliberations. It promises to be a gathering in which the referendum and recall and other measures recently adopted in Western states will receive scant attention.

Elihu Root, who will be president of the convention, arrived here soon after noon. He conferred with Secretary of State Francis M. Hugo over arrangements for the gathering and took a keen interest in the work.

"I don't think there is anything in advance to be said about the convention," he said.

During his stay in Albany Mr. Root will occupy the home of William Gorham Rice, Civil Service Commissioner.

John Godfrey Saxe, another delegate, expressed the opinion that the convention would devise the best constitution of all states in the Union.

"This convention," said Mr. Saxe, "will bring to Albany some of the ablest men in the country, who are coming here with the idea of framing an ideal organic law and of sweeping aside partisan prejudices and feelings."

Among other delegates who arrived to-day were Seth Low, John F. Ahearn, Thomas M. Mulry, Frederick C. Tanner and Edgar Truman Brackett. Only four of the delegates to the present convention were members of the last constitutional convention, in 1894. They are Mr. Root, Louis Marshall, Delancey Nicoll and Matt Endres, of Buffalo.

The delegates will be sworn in to-morrow on a Bible which was owned by William Blackstone, the father of modern law. The book, which is owned by William Gorham Rice, is one of the oldest examples of the King James version and bears the date 1634.

HAVANA FIGHT FILMS TO GO BEGGING HERE

Federal Statute Forbids Interstate Shipment, and Censor Board Will Protest.

Although the defeated Jack Johnson may have received a big sum for his work at Havana yesterday, neither he nor the winner will reap profits from the exhibition of the motion pictures of the battle in this country. The federal statute, which was passed shortly after the negro defeated Jeffries at Reno, prohibits the interstate shipment of such films.

W. D. McCoubrey, jr., secretary of the National Board of Censorship, said last night that he did not think it would be possible to ship the films by boat from Havana to New York and exhibit them in this state. He was positive that the board, though it has no legal powers, could prevent them from being shown.

George H. Bell, Commissioner of Licenses, said that the prizefight films would not come under his jurisdiction. He pointed out yesterday that it was a federal and not a city law which governed them. He is just now busy protesting against the exhibition of the "Twilight Sleep" pictures which were scheduled for the West End Theatre this week. If there were any way, he said, of evading the federal law and exhibiting the fight pictures in this city a situation extremely unlikely—he would protest against such an action.

NEGRO PREACHERS GLAD WILLARD WON

Race Tension Eased by Black Man's Defeat, They Say—Lacked Mental Balance.

Clergymen in the churches of "Little Africa" in Harlem agreed last night that it was a good thing to have Jack Johnson defeated. They were sure it would relieve the tension between the black race and the white and thought it might be good for Mr. Johnson.

"Such brutal competition," said the Rev. E. H. Bolden, pastor of the First Emanuel Church, in West 130th Street, tends to create bad feeling between the two races. I think it develops prejudice. I do not believe that when Mr. Johnson won the title from Mr. Jeffries that he brought any glory or credit to the colored people."

Johnson's victory over Jeffries, Mr. Bolden thought, demonstrated only that the black race could produce men of great physical power and fistic cunning. The ex-champion's subsequent behavior, he considered, did little to prove the mental balance of his race.

"By losing the title," he asserted, "I believe that Mr. Johnson did much to improve relations between white people and colored, and his defeat may also serve to bring out his own finer qualities."

SUNDAY PICKED JOHNSON; LAYS DEFEAT TO RUM

Revivalist, on His "Day Off" Talks About Fight and Visits the Banks.

SCENTS FRAME-UP IN HAVANA BOUT

Wants to Come to New York, Where People Are Filled with "Pepperino and Tabasco."

[From a Staff Correspondent of The Tribune.]

Paterson, N. J., April 5.—Billy Sunday was amazed when he heard Jess Willard had knocked out Jack Johnson. He laid the negro's defeat chiefly to "that hellish, iniquitous booze that makes a man's brain a mud puddle."

"I bet you that rotten Paris had a lot to do with it. A man can't hit that rum-soaked, God-forsaken, devil-loving trail without feeling it. Johnson hit the high spots. He went so fast there you couldn't see his dust," he said this afternoon.

Other members of Sunday's entourage, among them Jack Cardiff, the ex-prizefighter, and George Sunday scented a frame-up, and Billy had his suspicions along this line, too.

"Willard's a sloppy fighter and Johnson's so crooked he hasn't slept straight in bed for twenty years," said the stocky little Cardiff. "The big smoke refereed two fights I had. One was with Tim Callahan, in Plymouth, Penn. It oughter gone twenty rounds. I had Callahan's ear almost torn off and I didn't have a mark on me. But I couldn't win. Johnson had been handed $1,000 and was due a share of the gate money. He wouldn't let me win. That nigger's strong. Every time he'd break us he'd pinch the muscles in my neck, and I couldn't wear a collar for two days afterward."

In the morning Billy Sunday said Johnson would lick "the everlasting tar" out of Willard. Fred Seibert, the tabernacle caretaker, who used to be a broncho buster before he joined Sunday's forces and wrote a hymn, "Ride the Gospel Locomotive and Jesus Pay the Fare," was equally positive. Cardiff, who fought 297 ring battles and now stoutly declares "if anybody knocks my Jesus I'll bat his map off," picked Johnson without question.

Wants To Come Here.

So the conversation on Sunday's "day off" naturally centred on the championship fight at Havana, when Sunday was seen at the House of Many Windows this afternoon. It swung from that to Sunday's baseball career, and veered at last to New York City.

"I'd like to go to New York," he said. "Reckon, though, they'd have to roof over a place as big as a block so they could hold 'em all. New York people are full of pepperino and tabasco. They'd get me in a hurry. City people are always like that."

He was lounging in a chair, with a gray silk bathrobe thrown around him, loose slippers on his feet, his hair dishevelled, a new beard on his face—just as he says he goes about the house in Winona Lake. "Ma" was sitting opposite. She prompted him constantly with "Now, tell them, papa," and "Yes, and you remember," and "You ought to say." "Ma" seems influential in the Sunday household.

The man who "drives the faith of God in with a sledge hammer," was willing to reminisce. He said he was the first man that ever ran after a fly ball in baseball. "Before that, when a fly went over your head, good night," he declared, evidently without fear of contradiction. He also had a story of how he got some trotting horses "into my stride." This was when he used to run with horses to show them off to prospective purchasers.

"I could do 100 yards in flat time. I ran a block with the horses without taking a breadth, and I could run 'em off their feet," was another interesting statement.

Beat Fred Pfeffer.

There were more stories. One was about beating Fred Pfeffer fifteen or twenty feet in 100 yards. Pfeffer is a Chicago saloonkeeper, who used to be a ball player. He, with other Chicago barroom proprietors, has asked Sunday to make a campaign in the Windy City.

"Sid Farrar, is he here?" asked Sunday. "Well, maybe it's another man by the same name. Gee! I used to know Geraldine when she was a little kid. She used to be a pretty one, too."

"We never heard her sing, but we've got two of her records," interjected Ma.

Later on somebody asked Sunday how many sermons he used in the old days, when he first exchanged ball playing for evangelism.

"I had eight, and they'd be used up in a week, and"——

"Yes," put in Ma, "they used to ask us to stay on, and we'd say, no, we couldn't possibly do it—we'd just have to leave."

Just then some one banged a silver knife against a plate in the dining room. It was the dinner toesin in the Sunday household. A little later Sunday was sitting alone at a very long table eating string beans with much relish.

The revivalist spent his morning in a walk to George Arnold's house, and then he and Ma went out in an automobile. He made a point of visiting the banks. Billy met lots and lots of the bank officials, and told them what a splendid city Paterson was, and thus put them in friendly spirits toward him. He called on the Chief of Police, dropped in at the City Hall, where he met one of Mme. Schumann-Heink's sons, and then went home to bed.

Sunday with the Band.

While he was circling about, there was a great crowd in front of a newspaper office listening to the returns from the fight. Nobody was following Sunday about, except newspaper reporters. Some people thought he was the centre of attraction at the bulletin board.

"Is that Mr. Sunday up there telling about the fight through the megaphone?" asked a girl in a corduroy suit.

At this moment Fred Seibert, who was interested in the fight, pointed to his assistant, "Peanuts" Peterson, a tall young man, in a gray mackinaw coat.

"If I had his height and reach, with my grit and hardness, I'd tell Jack Johnson I could lick him," confidently asserted Mr. Seibert. "I don't want to fight, but, if I had to, I'd do it with a prayer. I'd say: 'Oh, Lord, this is new to me! Help me, Lord, to slam that guy, but don't let me kill him. That's what I'd say.'"

There will be two meetings to-morrow at the Tabernacle, one at 2 p. m. and one at 7 p. m. Sunday will cut the evening meeting off at 8:30 sharp, so he can go to the armory, where John Philip Sousa's band crashes out its marches. Sunday will sit on the platform with the band, where all can see him.

MAY LOSE EGYPTIANA

Museum of Art Not Likely to Get Davis Antiques.

Newport, R. I., April 5.—The contest over the will of Theodore M. Davis, the Egyptologist, indicated by the filing of a bill in equity by his widow, Mrs. Annie B. Davis, two weeks ago, began to-day. The will came up for probate, but the bill acted as a stay. As a result the qualification of Thomas L. Manson, of New York, as executor, after heated arguments between him and counsel for Mrs. Davis, was the only official progress in the case.

It developed that probably there are not sufficient funds in the estate for the $200,000 in personal bequests made by Mr. Davis, and it may be necessary to sell part of his famous Egyptian collection.

This collection, including the mummy and the gold-lined tomb of Amenhotep IV, Egypt's "Heretic King," and other antique pieces, was conditionally bequeathed to the Metropolitan Museum of Art, of New York. One condition was that, should the estate prove insufficient to meet the several other bequests, the collection, or part of it, should be sold.

Mrs. Davis seeks to purchase the entire collection, turn the funds into the estate, and present the valuable antiques to the museum as her gift.

Billy Sunday in Tears at Jim M'Cormick's Home

Evangelist and Old Pal of the Diamond, Now Crippled with Rheumatism, in Reunion After Twenty-eight Years.

By EMMA BUGBEE.

Paterson, N. J., April 5.—Billy Sunday and Jim McCormick shook hands yesterday for the first time in the twenty-eight years since they parted, the one to blaze his hallelujah trial across the country, the other to settle down in a Paterson café. The twenty-eight years have gnarled Jim.

It was an old man, crippled with rheumatism, who shuffled to meet the friend of his youth, the Billy who still chases the devil with the same agility with which he used to go after left field flies.

It was a dramatic meeting in the humble little house on grimy Totowa Avenue. Heralded by the shrieks of every small boy on the block, and escorted by a bodyguard of newspaper men, the most talked of man in America rolled up to the door of his old friend's house. "Jim" McCormick was sitting in his armchair reading the stories of Sunday's first day in Paterson. He did not expect to be honored by a visit from his famous pal so soon.

"Come in," he called, as there came a knock at the front door.

Then he heard a jubilant shout.

"That's Jim; I know his voice!"

Talks Ball with Old Pal.

In burst "Billy." After twenty-eight years the two old men shook hands. Tears stood in the eyes of both, and there was nothing to say at first.

"Well, how are you? How're you feeling?" boomed Billy, shaking hands almost as fast as he talked. "What you been doing all these years? What's the matter; got that wing so it won't work? Never mind, it will be better by and by. Say, better get up and come out and see us."

Then they talked baseball for an hour and a half. Ball players famous in their day but forgotten for twenty-five years "came back" to bring a smile to the faces of their old teammates. Even "Jim" McCormick's daughter, who has heard baseball talk until she hates the word, had to laugh as the two veterans swapped stories. The "trail" was not mentioned.

"Now, we just talked baseball. We didn't dare start anything else," chuckled McCormick, when it was over. "I guess we each of us knew too much on the other guy. Sometimes it's best to stay safe on first."

Rheumatism was forgotten as the old pitcher launched into the tale of the morning's visit. His sunken eyes glowed and pride shone on his wrinkled face.

"Sure, I knew his voice," he grinned. "The minute I heard him call out I knew it must be he. No, I haven't seen him since 1888. Well, he's changed a lot, but he's the same old 'Bill.' Only he talks more now than he used to. He has to now; it's his business. No, he never used to talk much in the old days. He was kind of quiet, not into mischief all the time the way the rest of us were. Oh, sometimes he'd go with the crowd, but not always. I wasn't surprised when he turned evangelist. I remember just how he looked, kind of pale and expecting a lot of horse play, when he announced that he was going to give up ball playing. The fellows didn't guy him, though. They shook hands and wished him luck. They were real decent about it, because they saw he was in earnest. Some of them had got wind of the way he had been converted the night before at that Salvation Army meeting. You have heard him tell all about that, I suppose.

New Hats for Great Catch.

"I guess that was along about the same time he made that grand catch. You know he went after it praying, 'Lord, if you'll only let me catch that ball I'll turn evangelist.' I remember that catch, too. It got us all a new hat. Al Johnson, brother of Tom Johnson, that was Mayor of Cleveland (he was a great Chicago fan) was so pleased at that catch that he gave me an order for sixteen $5 hats.

"I never saw Billy after he left us until to-day, but, of course, I have been reading about his career, and to-day all the kids in the block have been hanging around here since they heard he was a friend of mine. I ain't surprised at his success. He's got the right dope. Folks can understand what he's trying to say. He isn't one of these sanctimonious guys that uses such long words you have to take a dictionary to church to know what they're talking about."

"Jim" McCormick hobbled across the room to bring the big volume of Sunday's biography, which lay in state on the parlor table, flanked by newspaper clippings. The name of Kelly was mentioned—"Mike" Kelly, whose name is known to trail hitters all over the country as the unrepentant sinner whom the Great Umpire put out in Sunday's most dramatic sermon.

"Yes, 'Mike's' dead these many years. I don't know where he is."

"I don't read all this stuff," grinned "Jim" McCormick; "just the baseball parts. The sermons are all right for those that are going to hit the trail, but I guess my trail hitting days are over. It's all I can do to get to the dinner table safe.

"Oh, I'll try to get down to hear him before he goes."

PASTORS ADMIT THEIR NEED OF REVIVAL FIRST

Rededicate Churches to Religion, Evangelize Laymen, Campaign Plan.

ORGANIZATION PLAN WAITS ON MAYOR

His Approval of Day of Prayer Idea Likely to Start Machinery of Religious Effort.

A conviction that there is nothing wrong with religious conditions in New York City except in persons who call themselves Christians is to be the keynote of a great revival of religion that will unite all Protestant denominations here.

The awakening must come, first, within church walls. After the churches have rededicated themselves to the simple, old-fashioned fundamentals of religion, there will be sound basis for efforts to evangelize the unchurched masses.

This note rang out clearly at yesterday afternoon's prayer meeting in the Park Avenue Presbyterian Church, attended by more than one hundred clergymen and church officials. Ministers in charge of large churches stood up and admitted that they themselves needed a revival more than the "down and outs" who are always associated with evangelistic work.

No plan of organization was presented by the steering committee, because there is to be no organization just yet. But the Rev. Charles Whitefield Welch and his colleagues, who took the initiative in this movement, did submit two recommendations which met with favor.

To Preach from Malachi.

Sunday morning every clergyman will be asked to take for a text Malachi iii, 10, which reads:

"Bring ye the whole tithe into the storehouse, that there may be food in my house and prove me now herewith, saith Jehovah of hosts, if I will not open you the windows of heaven and pour you out a blessing that there shall not be room enough to receive it."

Monday afternoon at 4 o'clock clergymen and church officials will meet in the Madison Avenue Baptist Church, Madison Avenue and Thirty-first Street, on invitation of the pastor, the Rev. Charles A. Eaton, to observe a union communion sacrament and pray for guidance. Some changes may be made in these plans if Mayor Mitchel grants the steering committee's petition for a proclamation setting aside Monday as a citywide day of prayer.

"Friends, we have come here to-day to finally decide whether we can go further with expectations for a revival of religion," said Dr. Welch, in opening the meeting yesterday. He asked the Rev. William H. Morgan, of Calvary Methodist Church, to lead in prayer.

It was Dr. Eaton who impressed the meeting with the attitude of the steering committee. "If we preachers keep holding these Monday afternoon meetings long enough perhaps some of us will get religion, and I imagine that is what we are here for.

"I have been pastor in a downtown church for seven years. I came here with an open mind, believing that human beings on Manhattan Island are the same as they are everywhere, but I found a general belief that religious work in New York differs from other communities.

"My experience has taught me this, and I do not hesitate to say it—there is nothing wrong with religious conditions here except in us who confess the name of Jesus Christ. We have the same God, the same Bible and the same Gospel and one command; that is, to go forth and preach that Gospel to the people around us, who come from the four corners of the world. We have unlimited financial equipment, and there is not a finer group of men in the world than the New York ministers—as I have learned to know them. Yet we find church people ready to run away when they are put face to face with great problems.

"When a church ceases to function it dies like a physical organ which has ceased to function. When a church in New York City has to shut its doors and move away from its opportunities, then the people in that church have lost hold of the truth.

Revival Is in Air.

"Our newspapers, with their keen instinct of foreseeing events, expect a great religious revival here. Why, I have seen more talk about religion in the New York newspapers during the last six months than in the last six years! We feel it in our churches and we find that our fellow ministers want to heed the same call. But it is so much easier to preach about the Gospel than to preach the Gospel; so much easier to talk with a man about abstract problems instead of getting down on your knees to pray with him.

"I don't think we need any additional machinery for this revival which is sure to come. As a matter of fact, we've got too much machinery now, and I sometimes wish that we could have an auction and unload some of it on the devil. We must get together some real people who will get down on their knees and ask themselves why it is that with this great New York church mill, splendidly equipped in the heart of a world centre, we grind such a small amount of grist. I'm not satisfied with the results. I want my people and myself to get ready for a revival. We can't create the movement; God must do that, but we can get ready."

Dr. Morgan gave reminiscences of three revivals which he had seen in his twenty-two years' experience as a preacher. "Revivals come out, they are never pumped up," he said, to show the difference between a political campaign and a real revival. "We have machinery enough now. The danger is that we will have more harness than horses. A pastor and his people must have a long Pentecostal time of it before a revival springs forth. That is what they are trying to have in Calvary Methodist Church."

"We've been giving ourselves too exclusively to ecclesiastical and intellectual considerations in our denominational meetings," said the Rev. Dr. Wilbert Webster White, president of the Bible Teachers' Training School.

The Rev. James H. Philputt, of the Church of the Disciples and a member of the steering committee, said that "we want as little organization as possible. The work must begin in the hearts of the ministers. We will move together, without head or organization, under the guidance of God in the direction of a revival."

Ballington Booth, head of the Volunteers of America, offered a prayer that "God will set fire to the hearts of His ministers, that they may go forth equipped for the great work of reaching men."

Singing of the doxology brought the meeting to an end.

NO HOPE LEFT FOR THE LOST PRINS MAURITS

Agents of Steamer Believe Ship Went Down with All on Board.

MANY OTHER CRAFT WRECKED IN STORM

Vessels That Weathered Gale Bring Stories of Disasters and Daring Rescues.

All hope for the steamer Prins Maurits was abandoned yesterday. Funch, Edye & Co., agents for the Royal Dutch West Indies Company, declared their belief that the great gale on Saturday wrecked the steamer and that her crew of forty-five and four passengers went down with her. Half a dozen incoming vessels reported hearing the faint wireless calls for aid sent out by the Prins Maurits, but none saw a trace of her or of any wreckage floating where she is thought to have perished.

Battered almost to helplessness by the gigantic seas that swamped the Dutch steamer, the Algonquin, of the Clyde Line, reached her pier in Brooklyn yesterday. Captain Archibold told of his fruitless dash through gale lashed waters to assist the Prins Maurits. When he arrived at the spot where he had calculated the distressed steamer to be he still heard her wireless, growing fainter with every flash.

Captain Van der Goot, commander of the lost ship, was married recently at his home in Holland and planned to retire after this trip.

The hurricane broke the steam steering gear of the Algonquin. For hours she wallowed between seas with decks awash. The starboard rail was missing when the vessel docked, ventilators were battered and parts of the steel superstructure were broken and bent.

"I have weathered some blows on the ocean," said Captain Archibald, "including the hurricane accompanying the Galveston flood, but Saturday's was about the worst of all."

The Comus, of the Southern Pacific Line, also picked up the "S O S" call from the Prins Maurits, but was too far away to go to her assistance. Five lives were snatched from the sea by the Comus, however, for that many of the crew of the barge Northwest were picked up early Easter morning.

H. C. Rideout, first officer of the Comus, effected the rescue at considerable peril. He commanded a lifeboat that was in the water nearly two hours, in danger of being overturned by the high seas.

Captain Proctor of the Comus said he sighted the wrecks of two small sailing ships on Sunday afternoon forty miles off the Diamond Shoals. Both had been abandoned.

Newport News, Va., April 5.—Captain Ayvers, two women and two other men of the schooner M. D. Cressy, taken from the rigging of their wrecked ship off Block Island and put on Diamond Shoals lightship, were brought here to-day by the Russian steamer Altai. Other members of the crew, saved by an unknown ship, are on the way to Philadelphia.

The schooner Loring C. Fallard was also wrecked in the storm. Her crew were rescued by sugmen.

Baltimore, April 5.—Captain John T. Dowdy, of Baltimore, and two of the crew of the schooner Mary S. Ewing were lost when the vessel sank off Point Lookout during the gale last Saturday.

Philadelphia, April 5.—The Norwegian steamer Sosua, from Port Antonio, arrived here to-day with Captain Axelsenv, his wife and two seamen, rescued from the barge Clintonia, which foundered in the storm off the lower Virginia coast.

GIRL SETTLES MAYO SUIT

Miss Wahlers Said to Have Accepted Less than $15,000.

New Haven, April 5.—Virginius J. Mayo was to-day said to have settled the suit brought against him by Susanna E. M. Wahlers, his former stenographer, for less than $15,000. She alleged in her complaint that the head of the Mayo Radiator Company assaulted her, but the hearing never progressed far enough for Mayo to make his defence. Last Saturday a second postponement was obtained.

Miss Wahlers asked for an amount sufficient to maintain her and a daughter, of which she alleged Mayo is the father. He had been cited under the statutes before a justice of the peace and his property attached. Mayo was also the employer of Lillian May Cook, whose body was found a month ago upon West Rock, where she had killed herself.

HAYWARD DENIES ROAD REHEARING

Tells N. Y. & Queens Co. It Is Making Mistake in Delaying Better Service.

Declaring that the New York & Queens County Railway Company officials had not shown the slightest desire to co-operate with the Public Service Commission, Commissioner William Hayward, after his first public hearing yesterday, denied the request of the corporation for a rehearing on the order of the commission for increased service.

This is the way in which he made his first official decision after Arthur G. Peacock, counsel for the company, had put William O. Wood, president and general manager, on the stand to swear that the counts of the company showed that there were fewer passengers riding than the records of Mr Standfast, the Public Service Commission's inspector, indicated:

"Nothing appears in this record to show that you, Mr. Peacock, or Mr. Wood have had any inclination to co-operate with the Public Service Commission. It is all right for you to serve your interest up to a certain point, but when you get everybody down on you I think you are making a mistake. I see not the slightest reason for changing the order of the commission."

This is the famous order that Commissioner Cram directed the legal department to issue last summer before going to Europe, and did not discover for several months after his return that it had not been issued. Mr. Hayward handled the case without gloves when Mr. Cram was before the investigating committee. The order was finally issued November 20. It directed the company to put fifty-eight additional cars in service in the rush hours by December 17. It has never been obeyed. The company has put twenty cars in service and promised to scare up five more before July 1. In January the order was modified to call for forty-seven cars in all.

What would you do if you suddenly found yourself without prospects, and with no equipment for life save expensive habits, good looks and $500.00?

Evelyn Jaffray faced such a situation and Josephine Daskam Bacon shows how Evelyn met it in "Open Market", beginning this week in

Collier's 5¢ a copy
THE NATIONAL WEEKLY

BARNES-ROOSEVELT SUIT UP APRIL 19

Classmate of the Colonel Is One of Justices Who May Sit at Trial.

MANY PROMINENT MEN WILL TESTIFY

Biggest Circulation Upon Which Suit for Libel Was Ever Based.

Word was received by counsel in this city last night from Syracuse that in the Supreme Court the case of William Barnes against Colonel Theodore Roosevelt for $50,00 damages for alleged defamation of character had been set down for trial on Monday, April 19. Only some unexpected happening can possibly cause a postponement, as the date was fixed after an agreement between the opposing counsel.

It was stated last night by a person who had made a wide study of such cases that unquestionably never before had suit been brought on the strength of a statement having such wide publicity. The statement of Colonel Roosevelt in which he accused Mr. Barnes, member of the Republic National Committee from this state, and at that time chairman of the state committee, of using his political influence in a malign way was not only used in full in practically all the papers in this state, but was sent out through the country by The Associated Press, as well as other news agencies.

Cases Carefully Prepared.

Each side has been preparing his case with the greatest care for several months, and it is probable that much of the Republican history of this state for the last twenty years will be alluded to in the course of the trial. Neither William M. Ivins, of Ivins, Wolff & Hoguet, counsel for Mr. Barnes, nor William H. Van Benschoten, of Bowers & Sands, counsel for Colonel Roosevelt, would discuss their plans last night.

"I have nothing to say," declared Mr. Ivins, "except that the case is coming up and will be tried in regular order."

"We will be ready to proceed on the 19th," was the brief comment of Mr. Van Benschoten. "We have nothing further to say."

It is pretty safe to say that the trial of the case will not take less than two weeks, and may extend to twice that length of time, all depending upon the extent to which counsel for the Colonel go in their attempts to justify the statement. Those interested in the case have declared that the record of Mr. Barnes has been gone over with a fine tooth comb. His counsel are prepared to go back in just as vigorous fashion, if necessary.

Undoubtedly the first move after the selection of a jury will be a motion on the part of the defendant to dismiss the complaint. If this is denied, the complainant will probably follow with a motion to dismiss the answer, which has been put in already in justification of the statement complained of. If this should be granted by the justice, all that would remain would be for the jury to assess the damages. Such a course would be unusual, however, and is considered highly improbable in this case.

Publication Admitted.

If the motion is denied the complainant will then put in its case, which will be proof of the circulation of the statement. The answer of the defendant admitted the publication of the statement, so all that remains to be proved is the publication in each individual newspaper and the circulation of that newspaper.

It is understood that the first point can be gained by putting in evidence copies of the newspapers in which the statement appears. As for proof of circulation, this will be the first big case in which an attemt may be made to prove circulation through the sworn statements that are filed with the Postoffice Department. Usually it has been necessary to put circulation managers on the stand to swear to such figures.

There will be no special jury panel. That is not permitted in libel suits under the code. Two panels of fifty men each are drawn before the opening of each term. Juries are selected from the first panel in the first two weeks of court, and from the second fifty talesmen in the second two weeks.

Because libel cases are preferred the Barnes-Roosevelt case was fifteenth on the calendar of the April term, which opened yesterday in Syracuse. In ordinary course it might have been reached possibly this week or early next week. Because, however, of the great number of witnesses from all parts of the country who are to be subpœnaed, it was necessary to get the court to fix an exact day for the trial, which was done.

The two justices who will be sitting at trials at that time will be Justice William S. Andrews and Justice Irving G. Hubbs. Justice Andrews is a son of a former judge of the Court of Appeals and was a classmate of Colonel Roosevelt at Harvard.

Rivals Job in Trials, with Babies on Sea

British Engineer's Wife Dies as He Is Called to Colors—Nurse Barred as He Sails—Sister-in-Law Fails Him Here.

The trials and tribulations of Captain Percy E. Adams, an Englishman, who lived in Peru, and who is on the way to join the British forces in France, won him the sympathy of every passenger on the Tenadores, of the United Fruit Line, which arrived here yesterday. For plain and fancy hard luck, Captain Adams makes Job's lot appear to have been a happy one.

Perhaps the greatest of his troubles was the smallest, in the form of a four months' old daughter, Marjorie. With the captain also was his sixteen months' old daughter Sylvia, and an energetic youngster of three years, named Cyril. Mrs. Adams died a few days after the baby was born.

That was the beginning of his ill fortune. Before Marjorie came, Captain Adams, who served throughout the Boer war in the 38th Royal Engineers, volunteered his services in the present conflict. They were accepted readily, and he was informed a commission was awaiting him. He delayed his departure until the occurrence of a certain interesting event.

When Mrs. Adams died he was at loss what to do with his little brood. His services had been commanded by his King, and there was no way of avoiding his duty. He wrote to his sister-in-law, a Mrs. Brownrigg, who lives in Alberta, and asked her to take care of the baby while he went to the front. She consented, so the father and children started north.

Nurse Turned Back at Pier.

A Peruvian Indian nurse who had worked for the family some time seemed to solve the problem of taking care of the children on the journey. The boy and the eldest girl were fond of her and she liked the baby.

At Colon old General Hard Luck made it plain that he was trailing the captain. The health authorities examined the Indian nurse and found she had trachoma. They forbade her continuing the journey. Mrs. Brownrigg was to meet the Tenadores when it arrived in New York and take the baby, while Captain Adams and the older children were to continue to his former home, in Somerset, England, where other relatives were to care for them. Leaving the maid behind, the father boarded the steamer.

Passengers sized up his predicament at once. Cyril was a dynamic youngster. When the captain was not pursuing him about the decks, clutching him by the jacket to prevent his slipping over the rail, he was attending to Marjorie. At intervals he looked after the sixteen-monther, Sylvia, but most of the time he was attending to all three at once.

T. R.'s Kin Helps Captain.

Mrs. G. W. Roosevelt, a sister-in-law of Colonel Roosevelt; Mrs. S. G. Schermerhorn, of New York; Mrs. G. R. Goethals, wife of the West Point instructor, who is a son of Colonel Goethals, builder of the Panama Canal; Mrs. Captain J. F. Fiedeger, Mrs. M. H. Wilson and several other women passengers came to his aid. They took turns attending the babies.

As the Tenadores neared New York the captain's manner brightened. With the youngest safe in the hands of his sister-in-law, the situation would be cleared up somewhat. When the steamer reached her pier a letter from Mrs. Brownrigg was handed to the captain.

While on her way to meet him, she wrote, she had been robbed of her railroad ticket and all her money in Montreal. She informed him that the United States immigration authorities had stopped her at the border and were sending her back home.

Captain Adams looked at the dull, cloudy sky and shivered. Just then, Mrs. Mary Cain, a stewardess on the Tenadores, came to his aid. On the voyage she had been of material assistance in seeing that Marjorie was properly cared for. A passenger relieved Captain Adams of his search for a piece of lost baggage; another grasped Cyril just as it seemed that a netful of trunks was about to fall full upon him. Mrs. Cain learned of the latest stroke of misfortune that had befallen the English engineer and made a suggestion.

"Let me take Marjorie home with me until my ship sails again on Saturday," she said. "I have children of my own, and I know just what to do with the little thing."

Captain Adams looked his gratefulness. He could not voice it in words, because the last blow of misfortune had actually bewildered him and his power of speech seemed wanting.

So Mrs. Cain, who lives at 306 West Nineteenth Street, took the baby. Some one suggested that Captain Adams leave Cyril and Sylvia at the Young Women's Christian Association for the few days he will remain in New York. As he left the pier in a taxicab he was wondering at which turn he would run into more hard luck.

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SKIPPER STOPS LEAK; HE'S FAT; SAVES SHIP

His Trousers Got Wet, but They Kept East River Out of the Frank Summers.

Captain H. Sooey saved his steam fishing boat, the Frank Summers, by his own exertions last night. Bound from Tuckerton, N. J., to Rhode Island, the boat sprung a leak opposite Thirty-fourth Street. The police attribute the gash in her bow to "some sharp instrument."

Skipper Sooey was at the wheel. The cook and crew was asleep. In vain the skipper shouted. The cook and crew slept on. The East River gurgled joyfully into the Frank Summers. Leaving the cook and crew to sleep in peace, Captain Sooey lashed his wheel, rigged up a flare, reversed his engine, threw coal under the boiler and planted himself in the gaping hole in the bow of his ship.

Fortunately for the good ship Frank Summers, the cook and crew and the skipper, too, Captain Sooey's anatomy was admirably adapted for leak stopping. The East River was foiled, though the skipper's trousers got good and wet. Stern first and sagging slowly as the captain's plumpness yielded to the water, the Frank Summers chugged on her way. At intervals the captain bawled hoarsely, hoping that if the cook and crew did not hear him, some passing vessel might. There was no answer.

Off the foot of East Tenth Street the skipper pried himself loose from the leak and ran to the wheel. He twisted it enough to bring the boat into the slip. Policemen nailed planks where Captain Sooey had been.

TRUNK SLAYER MUST DIE

Execution Set for Friday Morning at Sing Sing.

Warden Thomas Mott Osborne ordered attachés of Sing Sing prison yesterday to go ahead and arrange for the execution of Carol Dranowitz, convicted of the celebrated trunk murder, early Friday morning.

Dranowitz has failed to give the information in which he promised to incriminate others as accomplices in the murder. His victim was overpowered, killed, mutilated and the body packed in a trunk and wheeled around the East Side on a pushcart.

Samuel Feltman, counsel to Dranowitz, got Governor Whitman to grant the condemned man a month's stay of execution early in March. Acting Warden Charles Johnson will supervise arrangements for his execution, which Warden Osborne will not witness.

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