

Appellate Division Holds He Was Properly Reinstated as Patrolman. After a litigation lasting five years the Appellate Division yesterday decided that Matthew J. McGrath, the policeman athlete, had been properly restored to the force as a patrolman and reversed an order of the Supreme Court directing Commissioner Woods to reinstate him as a sergeant.

McGrath was a patrolman in 1911, when he was removed by Commissioner Cropper for conduct unbecoming an officer. Three months later Commissioner Woods gave McGrath a new hearing, and assumed to reinstate him to his position as a patrolman. The court held that this act was illegal as the law stood at that time. A year later Commissioner Woods gave the policeman an indefinite leave without pay and in his absence raised him to the rank of sergeant. In 1915 McGrath was reinstated as a sergeant. The Appellate Division decided that Commissioner Woods did not have the legal right to do this in 1911.

DONALD M'LEAN MAY BE EXTRADITED Former Appraiser, Held in Maryland, Accused by Church. Extradition papers are being prepared in the case of Donald McLean, former appraiser of the Port of New York and whose wife, the late Mrs. Donald McLean, was president of the Daughters of the American Revolution. He was arrested Thursday in Frederick, Md., charged with having appropriated \$8,000 of the funds of the Third Reformed Presbyterian Church, in West Twenty-third Street, in March, 1913.

McLean was financial trustee for the church board for twenty years. He was accused by Mrs. Amelia Huber, of 4110 Carpenter Avenue, The Bronx, in November, 1913, of withholding from her \$10,443, which, she charged, he had in trust for her as executor of the estate of Henry Huber, executor of the husband. Proceedings were dropped in Surrogate Fowler's court when friends of McLean settled with Mrs. Huber.

Surrogate Colahan in April, 1914, removed McLean as executor of the Huber estate. McLean was a lawyer, with offices at 27 William Street. He disappeared soon after the church brought suit against him for an accounting. Private detectives found him in Maryland.

THOMAS HEALY'S THREE PLACES MAY-NOVEMBER FARM HARTSDALE, N. Y. A Broadway place 'midst the sylvan beauties of 150 acres of woodland, fruit and flowers. Chicken runs and incubators; squabs bred by Mr. Healy; trout stream and frog pond. Dairy and farm products.

May-November Farm is thirty-five minutes by automobile from Healy's at Broadway and 66th Street, via Broadway to 242d Street, across Van Cortlandt to Woodlawn, or by Concourse to Woodlawn and out Central Ave.

THOMAS HEALY'S "BY THE SEA" LONG BEACH, L. I. Special dining space on the sand for bathers. Woman instructor for women swimmers. Screened open-air dancing and eating pavilion on the Boardwalk. Sun parlors overlooking the ocean. Europe's famous dance orchestra.

THOMAS HEALY'S THE BALCONADES BROADWAY AT 66TH ST. Healy's famous restaurant in its Summer clothes. New decorations; new system of light and ventilation; cool dining room in New York; street deck cooler than the street. Newest novelties in cabaret and dancing.

TAKES SPOTLIGHT OFF RESTAURANTS Dr. Bolduan in Charge of Inquiry—Dampers Put on Publicity. Health Commissioner Haven Emerson yesterday took the publicity end of the restaurant inspection in New York City from Lucius P. Brown, director of the Bureau of Food and Drugs, and placed it in the hands of Dr. Charles F. Bolduan because he disliked the publicity light in which the restaurants had been placed by newspaper reports. Dr. Bolduan soon afterward informed newspaper men that the publicity must be less sensational.

Through the grading system for restaurants was approved by Commissioner Emerson before the inspections began last week, Dr. Bolduan declared that the Commissioner regarded its results, because of the publicity, as being detrimental to the good which Mr. Brown hoped to attain. He admitted that the same time that the newspapers had printed accurate tables of the inspection statistics and that the gradings were requisite to health requirements.

Silence His Policy. Then Dr. Bolduan refused to give out the figures for yesterday's inspections. He said that no information of any kind could be given to reporters until today, and that it was improbable that he would make public even then the number of "bad" restaurants discovered by his inspectors.

He was told that reports had spread about the city that an organized effort was being made to "hush up" the investigation. When Mr. Brown arrived he managed to reveal that fifty restaurants were inspected yesterday, three of which were found to be "fair" and forty-seven "bad." Eighteen of the "bad" could be put in the "fair" or "good" grades within twenty-four hours, according to Supervisor Kearney, who is actively managing the inspection campaign. This is a total of about 25 per cent of all the "bad" restaurants, most of which have had the required changes.

High Class, but "Bad." One of the places which received a "bad" rating was a big and supposedly high class hotel. Its kitchen was found to be unsanitary and dirty and many of the 1,000 kitchen and restaurant employees had no medical cards.

Reinspection of those restaurants which have applied will begin today. It is believed that all of them will receive "good" grades, as they have been busy making the necessary improvements.

A news of the inspections have spread over the city the restaurant owners and managers have instituted a "clean-up" campaign that is accomplishing wonderful results, according to the inspectors on duty. Much of the publicity due to the publicity the inspectors say, and they also declare that the restaurant owners are doing all they can to help.

Harry Stinson, secretary of the Hotel Men's Association, issued a statement yesterday endorsing the campaign, but adding that it was unfortunate many persons had been led to believe that it was a result of the published reports.

Postmen to Stage Preparedness. Preparedness will be the dominant note of the Fourth of July celebration of the New York Letter Carriers' Association, to be held this year at Schuylkill Park, Union Hill, N. J. Soldiers and sailors will drill and there will be exhibits of modern army and navy equipment. There will be Boy Scouts there, too, and fireworks.

MOTHER AND WIDOW AWAIT KELLOGG'S BODY Soldier, Victim of Mexican Raid, to Have Military Burial. "He was strong-headed, just like most boys are. He wanted to join the army, and now it's come to this!" Mrs. Alice Kellogg, a widow, of 2579 Eighth Avenue, did not cry when she talked of her dead soldier son yesterday. Neither did young Mrs. Bertha Kellogg, now also a widow, cry. But the eyes of both were red with tears that had welled all through the night before. They were the latest New York family to feel the bullets of Mexican bands.

Edward G. Kellogg, twenty-five years old, killed in the raid at Laredo, joined the army little more than a year ago against their wishes. The last time they saw him was on St. Patrick's Day, when he went with Troop M of the 14th Cavalry to patrol the Mexican border.

"I am proud," said the mother yesterday, "that if he was to lose his life he gave it up for his country. I do not know whether his body will arrive. It may not come until Monday. I have asked the military authorities to send it here. They have been very kind."

"We are glad it was for his country he died," was all the younger widow would say. The little family of mother, young wife and elderly aunt has been living in a comfortable apartment since young Kellogg went to the front. The mother is employed in the sales department of a downtown drygoods firm.

When the body arrives it will be buried with military honors after a high mass at the Church of St. Charles of Borromeo.

MRS. LAMBERT HURTS DEFENCE Says Daughter Was Happy, Hitting the Orpet Theory of Suicide.

Waukegan, Ill., June 16.—Mrs. Frank Lambert, mother of Marion Lambert, the Lake Forest high school girl whose body was found in a snowdrift in Helm's Woods last February, took the stand today in the trial of William Orpet, former University of Wisconsin student, charged with the murder of the girl, once his sweetheart.

Dressed in deep mourning, Mrs. Lambert told in low tones of her daughter's sunny disposition, which she retained until the day of her death. This testimony contradicted testimony of Josephine Davis, Marion's most intimate friend, that the slain girl was frequently very unhappy and had threatened suicide.

Gives Different Reason. Miss Davis stated under oath that Marion went on February 6, at her birthday party, three days before her death, because Orpet transferred his affections to another girl.

Mrs. Lambert asserted today that the tears were occasioned by the inability of another girl friend, her Pauline, to spend the night with her. Pauline, a student at the University of Wisconsin, was taken to the restaurant the night with each other, but Anna had to break the custom this time.

Mrs. Lambert said that she and her husband were Dr. Ralph W. Webster and Dr. William E. McNally, toxicologists, who expressed the opinion that the cyanide of potassium which caused Marion's death was taken in another Wilson Frankland, Walter Sales and Albert Hopman, who went over ground in Helm's Woods looking vainly for the container of the poison.

Council for the defense cross-examined the toxicologists and Webster, who testified that he had been left by the poison.

Testifies About Spots. Wenban testified also concerning yellowish spots in the snow where Marion's chin had rested, and five or six were seen through the snow followed by her companion in leaving the body.

The defense adduced from the undertaker that he picked up a piece of paper while following the footprints to introduce witnesses on this point in support of his contention that Marion brought the poison in powdered form in a paper to the scene of her death.

X-SCIENCE HEALER HELD Coroner's Jury Finds Mrs. Gletcher Responsible for Boy's Death. Mrs. F. N. Gletcher, a Christian Scientist, of 192 Lincoln Place, Brooklyn, was found "culpably responsible" for the death of William Jurgens, Jr., the two-year-old son of William A. Jurgens, of 462 Jamaica Avenue, by a coroner's jury yesterday. She was held in \$1,000 bail for the grand jury trial.

The inquest, held by Coroner Senior, brought out that Mrs. Gletcher had attended the child several times, two hours before it died, on June 6, how ever, Dr. Harold Barnes was called in consultation with Dr. Ira Costo, a nose and throat specialist. Dr. Barnes swore he found the child suffering from throat paralysis, clearly due to diphtheritic origin.

His testimony was corroborated by Dr. De Costo, who said: "I believe the medical attention the child needed had not been given."

ENO WAS NO HERO TO HEAR TAP CASE Bigout Brought Here from Trenches to Tell of His Master's Habits. Amos F. Eno was no hero to his valet, Edmond Bigout, a bronzed soldier of France, who for several years acted in that capacity to the millionaire whose will is being contested, was a witness in the Surrogate's Court yesterday. Bigout's testimony is considered of great importance by the contestants because of the constant opportunity he had to observe the words and actions of the testator, whose mind, it is contended, was not sufficiently strong to resist the undue influence which it is alleged was exerted over him.

So important, indeed, did they regard Bigout that the Paris War Office was requested to send for the former valet in the trenches and give him a furlough that he might come here. He will return to the front when he finishes as a witness.

Bigout left the employ of Mr. Eno in the summer of 1915 when his country called, although he knew that by leaving he would forfeit a \$5,000 legacy payable only in case he was in the employ of Mr. Eno at the time of the latter's death. That is the kind of patriot Edmond Bigout is.

Objected to Laundry Item. He quoted a railroad ticket agent in France as venturing the opinion that Mr. Eno was "crazy," because he had made several inquiries about the cost of tickets to Rome. At Jekyll Island, Georgia, where Amos K. Ench, Pinchot, his nephew, and Mr. Pinchot's family were his guests, Mr. Eno displayed the same spirit of penuriousness.

Bigout testified that he had seen Mr. Eno's strawberries, he tasted one or two and liked them. "Don't eat any more until you find out how much they are going to cost," Bigout advised. The price of strawberries, he testified, was about \$1. "They're not good and too stiff," decided the man whose income was \$1 a minute.

It is the contention of the contestants that the mind and memory of Mr. Eno were impaired when he went to Europe in January, 1914, going from Nice to Rome. Mr. Eno, despite the suggestions of his mind, insisted on going to a second or third class hotel, called the Hotel de France, in Rome, from the south of France. There were no accommodations, and he sat up and waited several hours for a room.

In Rome, Mr. Eno got sick and thought he was going to die. He ordered Edmond to bring him his ordered box, from which he took out a paper. "That is my will, I want you to give it to my brother, Henry Eno," he said. "I have written it in French. I will deliver it to the persons whose names were written on them, if he should die."

"Mr. Eno, did you make one out for me?" the valet asked. "No," Mr. Eno replied. "Look at it if you like," Bigout found himself named as a beneficiary. That was the 1914 will, under which the contestants insist the testator wrote his last will distributed. But Mr. Eno did not die then.

At Nice, said the witness, his employer made "much noise about the prices which the hotel charged, and five or six were sent to cut short his visit there. In Naples he thought of changing his quarters, but did not, because it would have cost him \$1 to move his baggage."

Eno's Father Slept in Tub. Bigout will continue his testimony tomorrow. An earlier witness yesterday was Francis G. Walenger, employed for several years as valet by the late Amos F. Eno, father of Amos F. Eno. He said that he had seen Mr. Eno's will, which could have a large part of his estate and \$250,000 in cash. The next day Mrs. Humphrey, a sister, asked Walenger whether he "was going to keep those things my brother gave you?"

Walenger said he had given them to her, but she had them put in a bathtub filled with water; he said he had seen her out by letting the water run out.

CENTRAL REASSURES MAYOR ON TERMINALS Road Not to Interfere with Development of Lower West Side. Ira A. Place, vice-president and general counsel of the New York Central Railroad, sent a letter yesterday to Mayor Mitchell and Dock Commissioner R. A. Smith, assuring them that the railroad would not attempt to interfere with any future terminal development by the city on the West Side below Thirtieth Street, as may be contemplated for the plans for the West Side improvement company, the plans now under consideration of the city and the terminal committee of the Board of Estimate which the question had been raised whether the railroad had provided for the city's absolute control of this territory, and whether it could not successfully defend any condemnation proceedings brought by the city for the purpose of acquiring subsurface rights for terminal approaches.

Mr. Place pointed out that, as distinguished from the original plans of the railroad company, the plans now under consideration fully eliminate that objection.

"The company is willing," Mr. Place wrote, "that there shall be a provision inserted in the written agreement to be executed between the city and the company to the effect that, so far as this private right of way is concerned, be-tween but not including terminals, in case of any disagreement as to the terms upon which any such easement, which will not interfere with the proper construction, maintenance and operation of the railroad, shall be acquired, the city shall have the right of deciding the terms upon which the property is already devoted to public use and that such easement cannot therefore be acquired."

CAN'T FIND JUDGE TO HEAR TAP CASE Swann Is Told Many Will Not Give Up Vacation for Inquiry. District Attorney Swann is in a dilemma. He still insists that the row between Mayor Mitchell and the various Catholic clergymen whom he charges with crime must be thrashed out in public before a magistrate or a judge, but he can't find a jurist who will serve. Justice Clarence J. Shearn, of the Supreme Court, was the last man approached by the District Attorney. He refused to serve last evening.

He said he had planned to start for California on July 3 and would be gone until August on his vacation. "I am going to keep on trying," said Mr. Swann. "It may be that I shall finally be forced to place the matter before a grand jury. The law prohibits making public the testimony before that body. I think the hearing should be public. I want the cards laid on the table, face up. I am going to ask Justice Greenbaum if he won't conduct the John Doe inquiry."

Most of the judges approached by Mr. Swann have said that their vacation is practically impossible for them to conduct the investigation. Others, like Judge Rosalsky, whom Mr. Swann believes the ideal man, frankly said they thought the Mayor's complaint ought to be handled by the grand jury.

The District Attorney said yesterday that Mayor Mitchell, Alfred J. Talley, counsel for the Catholic clergymen, and Peter J. Brady, the representative of the labor unions who have complained against the tapping of their telephones, all favored a public inquiry.

Here is the gist of the unions' complaint as filed by Mr. Brady: "Along with investigating the practices of the Police Department of listening in and tapping wires, we also request the complete investigation of their methods and activities in strikes, serving place where there are strikes."

Call for Conference Seen as Means of Healing Factions' Breach. The breach between the two factions of Judaism in this country was partly bridged yesterday by an announcement which was hailed with delight by the 3,000,000 Jews who favor a congress to consider ways and means to ameliorate the condition of their brethren abroad.

From the headquarters of the American Jewish Committee, at 356 Second Avenue, of which Jacob H. Schiff, Louis Marshall, Felix M. Warburg and Oscar S. Straus are leading members, came the announcement. A preliminary conference, to decide whether it would be wise to hold such a congress as that proposed by the faction opposed to the American Jewish Committee, has been called by the committee.

This conference, which will resemble that held in Philadelphia a few months ago by the Jewish leaders in favor of a congress, will take place July 16 in this city. It is being called jointly by eight of the largest and most important national Jewish organizations in the country—American Jewish Committee, National Conference of American Rabbis, Council of Jewish Women, Independent Order Free Sons of Israel, Order B'nai Abraham, National Workers' Council, American Hebrew Congregation and United Synagogues of America. It was announced that 146 delegates, representing forty-six organizations, were expected to attend.

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WORKED TOO NEAR POLICE Visitor Admits He Tried to Enter Place Next Door from Station. Harold Oakham, twenty, came down from Boston yesterday to do a little burglary work. Unaware of the fact that he was next door to a police station, he smashed a window in the automobile accessory establishment of John Driscoll, at 148 West Sixty-eight Street, and then ran three blocks trying to get away from Detective Kearney, who had been standing on the station steps.

Arrested in West Side Court, the youth pleaded guilty to a charge of burglary, and was remanded for trial.

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INDICTMENT FIGHT WON BY OSBORNE Appellate Division Strikes Out Count Reflecting on Ex-Warden's Morality. The sixth count contains no statement of acts constituting the demeritor which is defined in Section 1841 of the Penal Law: "A public officer, or person holding public trust or employment upon whom any duty is enjoined by law, who wilfully neglects to perform the duty, is guilty of a misdemeanor."

The sixth count contains no statement of acts constituting the demeritor which is defined in Section 1841 of the Penal Law: "A public officer, or person holding public trust or employment upon whom any duty is enjoined by law, who wilfully neglects to perform the duty, is guilty of a misdemeanor."

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Your Last Chance Today is Your Last Chance See announcement on page 5.

Where to Go to Church To-Morrow

TENT EVANGEL OPENS... PARK AVENUE Presbyterian Church... AT 85TH STREET... THE REV. CHAS. W. WELCH, Minister... SERVICES... BAPTIST... FIRST BAPTIST CHURCH... REV. W. L. PETTINGILL... MADISON AVENUE BAPTIST CHURCH... C. A. EATON, D. D., Pastor... FIFTH AVENUE BAPTIST CHURCH... CHRISTIAN SCIENCE... CHRISTIAN SCIENCE CHURCHES... BROADWAY... FIFTH AVENUE BAPTIST CHURCH... ST. NICHOLAS AVENUE... FORT WASHINGTON... DR. MARTIN Preaches at 11 and 8... RUTGERS... HARLEM... UNIVERSITY PLACE PRESBYTERIAN CHURCH... WEST PARK PRESBYTERIAN CHURCH... HUGH BLACK... PROTESTANT EPISCOPAL... CATHEDRAL OF ST. JOHN THE DIVINE... CALVARY METHODIST... MADISON AV. CHURCH... THE NEW THOUGHT CHURCH... CRITERION THEATRE... THE NEW THOUGHT CHURCH... CRITERION THEATRE... THE NEW THOUGHT CHURCH... CRITERION THEATRE...

Friction puts a hold-back on all cars. But if you lubricate your car with DIXON'S Lubricants it will run more silently, get more power and have small repair bills.

NEW YORK'S LEADING THEATRES AND SUCCESSSES. NEW AMSTERDAM... ZIEGFELD FOLLIES... HUDSON... THE CINDERELLA MAN... LIBERTY... THE CANTON... ELTINGE... FAIR AND WARMER... BELASCO... THE BOOMERANG... GAIETY... TREE IN A MACBETH... HARRIS... THE TRAIL HOLIDAY... COMEDY... WASHINGTON SQ. PLAYERS... SHUBERT... LEW FIELDS... CASINO... VERY GOOD EDDIE... MARIE TEMPEST... LYRIC... KATINKA... GORT... MOLLYO... LOEW'S NEW YORK THEATRE... ASTOR... GLOBE... BILLIE BURKE... QUO VADIS... PALACE... RIALTO... STANDARD... LUNA... THE PALACE... RIALTO... STANDARD... LUNA... THE PALACE... RIALTO... STANDARD... LUNA...