

# O'Neil Spent at \$30,000 Rate, Shearn Insists

## Attorney Tries to Discover How Former Under-Sheriff of Bronx Managed at Salary of \$5,500 a Year

### Tammany Men Grab Line

#### Autocratic Operation of Buses Said to Have Been for Political Purposes

Clarence J. Shearn, counsel to the Transit Commission, spent much of the time at the continued session of the investigation into Mayor Hylan's bus system yesterday in attempting to discover how Thomas J. O'Neil, Under Sheriff of Bronx County, managed to live at the rate of \$30,000 a year on a salary of \$5,500. O'Neil is the Tammany district leader who admitted at an earlier session that he received more than \$5,000, a one-third share in the profits of the West Farms Bus Corporation, in return for inducing Commissioner Whalen of the Department of Plant and Structures, to issue a permit for the line.

The testimony of other witnesses at yesterday's hearing, Mr. Shearn charged, showed how altogether autocratic the operation of the bus system is and how it was turned to political account at the whim of the municipal authorities. It appeared that in one instance, at least, a bus company with more than \$5,000 invested in it was ordered to give up its permit with less than twenty-four hours' notice, although it had been giving satisfactory service for more than a year and a half. The restriction was effected, according to the testimony, without even the semblance of a hearing before Commissioner Whalen. The reason for Commissioner Whalen's action, according to report, was that he considered that the organization wanted the line.

#### Check Book Disappears

The lack of proportion between O'Neil's expenditures and his income came to light while Mr. Shearn was questioning him concerning the disposition of his share of the bus profits and some explanation of his check book. O'Neil was able to produce only a check book for the month of November 1, the day as disclosed that he was a partner in the bus business masquerading behind a dummy director, and his bankbook showing his deposits.

From the bankbook it was ascertained that in two months from August 16 to October 23 O'Neil had paid out \$4,815, which would be at the rate of \$30,000 a year. All the checks included in this sum were used for his own purposes, O'Neil insisted, although he could not tell what these purposes were.

Nor could he tell how on total anticipated income of about \$12,000 or \$15,000 he was spending at the rate of \$30,000. His salary as under-sheriff, he testified, is \$5,500, and his profits from the bus business will probably not exceed \$5,000 or \$10,000. These, he admitted, are only businesses he is engaged in at present.

#### Had No Such Sum

"Can you give us any idea that would explain your spending at the rate of \$30,000 a year, if you do not live up to that rate and you are not engaged in any other business?" asked Mr. Shearn.

"I haven't had nothing like that sum at any time," answered O'Neil. "If you would explain the drawing up at the rate of \$2,400 a month from this account if you do not live at the rate of \$30,000 a year? A—Well, there are reasons. I have spent a lot of money in the bus business and I am unwilling to state for what purpose? A—I could not tell you what I have done with all that money."

#### Checkbook Stubs Destroyed

The checkbook stubs and the cancelled checks which have been destroyed, O'Neil told Mr. Shearn, his practice being to get rid of checkbooks as soon as they were used up and to keep cancelled checks only when he did not get a receipt for the payment made. "It just happened that way" that the previous checkbook was exhausted on the day the Transit Commission first discovered his interest in the West Farms Bus Corporation, O'Neil asserted.

With the request that the witness produce such cancelled checks as he still had at the next session Mr. Shearn then inquired why O'Neil had thought it necessary to use a dummy to conceal his interest in the bus company. The witness insisted vehemently that he felt his participation in that business was entirely legitimate and that there was no reason at all for withholding the use of his name on the company's books. When pressed for an answer he said:

#### Refuses to Tell Details

Attempts to learn from William A. Keating, counsel to the Sheriff of Bronx County, some of the details of the organization of the bus corporation met with his refusal to testify on the ground that the questions involved privileged communications between his clients and himself. Keating it was who drew up the incorporation papers for the bus company in which O'Neil and James J. Murphy, who until his death last February was Tammany leader of Bronx County, were interested. Mr. Shearn said later that Keating's refusal to answer and claim of privilege was without basis in law and would be decided to the Supreme Court for decision.

The Department of Plant and Structures

# Adams Lays Republican Losses To Local Fights and 'Fake Issues'

From The Tribune's Washington Bureau  
WASHINGTON, Nov. 9.—Aside from the natural tendency to vote in "off years" for a change, the outcome of Tuesday's elections, as analyzed to-day in a statement by John T. Adams, chairman of the Republican National Committee, is due to unusual prominence of local issues over national issues, post-war unrest and the employment of "fake issues" to confuse the situation.

Mr. Adams, at the same time, renewed the pledge of the Republican party to stand steadfastly by the principles which made it "more than ever the one party of construction and Americanism against the forces of destruction and internationalism." He said:

"The political of year always witnesses a decided reaction from the majorities of a Presidential election. With very few exceptions, the Congress elected in off years has been of the opposite political faith to the Administration. In view of this, the retention of control of Congress by the Republicans this year is very gratifying. This is especially true in view of the spirit of unrest which prevails throughout this country as an aftermath of the great war. Such a spirit always visits its dissatisfaction upon whatever party may be in power. At such times the only thought that appeals to a great class of people is to 'vote for a change' regardless of the issues involved or the records of the contending parties."

"In addition to this situation there were issues of real importance in some states which took precedence over national issues, and in other places opposition to the present Administration raised 'fake' issues in order to befog the public."

# Einstein, Father of Relativity, Wins 1921 Nobel Physics Prize

STOCKHOLM, Nov. 9.—Dr. Albert Einstein, of Germany, identified with the theory of relativity, has been awarded the Nobel prize for physics for 1921 by the Stockholm committee which has charge of distributing the prizes under the Nobel foundation. The physics prize for 1922 was awarded to Professor Niels Bohr, of Copenhagen. The chemistry prize for 1921 was awarded to Frederick Soddy, professor of inorganic and physical chemistry, University of Oxford, and in 1902-1903 demonstrator in chemistry at McGill University, Montreal, and that for 1922 to Francis William Aston, research fellow of Trinity College, Cambridge.

The Nobel prize for outstanding achievement in literature for the present year has been awarded to the Spanish dramatist, Jacinto Benavente. The prize amounts to 500,000 francs.

Jacinto Benavente is the second Spanish playwright to be honored by the Swedish Academy in the Nobel literature awards. In 1904 Jose Echegaray divided the prize with Frederic Mistral, of France.

Dr. Frederick Soddy is one of the foremost chemists in England, being regarded by many as the successor to Sir William Ramsay, under whom he worked. His publications include "Radioactivity," "The Interpretation of Radium," and "Science and Life." He is a member of the Swedish Academy of Sciences.

The Nobel foundation was made in 1901 by Dr. Alfred N. Nobel, inventor of dynamite, who created in his will a foundation of about \$9,000,000, the proceeds of which provided for annual prizes of about \$40,000 each in literature, physics, chemistry, medicine and peace.

Other writers who have received the literature prize are Anatole France, 1921; Knut Hamsun, 1920; Maurice Maeterlinck, 1911; Rudyard Kipling, 1907; Henryk Sienkiewicz, 1905; and Rabindranath Tagore, 1913. The Nobel literature prize has never been awarded to an American writer.

# Mate Manages Her Drive; She Loses, Seeks Divorce

Special Dispatch to The Tribune  
WEST CHESTER, Pa., Nov. 8.—Mrs. Jean Kane Foulke Browne, defeated candidate for the Legislature in Chester County, is suing for divorce from her husband, who conducted her recent political campaign with headquarters here. Her application was filed to-day and a summons was issued immediately for the husband.

Mrs. Foulke and Captain Browne were married November 13, 1921, and had made their home on the farm of Mrs. Browne, three miles from here, and later had apartments in this town. Browne was at one time a newspaper correspondent in Washington and for several years held a commission in the United States Army. He is much younger than his wife.

While in the government service, Captain Browne stood close to the Administration leaders and was commissioned to undertake several secret missions to Mexico, where he spent about three years. He was sent to Mexico in charge of a consignment of arms for the forces fighting against President Huerta.

Mrs. Browne, formerly the wife of George R. Pouike, a well-known resident near here, who was accidentally shot and killed by his son in a hunting accident several years ago, is a sister of Dr. Bayard Kane, formerly Democratic County Chairman and a well-known leader of the party.

# Smith's Plans Await Parley With Leaders

## Those Close to Governor-Elect See Transit Fight in Immediate Prospect, However, It Is Declared

### Reapportionment Sought

#### Vigorous Drive to Put His Home Rule Program Into Effect to Start at Once

Though he has refrained from expressing himself directly those who have talked with Governor-elect Alfred E. Smith regarding his program when he takes office have gained the impression that he is fixed in his announced intention to carry out his party's home rule pledges, particularly as they touch on traction and the Port Authority.

The Governor-elect intends to discuss matters with the leaders and members of the new Legislature before definitely formulating his plans. The Democratic leaders believe the next Legislature, with Democratic control in the Senate and a small Republican majority in the Assembly, will be amenable to the Governor's wishes.

In connection with the home rule program it is understood the New York City Democrats in the Legislature, backed by the new Governor, will start a vigorous drive for reapportionment of Assembly districts throughout the state in order to remedy what they contend is discrimination against the city in representation in that body. While this would require an amendment to the state constitution and could not be accomplished during the coming Legislature, all the impetus that the Smith regime can give to the project will be exerted. This matter of more equitable representation in the lower house is known to be one of the incoming Governor's hobbies.

#### Declare Representation Unfair

It was pointed out that under present representation in the Assembly many of the up-state counties with only 10,000 to 30,000 population get an Assemblyman, and Assembly districts in this city with a population of nearly 100,000 get the same representation. Putnam County, for instance, with 11,000 population, where only 4,400 persons voted in Tuesday's election, has an Assemblyman, while in the 1st Assembly District in this city, in which Governor-elect Smith lives, there are 98,000 citizens and only one Assemblyman. Representation in the Assembly, according to the New York City Democrats, in order to give all a voice in the enactment of state laws, should be based on the citizen population, with the quota fixed at one Assemblyman for every 58,000 population.

It was pointed out that Representatives to Congress are elected according to population, including aliens, the Congressional districts being apportioned according to the Federal census. In order to have a fair representation, one Democratic leader said, the reapportionment should start at Montauk Point and a line be drawn across Long Island when 58,000 population had been covered, and that should be the 1st Assembly District of the State of New York. In similar manner, the Assembly districts should be apportioned on through New York City and through the up-state counties. That this method of apportionment would mean a fixed control of the Legislature by the Democrats for all time was denied by its sponsors. At the same time it is admitted that the present apportionment of Assembly districts up-state was established in order to keep the control of the state in the Legislature out of New York City.

Those close to the Governor-elect declare that he will lose no time in presenting the Legislature for the repeal of the present public service and transit legislation and the abolition of the Transit Commission, which would mean in this city that new subway construction and operation and power over present contracts with the traction companies would be left wholly in the hands of the Board of Estimate. A new Public Service Commission will be included in the program to deal with state-wide public utilities, with regulatory powers over the telephone companies, the steam railroads, etc.

# May Wirth Makes Good Boast by Riding Bull

School in Hackensack was dismissed early yesterday to let the children join "Big Bill" Edwards, "Babe" Ruth, Tex Rickard, the bicyclist Goulett, R. T. Ringling, of Ringling's Circus, and fifty or sixty stage and ring performers in the crowd which turned out to see May Wirth make good her boast that she can stick to anything on earth by riding King Jess Homestead Veko, J. M. Kelley's 2,400-pound bull.

Miss Wirth found the bull so tame that she stood on her hands on his back. "Babe" Ruth tried his skill at the stunt after the vaudeville star had finished, and escaped unharmed and with dignity after a two-minute ride.

# Miller Tells of Progress in Thanksgiving Message

Proclamation Declares We Are at Peace With World and Prosperity Returned

ALBANY, Nov. 9.—Governor Miller to-day made public his proclamation setting Thursday, November 30, as a day of thanksgiving and requesting the people of the state to assemble on that day to give prayerful thanks for the blessing of an abundant harvest, returned prosperity, peace with all the world and progress toward better understanding, forbearance and goodwill. The proclamation follows:

"We have been blessed by an abundant harvest; prosperity has returned to the land; we are at peace with all the world; discord, dissension and intolerance are giving way to better understandings, a higher sense of obligation and right, a finer spirit of charity, forbearance and goodwill. Wherefore our hearts are moved to return thanks to Almighty God for the signal blessings with which we have been favored."

"Therefore, in accordance with long established custom, I, Nathan L. Miller, Governor of the State of New York, do hereby proclaim Thursday, November 30, 1922, as a day of thanksgiving, and request our people on that day to assemble in their respective places of worship to give thanks unto God for divine favor and reverently to invoke His blessing and guidance for the progress of the world and the betterment of mankind."

"Given under my hand and the privy seal of the state at the Capitol in the City of Albany this 8th day of November, in the year of Our Lord one thousand nine hundred and twenty-two. NATHAN L. MILLER."

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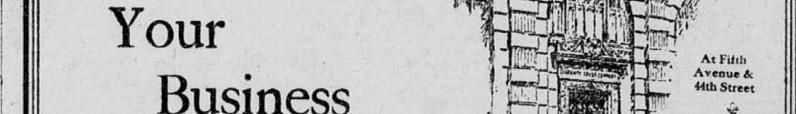
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