SCHMITTBERGER, INSPECTOR.

GEN. GREENE PROMOTES HIM AND TITUS, TOO—SAYS HE HAD TO.

So Says Jerome, and Adds "That Incident Is Closed"—Love Feast at Headquarters—All Vacancies Filled, With McClusky Left Out—But He's to Be Next.

Police Commissioner Greene promoted Capts. Max F. Schmittberger and George F. Titus to inspectorships yesterday, thereby putting an end to as warm a controversy as the department has been plunged into in this administration. More than a month ago an examination was held for captains eligible for advancement. All the special protégés of the present powers were entered and with one exception failed in the examination.

Only four passed. Capt Schmittberger was at the head of the list, with Elbert O. Smith second, closely followed by Titus and Capt. George McClusky. Then a great cry went up from all sides. Titus and McClusky, particularly, were the last commanders whose promotion was desired by the powers in Mulberry street. Then District Attorney Jerome and later his predecessor, Mr. Philbin, came forward with a protest against the elevation of Schmittberger. Mr. Jerome's objection was founded on Schmittberger's ante-Lexow record. Mr. Philbin let it be known that to his mind the captain hadn't been so very upright since he squealed. Next, Dr. Parkhurst staggered the prophets with his famous utterance that Schmittberger, "if not fit to be an inspector is not fit to be a policeman at all." Even the President of the United States was drawn into the controversy.

In the meantime there were three vacancies which should be filled by whoever had earned the right to take the job. Two weeks ago the Commissioner appointed Elbert O. Smith to fill one of the vacancies. This was really compulsory, as Smith, being a veteran, was entitled to first consideration.

That step taken everybody wondered what the Commissioner would do next. He could not appoint other inspectors until the present eligible list was exhausted and if he held up the appointments and continued the acting inspectors it was believed that the action wouldn't have a very good effect on the force. The Commissioner seemed to realize this and all last week showed signs of giving in to the inevitable.

It was whispered on Saturday that he might do the trick, but he didn't. However, after another night he intercepted Mr. Jerome as the latter alighted from a train in the Grand Central Station on Sunday evening and told him he could wait no longer. The Commissioner asked the District Attorney if he had any evidence that would warrant him in rejecting Schmittberger and Mr. Jerome admitted that he had none. This was enough for Gen. Greene.

The first thing he did yesterday morning was to summon all the inspectors before him and with them Capts. Schmittberger, Titus and McClusky. All three appeared with "won't-come-off" smiles and a knowing twinkle in their eyes which the doorman read as saying: "I knew he'd make me."

In the presence of all Gen. Greene first delivered an oration on the virtues and responsibilities of a good and proper policeman. Then he announced the elevation of Schmittberger and Titus. McClusky's smile came off and he stepped back a pace or two. Commissioner Greene noticed this and calling the man whom Devery once described as "chesty" to his side said:

"Captain, I would have appointed you had there been another vacancy. You shall get the next."

McClusky cheered up as if he saw something in sight. Very likely he did, for it is rumored in the department that Inspector Walter Thompson is anxious to retire and will do so within a week.

About this time about as fine a love feast as was ever witnessed in Mulberry street began. Everybody shared in it except Borough Inspector Brooks, who had suddenly become interested in a truck which was stuck in the mud in Elm street. Schmittberger, in his excitement and emotion, grasped the hand of Secretary Coursey and said: "Inspector, I only hope that I'l make as efficient an officer as you have." Even Inspector "Billy" McLaughlin approached Schmittberger and laying one hand on his shoulder and grasping Capt. Max's right with the other, said: "Max, you're a good fellow. Let me congratulate you."

Titus was being told he was a good fellow on all sides. Gen. Greene assumed the attitude proper to a kind father among his children. He seemed to be having the time of his life.

The Commissioner then announced the assignments for the new appointees. Schmittberger was sent to command the First district, which includes the "Red Light" district, lately in charge of Inspector Cross, now under charges and suspension. Titus went to The Bronx. McClusky was to command in West Forty-seventh street, Schmittberger's late precinct, but the captain preferred to stay where he is. He expects to be wearing gold leaves and velvet in a week or two and Schmittberger's is a troublesome precinct. Sergt. Thomas Flannery takes command there and Sergt. Patrick Leonard is to boss Oak street temporarily.

When all hands filed out of the room another reception awaited the new appointees from their friends in the department, who were gathered in the hall. All the old timers in the Detective Bureau were waiting to greet Titus, as was a well-known saloonkeeper, who has been Titus's host on several occasions.

Commissioner Greene gave out later this formal statement:

I have decided to promote Capt. Schmittberger for the following reasons:

First, his ability and skill as a police officer are not disputed.

Second—The nature and extent of the immunity promised to him in 1895 preclude the possibility of my giving any consideration to his conduct prior to that date.

Third—I have sought by every means to learn the facts in regard to his conduct since that date and particularly during the last four years and I have not discovered any evidence, nor has any evidence been brought to me, which would justify preferring charges against him.

Fourth—Under these circumstances Capt. Schmittberger, being at the head of the eligible list and a vacancy existing in the grade of inspector, is clearly entitled to promotion.

In the matter of the promotion of Capt. Titus there was less difficulty or doubt. He also is a skilled police officer and he stands second on the eligible list. No charges or complaints of any kind have ever been made against him in the records of the department. His appointment fills the last vacancy now existing in the grade of inspector.

District Attorney Jerome's expressed view of the appointment of Schmittberger after it was made, was that while Commissioner Greene might by a legal quibble have kept Schmittberger back, the spirit of the law made it necessary for the Commissioner to act as he did. Mr. Jerome said he did not believe that Gen. Greene had any better opinion of Schmittberger than he (Mr. Jerome) had and that he himself had not altered the unfavorable view to which he gave utterance when he learned that Schmittberger headed the eligible list of captains.

"The Schmittberger incident is closed, so far as I am concerned," Mr. Jerome was asked after the news of the appointment was out.

"I didn't say so," he replied.

"I was reported that you were getting evidence against him in his precinct."

"I am not responsible for many of the statements made concerning my actions. However, Schmittberger is an inspector. That incident is closed."

"Do you not think that some of the captains over whom he will take command may object?"

"They may, but that's all the good it will do them. Their case is like that of the prosecution when it takes an exception. It don't count."

Dr. Parkhurst was elated last night over the appointment and he told Capt. Schmittberger who visited him at his home. Dr. Parkhurst said later to reporters:

There is a great deal more in this matter than is known to more than four individuals. The matter referred to I do not divulge, and it probably never will be divulged. The inspector earned promotion and I believe he will be faithful in the discharge of the larger responsibilities that will devolve upon him. I want to say once more what I have said before, that I am in a situation to declare without qualification that President Roosevelt's action in this matter has been absolutely without a shadow of inconsistency. I am not allowed to prove this point, but I can prove it. I have documents to prove it and the community must take my word for it."

Dr. Parkhurst refused to talk further about the great Schmittberger secret, nor would he tell the names of the four men who knew it.

In the recent controversy Gen. Greene had several conferences with Recorder Goff, who was the counsel for the Lexow Committee, who brought out on the stand Schmittberger's now famous blackmail story. The Recorder told Gen. Greene that for obvious reasons he preferred not to appear in the dispute over Schmittberger, but if the Commissioner deemed it necessary he would state his view of the case as clearly as possible. The Recorder then wrote this letter on the subject, which, with the Recorder's permission, the Commissioner made public yesterday, saying that it had been a very important factor in his decision.

Gen. F. V. Greene, Commissioner of Police:

MY DEAR SIR: In response to your request to me to state, in writing, "the nature and extent of the immunity which was promised to Capt. Schmittberger after he had been indicted at the time of the Lexow investigation," I beg leave to say that previous to Capt. Schmittberger's taking the stand as a witness before the Senate Committee, he, in presence of his counsel, Mr. Howe, was promised that if he would make a full confession of his part in, and knowledge of, blackmailing practices, he would receive immunity from prosecution of the indictment then pending against him and for all acts of an incriminating nature which he, in his testimony, might admit he had committed as a police officer; and also that, so far as the influence of the committee extended, he would be protected from any oppression or harassment to which he might be subjected in the department because of his having testified before the committee. I have the honor to be, very truly yours,

Feb. 11, 1903. JOHN W. GOFF.

Of President Roosevelt's attitude in the Schmittberger controversy Gen. Greene said yesterday:

When I talked with the President we did not discuss the propriety of the appointment of Capt. Schmittberger, but I think I may fairly state that the President's attitude was that at the time he was Police Commissioner he was entirely satisfied with Schmittberger, and as to what has happened since he had no knowledge. That explains his two letters. The first was written at Capt. Schmittberger's request and merely stated that he could refer to the President as to his services at the time Mr. Roosevelt was Commissioner. The second letter to me was meant to convey the fact that the President had great confidence in Mr. Philbin's judgment.

The appointments came as a relief to Mulberry street. Acting Inspector Walsh, whom Commissioner Greene would have liked to promote, but who failed to pass the examination, still remains in command of the Fourth district, which includes the Tenderloin. This vacancy is caused by the suspension of Inspector Cross, who is soon to be put on trial. It cannot be filled by a regular inspector until the Cross case has been decided.

Capt. Schmittberger's personality and record have been canvassed fully in the last three weeks. Capt. Titus has been more or less fortunate in the face of what seemed adversity. In 1895 he was reduced from a high place in the Detective Bureau to patrol duty in The Bronx. He was soon made a roundsman and later was promoted to a sergeantcy by Commissioner Roosevelt. Only last month he was removed from the Detective Bureau.

VICE CRUSADE IN ST. LOUIS.

Soviner Brothers, Said to Have Been Driven From New York, Indicted There.

ST. LOUIS, Mo., March 2.—Late this afternoon the February Grand Jury made a partial report, returning two indictments against Police Captain Samuel Boyd of the Fourth district charging neglect of duty. The indictments returned were the result of investigation into what has become known as the "vice syndicate," located on North Twelfth street. Young girls were brought from New York and other cities, ostensibly to take good places here, but were taken to these dens and held prisoners.

The Soviner brothers, who were driven from New York city as the result of the crusade there, were the principals who ran the "vice syndicate." They are under indictment, as are two of their henchmen. It was shown that the police winked at the business. It has also developed that within 200 feet of Soviner's resort 450 illegal voters registered and were permitted to exercise the franchise in the November election.

The Soviners belong to the Jefferson Club, the Western Tammany, and seem to have the fullest police protection.

AMEN CORNER DINNER

In Honor of All the Great Men, Not Any One Only.

The Amen Corner, desiring to add strength to the harmony chorus that is now resounding through all the political camps, has decided not to give its dinner this year to any one of the great leaders, but to all of them. This decision was reached at a meeting of the Amen Corner Corporation held at the Fifth Avenue Hotel last night.

The dinner will be given on Friday evening, April 17, at the Fifth Avenue Hotel. The Amenners will invite to the feast not only the bright political minds of all parties, but men of other professions who take a leading part in settling the all important question of "How can we make others better?"

The president is Edward G. Riggs, the treasurer is Luther B. Little and the executive committee are Louis J. Siebold, Walter L. Hawley and Arthur Greaves.

SENATOR MALLORY NAMED.

Appointed by Gov. Jennings to Succeed Himself During an Interim.

JACKSONVILLE, Fla., March 2.—A despatch from Tallahassee says that Gov. W. S. Jennings has appointed Senator S. R. Mallory to be United States Senator to succeed himself. Mr. Mallory's term of office will expire on March 4, 1903. The Legislature does not meet until April 7. On April 21 a successor to Mr. Mallory will be elected. This will leave an interim of one month and seventeen days, during which time the State would have but one Senator if this appointment had not been made.

At the primary last year Mr. Mallory was indorsed for reelection as United States Senator without opposition, and he will be returned.

OBITUARY.

Henry W. Colston, a veteran newspaper man, died on Sunday at the home of his son, Henry I. Colston, at 206 Ninth street, Jersey City. He was born at Carthage, Jefferson county, this State, on Feb. 19, 1827. He went to Albany in 1847 with a letter of introduction to Thurlow Weed, editor of the Albany Evening Journal. Mr. Weed gave the young man a letter to Horace Greeley. He became a reporter on the Tribune in 1852. Later he was a war correspondent. He subsequently was employed in the composing room of THE SUN for twenty years. At one time he supplied all the shipping news to the metropolitan papers.

Robert James Turnbull died yesterday at his residence, 4 West Forty-seventh street, in his seventieth year. Mr. Turnbull was born in West Chester and became a large planter in Mississippi. His plantations were at Duckneckly, Miss., where he lived part of the time. His New York office was at 147 Pulitzer street. Mr. Turnbull was a member of the Knickerbocker Club, the Country Club of West Chester and also of the American Geographical Society.

George H. Chamberlain, who was formerly engaged in the real estate business in Brooklyn and who aided largely in the development of the Bedford district, died on Sunday at St. Luke's Hospital, Manhattan, in his seventy-first year. A widow and two daughters survive him.

INSPECTOR M'LAUGHLIN NEXT

RENEWED REPORTS THAT HIS HEAD IS IN DANGER.

Meanwhile He Keeps on Raiding Over the Head of Captain Shire—Got Into a House Last Night and Telephoned to the Captain to Send the Wagon.

When Police Inspector W. W. McLaughlin was brought over from Brooklyn several weeks ago and put in charge of the Fourth Inspection district in Manhattan the wise people of Mulberry street said:

"They've brought McLaughlin over from Brooklyn to give them a better chance to put him on trial."

A Judge in the Criminal Courts Building who foreshadowed the confession of ex-Wardman Bissert on the day of Bisserts reappearance in town and a week before the fact of his having confessed was made public, said yesterday:

"It looks to me as if the next step of the reformers would be to prefer charges against Inspector McLaughlin."

Yesterday morning District Attorney Jerome said that he was inclined, from what he read, to believe that Magistrate Crane's lecture to Capt. Gorman of the Mercer street station for making wholesale raids on Saturday night and imprisoning a great number of persons was based on common sense, because, he said, "too many arrests are made without proper justification."

Then he turned his attention to the arrest made by Inspector McLaughlin in a raid on a disorderly house in Lexington avenue near Thirty-third street a few days ago.

"They offer a striking example of arrests made without justification," he said.

Meanwhile Inspector McLaughlin has been one of the busiest policemen in the city, according to those who have been watching him. He has kept the captains of his district generally on the move and when he saw a captain who seemed to be inclined to be slow, he went for that captain's head.

Early in the campaign he singled out Capt. Shire's East Thirty-fifth street precinct as a place to make raids in. He raided one disorderly house over Shire's head the other day, and although the prisoners were discharged because of lack of evidence, McLaughlin went right ahead and raided another in the same way last night.

The house raided last night was in Fourth avenue near Thirtieth street, and Mulberry street says the place has been running for eighteen years undisturbed. McLaughlin's friends say that he warned Shire several times both verbally and in writing that the place was running.

Shire didn't raid it, so last night, on warrants granted on evidence got by two men of the inspector's own staff, McLaughlin took twenty-five men to the house and arrested everybody in the place.

Having raided it he searched the place until he found the telephone. Getting a connection through the Police Headquarters telephone switchboard with the East Thirty-fifth street station, McLaughlin and Shire had this conversation:

McLaughlin—Is this Capt. Shire?

Shire—Yes, sir. What is it?

McLaughlin—We have just raided that disorderly house in Fourth avenue near Thirtieth street. Send around your patrol wagon and get the prisoners. Good-by.

Which is taken by Mulberry street to mean that if McLaughlin is ever hard pressed he will hit somebody else's head right away.

In the house McLaughlin and his men made nine prisoners. The proprietor, Mrs. Fannie Parsons, who says she is 58 years old, was in an invalid's chair and said she was too ill to be moved, so they left her there under guard. Beside her and the housekeeper, a Mrs. Munroe, the McLaughlin forces found six women and one man.

One of the women had just arrived in a cab with a man who says he is Thomas Calhoun of Philadelphia. The woman declared that she was married and lived in Jersey City. From the way she wept and carried on the detectives were led to believe that she told the truth.

Several of the five other younger women, who were all in street apparel, declared that they were married and that if they were arrested their husbands would make all sorts of trouble. They wore lots of diamonds and good clothes.

METHODISTS LAUD ROOSEVELT.

Praise Him for His Letter Regarding Negro Appointments.

CINCINNATI, March 2.—The Methodist Ministers' Association to-day sent this resolution to President Roosevelt:

The ministers of the Methodist Episcopal Church in Cincinnati and vicinity, in their weekly meeting assembled, hereby record their grateful appreciation of the attitude taken by President Roosevelt in his letter published this day, March 2, 1903, concerning certain phases of the Afro-American problem in the South. We rejoice in the sanity, the courage, the temperateness and the humanness which appear in the utterances of our beloved President on this theme, and pray for God's blessing upon him in all his burdens and trials. We direct Bishop Walden, representing our action, to forward this resolution to the President.

LEVY GILBERT,
W. P. THIRKIELD,
J. P. YOUNG.

A paper by the Rev. W. H. Riley, head of the Colored Deaconess Home on Walnut Hills, stirred some of the Methodist officials who were present to utter their sentiments on the negro question. The first speaker, Secretary W. P. Thirkield of the Freedman's Aid Society, said:

"The real negro problem will be to-morrow, if it is not to-day, in the North. In stating that there is need of colored deaconesses I can simply point to the startling increase of negro immigration northward and its attendant evils. With their weak natures untrained to city life, they are flocking into our cities and contributing in an appalling degree to the immorality. With 8,000,000 negroes in America to-day, we shall have 20,000,000 to-morrow and 40,000,000 day after to-morrow.

"Fifteen years ago I thought I knew something about the negro problem, but to-day, after spending my life in the work, I say I am perplexed and at sea."

Bishop J. M. Walden also gave an impassioned address. At the close of the meeting Bishop Walden urged all the ministers to join the movement for civic righteousness.

"We can join this movement," he said, "without fear of mixing up in politics."

WABASH EMPLOYEES TO STRIKE.

Railroad Company Refuses the Demand for Higher Wages.

ST. LOUIS, Mo., March 2.—It looks very much as though the Wabash Railroad was to be confronted with a strike, beginning at noon to-morrow. The demands of the men for an advance has been denied by the management, and this afternoon they replied with the alternative, "more money or the men will be called out Tuesday noon."

President Ramsey told the employees that it was impossible for the company to pay the advance they asked for, and if they went out on a strike the company would do the best it could to get men to operate the road without their services. In other words, it is up to the men whether there will be a strike or not. It is known that the majority favor drastic measures.

Wabash officials are making every effort to meet the crisis which confronts them.

Nine Years Granite Wage Scale Signed.

MONTPELIER, Vt., March 2.—Representatives of the Granite Manufacturers' Association of Barre have signed the new bill of prices with committees from the cutters, tool sharpeners, polishers, lumpers, hoisters and derrickmen. The new bill goes into effect at once and runs for five years. By the schedule 34,000 men in Barre and about 400 in this city will receive an increase of wages.

THE APPROPRIATION BILLS.

Conferees on Four of Them Agree; Only Two in Dispute.

WASHINGTON, March 2.—Four of the six great appropriation bills remaining were disposed of to-day by the agreement of the conferees, leaving two yet in dispute.

The Agricultural, the Fortifications and the Post Office bills have gone to the President and the Sundry Civil bill awaits the adoption of the conference report. The General Deficiency and the Naval Appropriation bills are still in the hands of the conferees.

The Deficiency bill contains no amendments that should provoke a long contest, except perhaps the $3,000,000 appropriated for the increased cost of public buildings authorized by the omnibus Public Buildings bill.

The naval conferees, on the other hand, are in deadlock on the question of battleships—whether there shall be three ships of 16,000 tons each, as the House provided, or four of 12,000 tons each, as the Senate amended it. The conferees are holding out for their respective contentions, but no fear is expressed that a compromise of some sort will not eventually be reached.

Most of the amendments made by the Senate to the Agricultural bill were unimportant, with the exception of an appropriation of $500,000 toward the eradication of the foot and mouth disease, which remains in the bill.

TUNNEL CASE IN SUPREME COURT

Mr. Evarts Moves That It Be Advanced for Argument.

WASHINGTON, March 2.—Mr. Evarts moved in the Supreme Court to-day to advance for oral argument the case of Charles T. Barney vs. the City of New York, the Board of Rapid Transit Commissioners and the contractors for building the subway in New York, presenting the question of liability for the damages caused to houses on Park avenue by the building of the subway, and the question of injunction to prevent further construction and the filling up of the tunnel on the ground that it was unauthorized.

Barney brought suit in the Federal District Court for injunction and damages, on the ground that the tunnel, as being constructed, was unauthorized and was not being built in accordance with the general plan of construction approved by the Appellate Division of the Supreme Court and consented to by him, the easterly wall of said tunnel, instead of being 37 feet and 6 inches from the building line of the house on the east side of Park avenue was within 7 feet thereof.

In a memorandum supporting the motion to advance, Mr. Evarts said:

The court below found the tunnel as constructed to be illegal and without authority of law, but denied the application for an injunction and dismissed the cause for want of jurisdiction, upon the ground that the unauthorized construction of the tunnel by the Rapid Transit Commissioners was not an act of the State of New York, but was the act of the appellees in their character of private individuals and trespassers.

In other words, the court held that the acts of the Commissioners in building the tunnel in an authorized manner and in accordance with the plan approved by the Appellate Division were the acts of the State of New York, but that the moment they constructed the tunnel in an unauthorized and improper manner, then they ceased to be clothed with the power and authority of the State, assumed their characters as individuals and became trespassers. * * *

The question presented is a novel one of importance never directly determined by this court: Is a person whose property is being taken from him in violation of the provisions of the Constitution of the United States by persons clothed with the power of a State by an act of the Legislature precluded from seeking the jurisdiction of a Federal Court, upon the theory that such appointees of the State acted as individuals when they undertook to perform in an unauthorized manner the duty imposed upon them by the State.

The court took the application under advisement.

JUSTICE DAY ON THE BENCH.

Inducted Into Office and Takes His Seat in U. S. Supreme Court.

WASHINGTON, March 2.—Mr. Justice Day, succeeding Justice George Shiras, Jr., was inducted into office as an Associate Justice of the Supreme Court of the United States to-day in the presence of a crowd of members of the bar and visitors that filled the historic court chamber to overflowing. The oath, which differs from that usually taken by officers, in that the Justice swears to do exact justice between rich and poor, without fear or favor, was administered by Clerk McKenny.

The new Justice appeared with his associates, taking a seat beside the clerk while the preliminary formalities were enacted. Chief Justice Fuller announced to the members of the bar that William R. Day of Ohio, who had been appointed to a seat on that bench, was present and ready to take the oath. Clerk McKenny read his commission, and the new Justice read the oath in a clear firm tone, and followed it by kissing the Bible, upon which he made the declaration "so help me God," evidently to the surprise of the clerk.

The Court and audience still standing, Marshal Wright escorted Justice Day to his place at the extreme left of the bench. Here he was welcomed by Justice White to his seat. This ended the ceremony and the business of the Court proceeded.

BACON ASS'T U. S. TREASURER?

Talk That Former Partner in J. P. Morgan & Co. May Get Post.

WASHINGTON, March 2.—There was talk here to-day that Robert Bacon, formerly of the firm of J. P. Morgan & Co., might be asked to accept the post of Assistant Treasurer of the United States, to succeed the late Conrad N. Jordan, in New York. Several Senators are said to have recommended Mr. Bacon for the post. Whether or not he has indicated his own views on the acceptance or refusal of the place is not known.

It was understood in Wall Street yesterday that Senators Platt and Depew had either recommended Mr. Bacon's nomination to the President or would do so. There was a question in the minds of Mr. Bacon's friends in this city as to whether he would accept the appointment if it were offered to him. He is now at Aiken, S. C., and practically free from the cares of active business. He is a very rich man. The Assistant Treasurer has to file bonds of $500,000 and is liable for the honesty of the employees of the Sub-Treasury. His salary is $6,000 a year.

Mr. Bacon was a classmate of President Roosevelt at Harvard.

Movements of Naval Vessels.

WASHINGTON, March 2.—The battleships Alabama and Texas and the training ship Prairie have arrived at Pensacola, the battleship Kentucky (flagship of Rear-Admiral Evans) at Singapore, the gunboat Vicksburg at San Juan, the gunboat Celtic at Canton, the collier Hannibal at Charleston, and the destroyer Dahlgren at New London.

The training ship Hartford has sailed from San Juan for Key West, the collier Nero from Colombo for Aden, the training ship Alliance from Trinidad for St. Christopher, the monitor Amphitrite from Newport for New London, the collier Sterling from Newport for Baltimore, the monitor Puritan from Newport News for Yorktown, and the gunboat Gloucester from San Juan for Trinidad.

To Practice in the Supreme Court.

WASHINGTON, March 2.—Lee S. Overman, the new Senator from North Carolina, and E. B. Dole, Attorney-General of Hawaii, were admitted to practice in the Supreme Court of the United States to-day.

HITS LAX LAW ENFORCEMENT.

JUSTICE DAVIS COMMENTS ON THE LOW ADMINISTRATION.

Calls for "No Temporizing With Police Corruption" and Refers to a "Bargain for Lax Enforcement of Law"—Nixon Predicts Tammany'll Win Next Time

Mayor Low's "liberal" enforcement of the Excise law came in for a few words of comment from Supreme Court Justice Vernon M. Davis at the dinner of the Democratic Club of the Thirty-first Assembly district last night. Justice Davis referred to "temporizing with corrupt police administration" and to bargains for the lax enforcement of the laws.

The dinner was held at the Harlem Casino and was attended by a group of Tammany district leaders and by Leader Murphy. Among the guests were Supreme Court Justices Bischoff, Dugro, Fitzgerald, Giegerich, Gildersleeve, Leventritt, McLean, O'Gorman, Scott, Truax, Amend and McCall. Other guests were Charles W. Dayton, Lewis Nixon, Senator Fitzgerald, Borough President Haffen and Daniel F. McMahon. John T. Martin was toastmaster. When Justice Davis was introduced he said:

Party lines are probably less defined in this section than in any other part of our great city. Party watchwords have very little power here. Organizations have been and can be saved or defeated by the independent votes of this district. It was a realization of such a condition of affairs that led the Democratic organization of the Thirty-first Assembly district to form a club, whose guests assemble here to-night.

Two campaigns have passed since the formation of this club. It is to the honor of the members of this club that it bore the burdens of presenting to the voters of this district the issues of these campaigns. Their hard work, careful preparation of argument and intelligent discussion of public questions of great importance did much to bring about a complete political change in the district, and send to the Assembly a representative of the Democratic organization. I will say to you that you are approaching campaigns still more important, when questions even more intricate are to be discussed. These are problems of municipal government, upon the correct solution of which depend the success of our city government and the comfort of our citizens.

Police administration, financial policies, the question of assessment of real estate, municipal ownership, public school administration and the enforcement of law—not the liberal enforcement, but the actual enforcement of law irrespective of personal or political consequences—all these are even now burning issues demanding immediate settlement. They cannot be settled rightly without intelligent study and discussion. I have no doubt that the members of this club, belonging as they do to the great Democratic party, will be equal to this task, and will be the means of obtaining for their party the respect and support of others. But it will not do to be on the wrong side of these questions or to be insincere on the right side. There should be no temporizing with corrupt police administration, no bargain for lax enforcement of law, and no illiberal treatment of our public educational system that may cripple or destroy the present well-balanced plan of primary, secondary and collegiate education soon to be the crowning glory of our municipality.

I believe that the present administration of the Democratic organization will stand for all that is good in municipal government. So long as it does it will deserve power. When it ceases to do that it will deserve failure, and will surely meet it.

Justice Davis warned the company not to make the mistake of insisting that the present municipal administration was wholly a failure. The administration has made many mistakes, he said, but it should be criticised with discrimination.

Lewis Nixon, who in the matter of applause divided the honors of the evening with Leader Murphy, was the last speaker. He said that the Republicans had allowed the 40-foot channel proposition for New York Harbor to lag and that they had now denied to New York a new Post Office. He also said that he had been in the South and West and that everywhere people asked him about Tammany Hall. He told them, he said, that Tammany Hall under its present leadership was one of the great powers for good in the United States.

Mr. Nixon predicted a victory for Tammany at the next election.

WASHINGTON SOCIETY.

Engagement of Admiral Evans's Daughter Announced.

WASHINGTON, March 2.—The engagement is announced here of Miss Virginia Evans, daughter of Rear Admiral Roble D. Evans, to Mr. Harold Ingalls Sewall of Boston. Admiral Evans is now in the Philippines and Miss Evans is with him. The marriage will take place in Japan, probably in the spring.

Mrs. Roosevelt returned to Washington this morning from a few days' visit with her sons at Groton, Mass. She is much improved by the rest and change.

Mrs. Charles W. Fairbanks, president-general of the D. A. R., is so exhausted by the recent congress held in this city that she will leave for Florida to-morrow for a long rest.

Capt. and Mrs. Warren Beach of New York have returned to their Washington house in H street for a part of the spring months.

Señor Don Jorge de Zalles and Señora de Zalles, of the Bolivian legation, gave a theatre party and supper to-night.

Mr. Harry K. Thaw gave a large dinner to-night in compliment to the Earl of Yarmouth and Mr. Thaw's sister, Miss Thaw.

Mrs. Payne, wife of the Postmaster-General, gave a luncheon to-day for young people, friends of her niece, Miss Louise Van Dyke Jones, who has spent the winter with her.

MAY TAX PULLMAN CARS.

A Mississippi Law Upheld by the Supreme Court.

WASHINGTON, March 2.—The law of Mississippi imposing a tax upon sleeping cars running through the State, attacked by the Pullman company, was sustained by the Supreme Court to-day.

It was objected by the Pullman company that the local travel in its cars within the limits of the State, if subjected to the tax, would be carried at a loss, thus entailing a burden upon the interstate travel in the cars, which it was set up would be an unwarranted interference with interstate commerce.

The Supreme Court of Mississippi, however, said that it was optional with the company to carry local passengers, and that being the case, said Mr. Justice Holmes announcing the opinion and judgment of the court, there was no interference with, or burden laid on, interstate commerce, and the judgment of the State courts sustaining the Constitutionality of the tax law must be affirmed.

Named by the President.

WASHINGTON, March 2.—The President to-day sent to the Senate the following nominations:

To be Receiver of Public Moneys—John Rees, at Broken Bow, Neb.

Navy: To be Assistant Naval Constructor—Midshipman Clayton M. Simmers.

To be Surveyor-General of Colorado—John F. Vivian of Colorado.

To be Consul—Edwin S. Cunningham, at Bergen, Norway.

SHOT COPSAKER AT BURGLAR.

Then Sent Downstairs With a Slug on the Head From the Sculle Door.

A burglar got into the room of Frederick Sumner, at 49 West Forty-sixth street, about 5 o'clock on Sunday morning, having entered the house by the skylight. Mr. Sumner awoke and made a noise that frightened the burglar, who fled. Mr. Sumner reached under his pillow for a revolver and gave chase. He saw the burglar run into a maid's room and he followed. The burglar dodged through the room into a back hall and up the steps of a ladder leading to a scuttle. He was disappearing across the sky line when Mr. Sumner reached the ladder and fired a shot up at him. The burglar hanged the scuttle down on Mr. Sumner's head, and knocked him down senseless, and no more particulars are known to the police.

LIVE TOPICS ABOUT TOWN.

The woman who trapped her husband a few days ago by mimicking another woman's voice over the telephone has made it mighty uncomfortable for another citizen who is well known in Wall Street. This man bears the same name as do the couple who figured in the episode. It is not a name frequently heard. In fact, it is so uncommon that, once introduced to its owner, one would have little trouble in remembering it.

The man who was trapped by his wife is a clerk in a Wall Street broker's office and comes from a little town in Iowa. The man who has suffered so much annoyance on the other's account hails from Ohio and has large interests in Wall Street.

The minute he read the stories of his namesake's troubles the innocent man realized that he would have considerable explaining to do to convince his acquaintances that he was not the person mixed up in the scrape. It was the more certain, because it so happens that his wife is now abroad. He is having all the trouble he expected.

The first friend he met gave him an icy glare. Without deigning to notice it, he began to explain that he was not the man who had trouble with his wife. He is still explaining, but his friends pretend that they don't believe him. If the man from Iowa ever meets the man from Ohio there will be a fight.

If anybody says that cigarette smoking among women is not increasing in this city don't believe him. A woman, who looked anything but fast, went to the box office of Wallack's Theatre the other night.

"Has any one found a gold cigarette case in the theatre?" she asked. "I think I lost it here."

"No article of that kind has been reported found," said the treasurer.

"Well, if any one finds it, please save it for me?" asked the woman. "It had 'J. C.' on the outside and Sweets on the inside, and I wouldn't lose it for all the world."

The jolliest automobile parties to be seen anywhere in this city start from the big salesrooms and storage stables in the vicinity of the Metropolitan Opera House. These automobilists do their riding at night, and it is no uncommon sight to see eight or ten girls crowded into a devil wagon and going at a good speed up Eighth avenue toward Central Park. The girls ride by courtesy of the chauffeur, and these persons are mighty popular in the neighborhood of the storage stables. Many a girl living nearby, who ordinarily rides only in street cars, can count on an auto ride at night. Of course, the owners of the automobiles don't know it, but then chauffeurs have some privileges which automobile owners are not supposed to know about.

Two men were dining in a Broadway restaurant, and another man, whom both knew, joined them.

"Didn't see you at the Morgue last night," said one of the men to the newcomer.

"I didn't get around last night," said the man.

"In heaven's name, what were you fellows doing at the Morgue?" asked the third man much mystified.

"Oh, that's the name we have for our club," said both men in chorus.

"What's your club?" inquired the inquisitive one.

"The Reform," replied both men, grinning.

A new philanthropist has appeared in town. On Sunday night he went to Madison Square and corralled about one hundred or so of the hoboes who were dozing on the benches in the park. After preaching a little sermon to them he marched them over to the little asphalt square between Broadway and Fifth avenue and lined them in single file along the edge of the sidewalk. Then mounting a soapbox on the Broadway side of the square, about fifteen feet from the line of homeless ones, he addressed the pedestrians who strolled by.

It wasn't long before he had collected a large audience whom he enlightened on the subjects of "freely giving" and casting bread upon the waters. Then he pointed to the line-up as worthy objects in need of food and sleep. The crowd seemed to think the charity worth while and dropped into the speaker's hat many coins. Even the policemen who at first seemed to think of stopping the address went down into their pockets and helped the good work along.

When the hat was half full of pennies and small silver the orator descended from his box and walking along the line gave each of those he had gathered the price of a bed and a meal. Before he had quite reached the end of the line the money had run out so those remaining were helped from his own pocket. Picking up his soap box the speaker then went westward and was soon lost to view. The policemen said they didn't know who he was.

Since the installation of electricity as the motive power on the elevated and the lengthening of the trains the guards in the last cars have developed an annoying habit of haste. The motormen can now stop trains so quickly that it is difficult for would-be passengers to gauge just where the train will stop.

It is now no uncommon occurrence for a group of men and women to be caught midway between the front and rear entrances of one of the last two cars. If they rush to the rear they find the gate closed and the guard laughing.

"Too late," he says. "I've signalled two bells to go ahead. Hustle up to the front of the car."

The group hurries forward, only to be met with the same advice by another smiling guard. Before they can get to the next car the train has gone.

A little old-fashioned woman, hailing from somewhere up the State, was in the Tenth District Municipal Court the other day as a witness. The building is only three stories high, but the woman balked when it came to going down in the elevator.

"Spose the rope breaks?" she asked the elevator boy. "What is to become of me?"

"Oh, that'll be all right," replied the boy. "This is a patent elevator. It's fixed for just such an accident. It would stop before it fell sixty feet."

"That's the first time I ever felt safe in one of those pesky things," said the woman as she stepped out on the ground floor. "I must tell Hiram about it. What made it stop so quick?"

"She'd have hit bottom," replied the boy. "Goin' up, anybody?"

The small boy has his marbles out and is ready for spring. The heavy rains of Saturday cleared away the snow and yesterday groups of youngsters were seen all over town playing the game. Downtown the boys haven't got much chance, but in Harlem, where there are many vacant lots and dirt spaces between the flagged sidewalks and the house line besides, the small boy is in his glory.

Some time this month Edward Corey is to stand trial for running the Haymarket dance hall at Sixth avenue and Thirtieth street in defiance of the law. Corey opened the Haymarket five years ago when Capt. Chapman was the czar of the Tenderloin. He had no capital, but took in enough money the first night to pay his rent. The building had been vacant so long that it was a musty, ill-smelling place, sadly in need of renovation. When Corey saw he had struck a gold mine he began to spend money in repairs and gradually he fixed the dance hall so that it looked better.

He has made a fortune from the resort, and being frugal enough has salted away his profits in real estate. His home is at Far Rockaway, where he owns some valuable property. Corey is a boyish-looking person who in a crowd would never be picked out as a dive keeper. He dresses modestly, is soft spoken and dodges trouble.

He has only been arrested a few times since he has opened the Haymarket. Whenever he was "wanted" the tipping bureau which used to flourish in the Police Department managed to send him word. Then Corey would disappear until the trouble had blown over.

HAS HER BROKER ARRESTED.

WOMAN ACCUSES WILLIAM ELLIMAN OF STEALING $35,000.

When She Asked Him for Her Securities, She Says, She Found He Had Sold Them Without Authority and Couldn't Pay Her—He's a Church Worker in Flushing

William Elliman, a prominent resident of Flushing, was arrested at his home, 127 Maple avenue, in that village, yesterday morning, on a warrant charging him with the wrongful conversion of $35,000 worth of securities, and taken to the Queens county jail in Long Island City. His accuser is Mrs. Mary I. Nichols of 320 Central Park West, Manhattan, and the warrant was issued by Justice MacLean of the Supreme Court.

Mr. Elliman is 57 years old and a widower. For years he has been identified with society and public affairs in Flushing. His wife, who died a few years ago, organized the Good Citizenship League of that village, and to-day Mr. Elliman holds the title to the ground and building on which the public library of Flushing stands. He has been active in temperance and religious affairs and has taken an active interest in the Salvation Army. He is a member of the Flushing Congregational Church.

Unfortunate speculation recently reduced him in wealth so that he was compelled to sell his fine house at 86 Jaggar avenue, Flushing. His present difficulty is due to a series of stock operations extending over a number of years. Previous to his death, Mrs. Nichols's husband, William H. Nichols, transacted his business through Mr. Elliman and