UNION KILLING NOT MURDER

ACRITELLI BLAMES FULLER CO. FOR PLAZA HOTEL TRAGEDY.

Should Have Warned Watchmen That the Eighth Floor Was Dangerous With the Iron Gang at Work—A Scheme to Start a Strike—Men Had Done Like Work.

Not only does Coroner Acritelli believe that Michael Butler, special policeman, was not murdered by members of the Housesmiths and Bridgemen's Union in the steel frame of the new Plaza Hotel on July 11, but he is assured that the George A. Fuller Company, contractors for the structural iron work in the building, deserve the censure of a Coroner's jury for allowing the watchmen hired by them to go up to the eighth story of the Plaza building. He says that they are liable to such censure under the employers' liability statute of the State of New York.

This much of his position, and more, the Coroner, who has been holding a secret investigation preliminary to the inquest over the body of Michael Butler, outlined over the bar of his father-in-law's saloon in Fort Hamilton last night. He said:

"It is my opinion and I believe it is also that of Assistant District Attorney Turnbull, who has attended the examination I have been conducting, that Michael Butler was not murdered. Every man whom I have examined says that when the special officers were attacked and found the ladders cut away from the eighth floor, Butler tried to make a getaway by sliding down a column to the floor below. They say he trod on a rotten board there and fell to the sixth floor. Even the employees of the Fuller Company whom I have examined admit that this is probably the truth His body was found fully forty feet to one side of the opening in the eighth floor. If he had been pitched through that opening he would have been found directly below instead of forty feet to one side.

"Now as to the position of the Fuller company in this affair," Coroner Acritelli continued, "the testimony I have heard from O'Toole and Cullen, the other two watchmen who were assaulted at the time Butler met his death, convinces me that the special policemen did not know what a dangerous place they were going to when they went up to the eighth floor of the Plaza Hotel building. They were hired by the Fuller company through the Allied Iron Trades Association and were not told what they were to do. The day they showed up for work Mr. Norris, the superintendent, was not there, but a young assistant told them to go up to the eighth floor. Those were their only orders.

"The eighth floor was a dangerous place, and these watchmen went up there not knowing the danger. The Fuller company is plainly culpable under the employers' liability act for the death of Butler, in that they did not advise him of the danger he faced when he took the job. A week before the Fuller company had engaged the services of six Pinkerton men to go to the Plaza building and check what they asserted was a constant succession of menacing assaults upon the non-union men who were working below the union ironworkers and riveters on the top floors. These men realized the danger in the job and refused to go up to the top floor."

Coroner Acritelli was emphatic in his belief that the Fuller company had conspired to precipitate the outbreak on the part of the housesmiths. The expression of Mr. Acritelli on this point, which had already been published, he explained and expanded.

"I was misquoted by a certain paper two days ago," he said, "but I did not want the young man who interviewed me to lose his job, so I stood for what appeared. What I really want to say is this: There is no doubt that the Fuller company was behind on its contracts in putting up the Plaza building, but under a clause in the contracts it was not to be penalized for time lost through strikes. Those watchmen were put there to foment trouble, start a strike and save the penalties on the contracts.

"The company says it had to put the watchman there to protect non-union workmen on the floor below from falling bolts, tools and boards, dropped by the union men to intimidate the non-union men. At the examination this morning one of the construction company's employees testified that there had been seven assaults committed by union laborers on non-union men in the Plaza building previous to the death of Butler. But the witness could not give one name of a man assaulted. I maintain that the presence of these watchmen on the roof was not for the purpose of protecting non-union men below but for the direct purpose of inciting trouble and a possible strike Butler met his death through the schemes of the Fuller company."

Asked if he depended upon any labor organization or upon union labor votes for his possible continued tenure of office beyond his present term, Mr. Acritelli replied:

"I do not owe my present position to union labor but to Tammany. But I'd rather be reelected by union labor votes than by a campaign contribution from the Fuller company."

Coroner Acritelli's assertions are not undisputed. From sources outside of the Coroner's office it is learned that O'Toole, Cullen and Butler, the watchmen hired by the Fuller company to protect non-union workers in the Plaza building, were far from being unaware of the duty to which they were assigned. Six weeks previously these men had been employed by the Allied Iron Trades Association to do just such work on a building being constructed by Post & McCord, where the phenomenon of falling bolts and bolt hammers had grown so commonplace as to be a menace to non-union workers on the lower floors. When they were employed they were told by Supt. Norris why they had been employed and why they should go up to the eighth floor.

The Coroner's estimate of the seriousness of the trouble at the Plaza building which led the contractors to provide guards for the protection of non-union workers does not tally with that given by Edward Bienecke, material man for the contractors, at yesterday afternoon's star chamber session of the Coroner's examination. Bienecke testified under oath that several non-union men applying for jobs at the building had been assured by union men that it was open shop and then were met by a "reception committee" of union men in the basement, whither they had been directed on the outside, and mercilessly beaten.

It is cited as a coincidence that on the day of the "accident" to Butler no union man would talk of the affair to employees of the company or the press. That night there was a meeting of the union. The next day several union men approached Coroner Acritelli as voluntary witnesses. There are, however, several union men promised to the Coroner as witnesses who have gone on a fishing trip. The union cannot locate them.

Coroner Acritelli will complete his preliminary examination to-morrow. The opening of the inquest has been set for Tuesday.

DEFENDS GOVERNMENT OF INDIA.

Mr. Morley, in Presenting the Budget, Denies That Britain Has Failed There.

Special Cable Despatch to THE SUN.

LONDON, July 20.—In the House of Commons to-day the Right Hon. John Morley, Secretary of State for India, introduced the Indian budget. He said that the string of amendments suggested thereto rather suggested that the government of India was a dead failure, but he did not believe it.

The estimate for the current year was a revenue of £48,800,000 and an expenditure of £48,000,000. Since 1903-04 the salt tax had been reduced by £2,000,000. He would like to see it annihilated, but the officials in India did not agree with him. Mr. Morley added that he would make a present to his Socialist friends by stating that the revenue from the State railways, canals and forests had increased £5,000,000 in five years. The total debt was £214,000,000, of which £154,000,000 had been spent for railways and irrigation, from which had been obtained a sum which would meet the interest four times.

There were those who painted the condition of the people of India in lamentable colors, but the House should remember that the standard of living there was low. India was essentially an agricultural country, with many degrees of fertility. It was a fantastic and ludicrous dream that British institutions could be transplanted in India, but the spirit of these institutions could be transferred.

Mr. Morley concluded by favoring the giving of competent Indians the same higher posts as are given to whites.

FUNERAL OF LADY CURZON.

Body Will Be Taken From London To-morrow for Burial Monday at Kedleston.

Special Cable Despatch to THE SUN.

LONDON, July 20.—The body of Lady Curzon will be removed from 1 Carlton House Terrace, the Curzon residence, on Sunday afternoon to Derby, for interment on Monday at Kedleston, Derbyshire, the seat of Baron Scarsdale, father of Lord Curzon.

Funeral service will be held in St. Margaret's Church, Westminster, simultaneously with the burial at Kedleston.

The report that Lord Curzon is ill is inaccurate. He was eating his dinner when a representative of THE SUN called at his residence this evening. As a matter of fact he is quite well, and under the sad circumstances of his wife's death he is bearing up as well as could be expected.

SENTELL MEMORIAL SERVICE

Held on Southampton Docks—Bodies to Be Shipped on the St. Louis.

Special Cable Despatch to THE SUN.

SOUTHAMPTON, July 20.—The five bodies of the members of the Sentell family who were killed in the railway accident at Salisbury will be placed aboard the American Line steamer St. Louis to-morrow.

An impressive memorial service was held at the Southampton docks this afternoon. It was attended by the American Consul, the Vice-Consul, the officials and Mayor of Southampton and many sympathizers.

Will Tow the Deutschland to Southampton.

Special Cable Despatch to THE SUN.

SOUTHAMPTON, July 20.—Tugs left to-day to tow to Southampton for repairs the Hamburg-Amerrican steamship Deutschland, which was injured in a collision with a pier at Dover last Friday. Harland & Wolff have the contract for the repairs, which it is stated will cost $350,000 and are expected to take two months.

Fifteen Chinese Pirates Rounded Up.

Special Cable Despatch to THE SUN.

HONGKONG, July 20.—Fifteen of the fifty Chinese pirates who attacked the British steamship Sainam near Samshui last Friday, murdered the Rev. Dr. Macdonald, a missionary, and dangerously wounded Capt. Joslyn, the skipper, have been captured. There are hopes of capturing the whole gang.

Rosenberg Is Released.

Special Cable Despatch to THE SUN.

HAMBURG, July 20.—August Rosenberg, the Seattle bricklayer who was arrested at Altona, Prussia, on July 6, on suspicion of being an anarchist, was released from custody to-day, there being no evidence to show that he was an anarchist.

REVENUES OF THE CANAL ZONE.

Large Increase in the Income of the Municipalities Under Gov. Magoon.

WASHINGTON, July 20.—Gov. Magoon has forwarded to the office of the Isthmian Canal Commission here a comparative statement of the receipts and expenditures of the municipalities of the Canal Zone for the first six months of 1906 and 1905. The statement shows a marked increase in the municipal income under the administration of Gov. Magoon and a very healthy financial condition of the cities.

The total municipal receipts for the six months ended June 30, 1906, was $107,357.68, as compared with $45,312.72 during the six months ended June 30, 1905. The statement shows that the greatest item in the receipts is the money derived from liquor licenses, which amounted to $42,145. The remainder of the revenues came from real estate, slaughter and other taxes and from rentals and fines.

The disbursements for the first six months of this year were $70,208, as compared with $72,252 last year. The increase in the receipts for the first six months of the year over the first six months of last year was $62,044 and the increase in expenditures $17,956.

During the first week of July this year a large sum was paid in as advance license taxes and real estate taxes, making the total cash balance in the municipal treasury $150,000 silver, of which of $130,000 is deposited with the treasurer of the Canal Zone.

The Weather.

Cloudy and generally unsettled conditions prevailed yesterday from Kansas, Missouri and the middle Mississippi Valley section eastward over the Ohio Valley and Lake regions to the Atlantic coast.

There were thunderstorms scattered over that district, with heavy rainfall in the western parts. The area of high pressure spread along the Atlantic coast was forcing warmer weather into the Lake region, Ohio Valley and Middle Atlantic States.

It was generally warmer and the weather fair in the extreme Western and Northwestern districts.

In the extreme Southwest a low pressure area was appearing, but thus far had caused no disturbance

In this city the day was fair and warmer; wind fresh southeasterly; average humidity, 74 per cent.; barometer, corrected to read at sea level, at 8 A. M., 30.17; 3 P. M., 30.08.

The temperature yesterday as recorded by the official thermometer is shown in the annexed table:

	1906.	1905.		1906.	1905.
9 A. M.	74°	79°	6 P. M.	78°	84°
12 M.	78°	85°	9 P. M.	78°	77°
3 P. M.	80°	81°	12 Mid.	74°	76°

Highest temperature, 82°, at 2 P. M.

WASHINGTON FORECAST FOR TO-DAY AND TO-MORROW

For eastern New York, the District of Columbia, Maryland, Delaware and New Jersey, thunder showers to-day; fair to-morrow; light to fresh south winds.

For eastern Pennsylvania, thunder showers and cooler to-day; fair to-morrow; light to fresh south to southwest winds.

For New England, showers to-day; fair to-morrow; light to fresh southwest winds.

For western Pennsylvania and western New York, showers to-day; fair to-morrow; light to fresh southwest winds.

MUTUAL SUES ANDY FIELDS.

COMPANY ASKS $1,746,000 CASH AND AN ACCOUNTING.

Lawrence Firm Overpaid on the Vouchers of the Former Head of the Supply Department—Goods Never Delivered in Full as Ordered—Conspiracy Charged.

The Mutual Life Insurance Company through its legal department yesterday served the complaints in its two suits against Andrew C. Fields, the former superintendent of its supply department and the man who expended most of the famous "yellow dog" fund. One suit is for $1,746,000 for the recovery of money lost through his approval of vouchers for stationery, printing, advertising and supplies in excess of their reasonable value.

The complaint says the bills were "grossly and unconscionably in excess" of the actual value.

The second suit is for an accounting for the expenditures of large sums of money for supplies and other purposes for which Fields has not accounted, the amount of which the company says it has no means of determining.

The complaints were served on Henry P. Velte, Fields's attorney, whose office is in the Mutual building.

In the first action the complaint sets forth that Fields was appointed head of the supply department in 1885 and that he held his office until October 14, 1905. It was his duty to obtain supplies by competitive bids so that the prices charged should not be in excess of those charged in the open market. From April 4, 1900, to September 1, 1905, the company paid out on vouchers signed and approved by Fields the sum of $3,746,000.

The charge is made that Fields did not discharge his duties properly by securing bids, but that he "negligently ordered, purchased or procured" supplies at prices "grossly and unconscionably in excess of their fair and reasonable value and vastly greater than the prices for which, by the exercise of reasonable diligence in the performance of his duties, the same could have been obtained in the open market."

The next charge is that the actual value of the supplies should not have exceeded $2,000,000, and that therefore Fields is lawfully indebted to the company in $1,746,000, with interest.

The second complaint charges fraud by conspiracy with the firm of Lysander W. Lawrence and others, who supplied the stationery to the company, by which large sums of money belonging to the company were paid out, the amount of which is unknown to the company. It declares that a large part of this money was received by Fields after he had knowingly permitted it to be taken from the company's treasury "by means of false and fraudulent bills and vouchers, which system was fraudulently and corruptly concerted between the defendant and one L. W. Lawrence and others now unknown" to the Mutual's officers.

Then this charge of false entry in the books is made:

That the defendant caused or knowingly permitted each of the apparent transactions covered by the aforesaid fraudulent bills and vouchers to be falsely and fraudulently recorded in the books of account and other records of the plaintiff in accordance with the false statements contained upon the faces of such bills and vouchers and not in accordance with the true facts of the sums paid out thereon.

The next charge is that Fields failed to enter in the books receipts of moneys ("yellow dog" supplies) he had received from the treasury and that he has refused to account for them since. The company says it has no means of information as to these exact sums and then adds that many expenditures were made or permitted to be made by Fields which "were not lawfully chargeable to the company, but were for purposes unlawful, improvident and beyond the power of the plaintiff as a corporation and constituted a waste of the assets of the plaintiff."

Then comes a specific charge showing how the money was taken. The complaint says that on August 8, 1905, the Lawrence firm received $350 for supplying 10,000 copies of the annual report of the company and that only 5,000 copies were delivered. The Lawrence firm had never paid back the $175 excess it received. The complaint gives this table of fraudulent bills and supplies:

Date. 1900.	Description.	Quantity ordered.	Quantity charged.
Aug. 8	Views of home building	5,000	10,000
Aug. 8	Special policies	5,000	10,000
Sept. 9	Copies rules to agents	1,000	2,000
Sept. 2	Copies non-participating rates	10,000	15,000
March 6 to April 10	First book for agents	10,000	20,000
March 22	Views of building	58,200	93,500
March 22	Annual reports with covers	51,000	77,000
April 24 to May 17	Condensed annual reports and envelopes	250,000	300,000

The complaint says that some of the bills for these were from the Lawrence firm and some from the Globe Printing Company, which was a concern owned by the Lawrence firm. The complaint demands an accounting "for all expenditures made by Fields" or his accomplices of the company's moneys and asks the court to fix the amount.

MUTUAL CORRECTING ITS LIST.

The One Sent to Albany Was Inaccurate and Incomplete.

The Mutual Life Insurance Company is preparing a new list of its policyholders for its own use in sending out literature as well as the official ballots for the coming election. The lists are being prepared by the stencil process which the New York Life and the Equitable used in making their lists to be filed in Albany. The Mutual's lists filed in Albany are typewritten, and the additional expense is now being incurred of preparing the new list at $20 a thousand names. The other companies paid $15 a thousand names for the work.

The charge is made by the international policyholders' committee that the new list is being prepared so that in time the company will have a correct list of the policyholders, while the opposition, depending entirely upon the defective list filed at Albany, will be unable to secure the correct addresses of many thousands of policyholders and thus will be unable to reach them with its appeals for support.

The Mutual's stencil list is being made by 100 machines in the company's building. It is being made up from the list that was filed in Albany. The company kept no general list of its policyholders in its main office, but relied on its agents to send out notices to the various policyholders. These agents were asked to send in a list to the office for the preparation of the list to be filed in Albany. They sent in the names with thousands of them in incomplete form. These were sent to an addressing company and further errors were made, so that when the Albany list was filed it was inaccurate and incomplete. It represented, however, all the addresses which the company officials say they were able to secure.

The plan now is to take that list which was sent to Albany and send out President Peabody's letter to agents, in which he said that the management had its hand "deep down" in control of affairs, with a return date on the envelope. The circulars that are returned will indicate the incomplete addresses. With those as a basis the company will make use of its agents to get corrections, so that in a few weeks it is expected an accurate list will be obtained by the company.

Whether the new stencil list will be filed in Albany to take the place of the present incomplete list is not known. It was said yesterday, however, that the Mutual was considering the advisability of tendering the international policyholders' committee a duplicate of the stencil list with the corrected addresses as fast as they come in under the plan of getting a correct list.

Samuel Untermyer, counsel for the International Policyholders' Committee, has accepted the offer of the New York Life Insurance Company to give it a copy of the list of the policyholders of the company as filed with the Insurance Superintendent at Albany. Vice-President Thomas A. Buckner of the New York Life wrote on July 16 to Richard Olney, chairman of the opposition committee, making the offer. In accepting the offer Mr. Untermyer pointed out that efforts to get this list had met with failure on previous occasions.

CHURCHILL OPENS CAMPAIGN.

Novelist Begins New Hampshire Fight With Attack on Boston & Maine R. R.

CONCORD, N. H., July 20.—The campaign of Winston Churchill for the nomination as Republican candidate for Governor on an anti-Boston and Maine Railroad platform was opened to-night by the Lincoln Club of New Hampshire.

The meeting was presided over by the Hon. James W. Remick, formerly a judge in the State Supreme Court, from which bench he resigned for business reasons.

Judge Remick said that "nominations, elections and legislation have been very largely dictated by the Boston and Maine Railroad and its New Hampshire representatives and pass holders."

The chief address of the evening was by Winston Churchill. He spoke for an hour and a half. He said:

"We are trying to do for New Hampshire what Theodore Roosevelt is doing for the United States. The same fight is being fought in some of our more courageous sister States. It has been practically won in Wisconsin. Senator Colby is going to win in New Jersey, and it is being fought in New York and Pennsylvania. The fight is going to be won eventually all over the United States.

"When I first arrived in Concord I could see no sign of malevolent control by a corporation. The Legislature looked like a Sunday school." Churchill then described how his eyes were opened; how he awoke to the fact that the guidance of legislation was in the hands of gentlemen "in some way connected with the Boston and Maine Railroad." "In short," he added, "it is not difficult to prove that every member of the political lobby or machine in the State is directly or indirectly in the employ of this railroad."

Churchill said he was once asked by a high official of the Boston and Maine Railroad his opinion of free passes.

"I told him frankly," said Col. Churchill, "and the official retorted, 'Why don't you send back your pass?' and I said I had thrown it into the waste paper basket."

KINGS COUNTY UNCOMMITTED.

Timothy L. Woodruff Says the Republicans Are Unpledged for Governor.

Ex-Lieut.-Gov. Timothy L. Woodruff started for his camp in the Adirondacks yesterday afternoon. In speaking of the Kings county Republican organization, of which he is the leader, he said:

"I am having no fight with any one in the Kings county organization and I know of no one who is fighting me. The Kings county organization, I believe, has only one purpose, and that is the welfare of the Republican party in the largest and best sense. In the State convention it will be for the man who will bring the greatest credit to the party. I expect to go to the convention with a delegation which will act not in the interest of any one man or set of men, but for the welfare and credit of the Republican party in this State and in the nation. The Kings county Republican organization is not committed to anybody or anything."

Col. Michael J. Dady, who would be pleased to wrest the Republican leadership from Mr. Woodruff, is in Cuba looking after his contracts. He has already announced that he will have a majority of the delegates to the State convention from Kings county.

To a question as to whether he would stop off at Albany on his way to his camp to see Gov. Higgins, Mr. Woodruff said he didn't know what he would do. He also declined to deny or affirm a report that he had invited Gov. Higgins to be his guest for a few days at Kamp Kill Kare.

FIGHT AGAINST QUIGG KEEPS UP.

Contest Hot for the Control of the New Fifteenth District.

Lemuel E. Quigg will have to fight at the coming primaries for the control of the new Fifteenth Assembly district which takes in the greater part of the old Nineteenth, for several years dominated by Mr. Quigg.

At the head of the opposition is ex-Congressman William H. Douglas, Mr. Quigg's ancient foe in the old Nineteenth. The anti-Quigg forces have opened headquarters at 256 West Eighty-first street.

The candidate who will be put forward to oppose Theodore P. Gilman, Quigg's man and the present leader of the old Nineteenth district, is Harry W. Mack. Mr. Mack has been one of Mr. Douglas's chief lieutenants in the campaigns made by the former Congressman against Quigg.

Ten Jurors Obtained for John W. Neff's Trial

WARSAW, N. Y., July 20.—Ten jurors have been secured for the trial of John W. Neff, the former auditor of Erie county, who is indicted on a grafting charge. The big panel of farmer talesmen is exhausted. Another has been ordered drawn, but the Court is so sorry for the farmers, whose fields demand all their attention now, that the trial has been adjourned till Monday morning. The new jury now consists of eight farmers, a blacksmith and a liveryman. The first jury, which had to be discharged because of technical defect in the record, was made up of eleven farmers and a blacksmith.

OBITUARY.

Brig.-Gen. Edmund Rice, U. S. A., retired, died suddenly at Wakefield, Mass., yesterday, of heart failure. He was 65 years old. Gen. Rice was one of the best known military men in New England. In the Spanish war when trouble among the officers of the Sixth Massachusetts Regiment in Porto Rico threatened to disrupt the command, President McKinley appointed Rice its Colonel and he transformed it into an efficient organization. Col. Rice raised and commanded the Twenty-sixth Volunteers, recruited in New England, which did good service in the Philippines.

Mary A. Low Worcester, widow of Edwin Dean Worcester, for many years secretary of the New York Central and Hudson River Railroad, died yesterday in Stonington, Conn. She was 76 years old. The funeral will be held on Monday in Stonington.

Children do not seem to mind the heat, but it affects them just the same. Give them

Welch's Grape Juice

when they are tired and hot and thirsty. It is more than refreshing. It is permanently beneficial.

Sold by druggists and grocers everywhere. Write us for free book of recipes. Welch Grape Juice Co., Westfield, N. Y.

OLCOTT KEEPS THE ALIENISTS

THEY WON'T BE TURNED OVER TO THAW'S NEW LAWYERS.

Their Reports Not Delivered With Other Papers to Hartridge and Gleason—Understood That Drs. Hamilton and Dana Decided That Thaw Was Insane.

The half dozen or more prominent alienists who were retained several weeks ago by Black, Olcott, Gruber & Bonynge in the Thaw case are not to work for Thaw's new lawyers or to make any reports to them. These alienists have been retained by Mrs William Thaw and they will not be transferred to Lawyers Hartridge and Gleason, who are conducting Thaw's personal defence.

When Mr. Hartridge was retained by Thaw after Thaw had dispensed with the services of the Olcott firm he announced that the experts hired for Thaw by Mr. Olcott would be continued under their retainer by the new counsel. Mr. Hartridge apparently did not then foresee the conditions which have arisen by which the Olcott firm, acting for Mrs. Thaw, is practically arraigned against the lawyers Thaw hired to conduct the defence which Thaw himself has chosen.

It came out yesterday that the papers turned over by Mr. Olcott to Mr. Hartridge after the latter had obtained a court order did not include any reports of the alienists. This nettled Mr. Hartridge, who had expected that he would find out just what the opinion of the experts was in regard to Thaw. As a result Mr. Hartridge went into court yesterday morning and practically accused the Olcott firm of acting in bad faith in not turning over all the papers pertaining to Thaw's case.

On behalf of the Olcott firm it was said yesterday that the alienists retained by them early in the case had not as yet made any formal reports on Thaw's condition. It was announced yesterday that any subsequent reports the alienists may make will not go to Mr. Hartridge or his associates, for the reason that these alienists are under retainer to the Olcott firm, which is working for Mrs. Thaw.

Thaw has been examined by Dr. Allen McLane Hamilton many times, and also by Dr. Charles L. Dana. It is understood that they have reported to Mr. Olcott that Thaw is undoubtedly insane, but they have not put this in writing, and consequently Mr. Hartridge won't get their opinions to show to Thaw, who, it is said, has been very anxious to know what these alienists said about him.

Mrs. William Thaw remained at Roslyn yesterday. She has not made an attempt to see her son since the day when she made two visits to his cell, and apparently tried hard to get him to abandon the course he is pursuing in seeking to go before a jury and try to justify his killing of Stanford White. At the same time it is known that Mrs. Thaw has held out hope to her lawyers that she will be able to get her son around.

While it would appear as if there has been a decided break between Thaw and his mother, with Thaw's wife standing by her husband and his new counsel, Mr. Hartridge will not admit that such is the case. Mrs. Thaw has had nothing to do with him, but Mr. Hartridge would have it appear as if there was no difference between mother and son.

"If there is any such break I know absolutely nothing about it," Mr. Hartridge said yesterday.

In regard to the much discussed question of Thaw's income being dependent upon his acquiescence in his mother's wishes, Mr. Hartridge gave the reporters to understand that this was not so. He let it be inferred that Thaw's financial condition was not dependent upon his mother to such an extent that it would interfere at all with the carrying out of his wishes in regard to his defence.

Mr. Hartridge seemed very much pleased yesterday over the fact that he had been recognized as Thaw's counsel by the Olcott firm.

"We have at last been recognized as having been retained in this case," he said after the court proceedings were over.

When the argument on the order came up before Justice MacLean in the Supreme Court Mr. Hartridge said that all of the papers had not been turned over by Mr. Olcott and he asked the court to demand the immediate delivery of all the papers. Mr. McManus, for the Olcott firm, asked that the case be adjourned until Monday. Mr. Hartridge said that if the order was entered and the firm was acting in good faith there need not be any fear of their being in contempt of court.

Justice MacLean, however, granted the application for a postponement and let it go over until Monday. McManus said that nearly all the papers in the case, about sixty bundles, had been turned over to Hartridge, but that the firm was in doubt concerning some documents and wanted time to consider the matter.

It is understood that these documents are letters written by friends of the Olcott firm conveying certain information to be worked up. Doubt exists as to whether the writers of these letters would care to have them turned over to other counsel. Mr. McManus said that the writers of the letters would have to be consulted before any decision could be made as to whether or not they should be given up.

In regard to the reports of the alienists, one of the lawyers remarked that it seemed to be hard to satisfy Mr. Hartridge.

Mrs. Evelyn Nesbit Thaw visited Mr. Hartridge's office yesterday. The purpose of her visit was to go over the papers turned over by Mr. Olcott and see whether the Hartridge forces had received all that they were entitled to. Mrs. Thaw was in daily consultation with Mr. Olcott before the break occurred and is the only one who could tell the new counsel whether any important papers were missing. Mrs. Thaw found several statements she had made to Mr. Olcott, but whether or not she found anything of importance to be missing could not be learned. It was made evident, however, that young Mrs. Thaw is to be the ally of the Hartridge forces. She and Mr. Hartridge saw Thaw together at the Tombs yesterday morning. She had an unpleasant experience when she arrived.

The crowd which gathers every day to wait for a glimpse of the girl got rubbering so hard that finally one man broke through and ran right into her. Mrs. Thaw was knocked up against the iron fence and would have fallen if a policeman had not rescued her. The man, after satisfying his curiosity to this extent, made himself scarce. Mrs. Thaw rushed into the prison quite excited.

The publicity which Mrs. Mayme Y. Schwarz got recently in connection with the Thaw case seems to have stirred up some trouble for her. Yesterday Deputy Sheriff Forgee received an execution for $120 in favor of Albert Klenk, a grocer. The judgment was obtained in the Municipal Court and docketed in the County Clerk's office on June 15, 1905.

STOP TRAIN TO PULL A TOOTH.

It Was in an Elephant's Jaw and Was Making the Big Beast Dangerous.

COLUMBIA, Ky., July 20.—Last night it was necessary to stop John Robinson's circus train for an hour to extract an aching tooth from the jaw of the elephant Brazil.

Brazil was taking on so that the lives of the keepers were in danger.

She was taken into a field, stretched upon the ground and her head pinioned for the ordeal.

A large pair of tongs was applied to the tooth and a team of mules did the pulling. The tooth out, Brazil was all right and walked back into the car in fine spirits.

The tooth will be sent to a museum.

JOTTINGS ABOUT TOWN.

The iron steamer Tolchester will make a trip up the Hudson to-morrow. The boat will leave South Fifth street, Brooklyn, at 9 A. M.; the Battery 9:30; West Twenty-first street, 10; West 125th street, 10:30, and Yonkers, 11:15.

AUTOMOBILES. AUTOMOBILES.

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AMONG THE AUTOMOBILISTS.

CANADIANS IGNORE SPEED LAWS FOR TOURISTS.

Contestants for Glidden Trophy Whirl Merrily Through the Dominion—Only One Car Falls by the Wayside—Good Work in Picking Up the Checkers—Gossip.

THREE RIVERS, Quebec, July 20.—Touring through Canada in an automobile may yet be a grand delight. It would have been to-day to the seventy-one members of the A. A. A. tour and Glidden contest who started from Montreal this morning and came through to this place with only one contestant missing at dinner time if it had not been that the way led over very rough dirt roads, with heavy sand in spots, and if they did not have to cross certain imaginary lines exactly at a certain time.

The day's run of ninety-six miles had to be done in 6 hours and 53 minutes, and it could have been done in much less time. Practically all of the contestants arrived at the three checking stations en route far ahead of schedule and waited until their alloted time before crossing the dead line in front of the checker.

Except for the checking schedule it would have been a great pleasure run, because the passage of so many automobiles through the Province of Quebec caused a Canadian holiday. Through all the farming districts the country folk put work aside and dressed themselves in their go-to-church clothing and sat at the roadside to watch the motor cars go past. In many cases the holiday attire consisted of a clean frock for the women, a hair comb for the men and a footbath for the children.

For those who were new in the country the thatched roofs of barns and the scant apparel of children were features of a primitive rusticity that was of absorbing interest. Yet what made it all the more entertaining was the cordiality with which these plain folk welcomed the tourists. Never before had they seen so many motor cars in a day. In many places it was evident that they never had seen any automobiles before. But all along the line it was "Bon jour." In the villages without exception French and English flags were flying and the whole population was out to cheer the flying squadron from the States. The buxom French girls threw kisses with true Gallic fervency and lavishness and also they hurled bunches of flowers into the cars, which in several cases struck the occupants in the face and hurt.

In Louiseville the town was decorated and flags were strung across the road and the natives handed out French flags and bouquets of various sizes as the automobilists passed through. Altogether it was one of the most interesting days of the tour. In a number of places the gallants of the party would gladly have turned back and tarried to talk with some of the pretty girls, but the schedule kept them going.

Another feature of the day was the indulgence of the officials. For all any of the party know, there are no laws relating to automobile license or to speed in the Dominion. They went through the country and the villages as they pleased, and so far as can be learned none was halted or even cautioned. The route led along the L'Assomption and St. Lawrence River, an almost flat farming district. The scenery lacked the beauty of the Adirondacks, but the novelty of being in foreign territory with the whole country acclaiming welcome quite compensated. To-night the tourists are divided among the hotels and a St. Lawrence steamer called the Trois Rivieres after the delta of the river which empties into the St. Lawrence here. The steamer was chartered especially for the motorists and there is promise of lively times aboard of it to-night.

The incidents of the day were not numerous nor of great consequence, except in one instance. John L. Snow, driving a 30 horsepower Peerless, who had a perfect score until to-day, had hard luck about forty miles out of Montreal. At one of the several mean turns his steering gear refused to work properly and his car shot obliquely into a barbed wire fence. He carried away three posts and all the barbed wire between them but did not puncture a tire. He did damage his radiator, however, and has now lost so many points as to be practically out of the Glidden contest. It was a $3,000 car that he damaged, but on top of this the farmer charged him $2 for the fence he destroyed.

The two confetti cars, the White of Walter White and the little Maxwell runabout of Mr. Grant, continue to keep ahead. The big baggage truck got stuck in one of the sandy spots, but was helped out by the six cylinder Pierce Arrow and is reported to be coming bravely along. The big 60 horsepower Arrow press car did its stunt to-day. Starting last, as it has every day in order to carry forward Mr. Ferguson, the official starter, it stopped at the first control and waited till the last car had passed. It stopped at every checking station and whenever a car was in trouble, but made the run of ninety-six miles in 4 hours and 21 minutes, according to Mr. Ferguson. It got in among the first bunch and was penalized more than 100 points for being ahead of time, but Forbes Dey, who is running it, laughed at point penalization.

The little Oldsmobile runabout familiarly called the "Dinky" which is roaming along with a sign of "What's wanted?" on the outside and an assortment of supplies on the inside, did noble work by stopping to pick up the second checker. The third checker was brought in by Tom Fetch in his Packard after he had made the complete run and run back. This picking up of the checkers is one of the features of the run. It is quite a stunt for all the cars participating, and if one of the checkers is late in getting through the official score of the day cannot be made up until he arrives.

The roads to-day were bad enough to have made this a severe endurance test if the schedule had been harder and a record of repairs kept, but as it was, the cars got along very well. The run was bigger to-day than yesterday. There was a new starter in the tourist division, a Mr. Hamilton in an Oldsmobile, and the Harrison car of Andrew started afresh. It is the biggest automobile tour ever run in this country, and as the scenery shifts the opinions of it change day by day. It is a curiously complicated affair, and it is hard to say just what it will be at the end at Bretton Woods, on July 28. To-morrow the route leads ninety-eight miles to Quebec, where the tourists lay up over Sunday.

Changes in Classification of Positions in This City.

ALBANY, July 20.—The State Civil Service Commission to-day made a number of changes in classification of positions in the municipal service in New York city. The position of cashier of the sewer district bureau for Brooklyn borough was made exempt, as was a new position created to be known as assistant secretary of the Board of Estimate and Apportionment. In the new bureau of statistics, created under Comptroller Metz, the positions of supervising statistician and five expert accountants were exempted, and similar applications for exemption of five other places, with salaries of from $1,200 to $1,500 a year, were denied. The place of consulting engineer of the Borough of Richmond, which is practically a change of title of the present position of Commissioner of Public Works, was exempted.

Gov. Higgins to Take a Week's Vacation.

ALBANY, July 20.—Gov. Higgins will leave Albany to-morrow afternoon and return the latter part of next week. Regarding his destination the Governor would say nothing, except that he was not going to his home in Olean. The inference was that he was going to spend a few days with his family at a summer resort, although it is expected he will visit New York city before his return. The Governor would not say whether he expected to see President Roosevelt at Oyster Bay.

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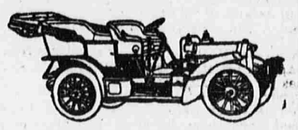

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VARYING VALUE OF GAS MAINS.

Estimate to the State Tax Commission Doubled by Consolidated's Superintendent.

Colvin C. Simpson, superintendent of mains and services for the Consolidated Gas Company, said yesterday morning at the gas hearing before Referee Arthur H. Masten that he estimated the value of the mains belonging to his company at $12,636,850, and that the service pipes leading from the mains into buildings were worth some $1,000,000 more.

When asked by Senator Page of counsel for the city to explain why the mains of the company were valued at only $5,801,466, with an estimated depreciation of $1,403,306 in the State Tax Commission report of December of last year, Mr. Simpson said his estimate was based on what it would actually cost his company if it were to lay anew under conditions now existing in Manhattan all the mains and service pipes in its possession.

In explaining the apparent great discrepancy between his own estimate of the value of the Consolidated company's mains and that given to the State Tax Commission, the witness said his own figure included the increased cost of labor over that when the mains were laid; also cost of blasting, &c. The cast iron pipe used for the mains costs considerably more to-day than in 1885,