

BURNETT TIFFANY'S MARRIAGE

MUST BE PROVED LEGAL IF MRS. TIFFANY KEEPS FURNITURE

Which She Got in Return for Her Promise to Marry but Which Creditors Would Like to Have, Seeing That It Wasn't Paid For by Her Bankrupt Husband.

Burnett Y. Tiffany and his wife, Lucille, will have to satisfy the Supreme Court that each of them was legally free to marry at the time they became man and wife if Mrs. Tiffany proposes to hold on to the \$35,000 worth of furniture which ornaments their home at 125 West Eighty-eighth street.

Such is the determination of the Appellate Division of the Supreme Court in an opinion made public yesterday. The immediate effect of the court's decision is to order a retrial of the suit brought by Edward S. Hosmer, the trustee in bankruptcy of Burnett Y. Tiffany, against the bankrupt and his wife.

The suit was tried some months ago before Justice McCall, who dismissed the complaint, thus deciding in favor of the Tiffanys. The proceedings were as brief and unostentatious as possible and so escaped much notice at the time. But the record on file in the Appellate court discloses all the facts and reveals the curious matrimonial situation that confronts the Tiffanys.

Burnett Y. Tiffany displaced his father, Charles L. Tiffany, head of the jewelry firm, by an ill-assorted marriage in 1888 and increased this displeasure by a career of youthful dissipation, of which the marriage was but an incident. From then till 1902 Charles L. Tiffany died, leaving an estate amounting to about \$10,000,000. This he divided between his children, all save Burnett, to whom he left only an income of \$2,000 a year, with discretion vested in the executors to increase the income if the young man reformed. He did reform considerably in the opinion of the executors and his income was soon increased to \$15,000 a year, at which figure it stands, notwithstanding Burnett's greatest frenetic litigation to get further increase.

A year after his father's death Tiffany married his present wife, who was not wholly acceptable to his relatives. But, as both of them declare, she steadily refused to marry him until he had promised to furnish a house for her in expensive style and to make her a wedding present of the furnishings. Right here there is some interesting court testimony. Mrs. Tiffany was asked on the stand:

"You were not marrying Mr. Tiffany for his money, of course?"

"No, sir," she answered.

"You were not marrying him simply because he promised you this furniture, were you?" she was asked.

"I don't know how to answer that," replied Mrs. Tiffany. "I would not have married him at that time if he had not promised to give me the furniture."

"But you would have married him eventually, whether he gave you the furniture or not?" pursued her interlocutor.

"I might have," she answered. "That is a hard question to answer. There is many a slip 'twixt the cup and the lip."

When Tiffany came into his \$18,000 income he set out to furnish his house. He and his wife went to the most expensive shops and ordered what she selected. An instance of how her tastes ran may be gathered from their selection of a \$1,400 grand piano. The goods were sent to 125 West Eighty-eighth street on credit and as quickly as they were delivered Tiffany would utter a stereotyped phrase to his wife, which ran, as nearly as she and he could recollect on the witness stand:

"There, Lucille, is some of the furniture I promised to give you when I agreed to become my wife. It is yours now and forever."

The furniture people looked to Tiffany for payment of their bills, but looked in vain. Finally, in May, 1904, W. J. Sloane got a judgment for \$1,338 against him. Shortly afterward Tiffany filed a petition in bankruptcy, showing his liabilities as \$30,748, practically all for furniture in the eighty-eighth street house. His assets consisted of \$300 in personal effects, \$500 in other property and \$7,048 in his interests in pending litigation.

Hosmer was named as trustee and before long the creditors demanded to know what had become of the \$30,000 odd in furnishings they had supplied. Hosmer asked Tiffany, who replied that he had given all that to his wife under an anti-nuptial agreement. Tiffany was also questioned as to how he spent his income. He replied:

"I give Mrs. Tiffany \$75 a week and spend the rest myself on cigars, flowers, barbering, clothes and so on."

To further questions he maintained strongly that it was impossible for him to get along on less than the \$1,500 a month allowed him. "As a matter of fact," he maintained, "I should have from \$50,000 to \$60,000 a year at least."

Mrs. Tiffany testified that she considered the \$75 a week a gift which had no bearing on her husband's debts. She added subsequently that when she married Tiffany she had understood he would at once come into one-eighth of his father's estate. He made her great promises, she said.

Hosmer for the creditors brought suit to make the Tiffanys give up their furniture, and for defense Mrs. Tiffany set up that the property was hers by transfer for a valid consideration, namely her agreement to marry. At the trial before Justice McCall counsel for the trustee in bankruptcy offered in evidence the decree of divorce obtained by the first Mrs. Tiffany and attempted to attack the validity of the decree under the laws of this State. Justice McCall refused to allow any such attack.

The creditors then questioned Mrs. Tiffany, as to her previous matrimonial record, and the following colloquy took place:

"Did you have a husband living when you married Mr. Tiffany?"

Counsel for Mrs. Tiffany objected and Justice McCall asked her:

"Do you want to answer that question?"

"I would just as soon answer it, if they

MORE RAILROAD STRIKE TALK

DEMANDS OF THE ÉRIE FIREMEN HAVE BEEN REFUSED.

Final Conference of Lackawanna Engineers and Officials Will Be Held To-day.—N. Y. Central Telegraphers Want More Pay.—Jersey Central Trainmen Get a Raise.

The strike talk in reference to the railroads among the firemen, it was considered, justified the presence in this city for the past two days of Grand Chief Hanrahan of the Brotherhood of Locomotive Firemen. He had a conference with the grievance committee of the engineers, firemen and freight handlers of the Erie Railroad at the Broadway Central Hotel before the committees went to the Bowling Green Building to have their final conference with General Manager Stuart of the Erie Railroad Company.

The firemen demanded an increase in wages, or conditions equivalent to an increase in wages, of 10 per cent, and the engineers and freight handlers demanded a readjustment of conditions.

The demand of the firemen was refused and the firemen said they would ask for a conference with President Underwood, but it is understood that Mr. Underwood kept in touch with Mr. Stuart, and while he probably would have no objection to meet them it would not change the result.

Mr. Underwood, it was said, had arranged to go to Chicago to-day. General Manager Stuart made the following statement after the conference:

"I was approached by a committee of the firemen of our roads a few days ago and they asked me for a reduction of working hours, which practically amounts to a request for more pay. I asked them to appoint a sub-committee to confer with an assistant with a view to comparing the scale of wages with those of other roads. After looking into the matter carefully we found that our pay to firemen was up to the average of the other companies and that it is higher than most of them. I then told them that the condition of affairs of the Erie Railroad Company would not admit of a raise in wages and said I regretted that we could not come to an agreement."

When the committee of the firemen went to see Mr. Stuart Grand Chief Hanrahan sent a letter with the committee regarding the demands. Mr. Hanrahan would not tell what the contents of the letter were, but it was learned that among other things it advised the firemen not to act hastily, as the situation was more or less mixed and it might be some time before it would be known what the other railroads might do.

The final conference between the grievance committee of the engineers of the Delaware, Lackawanna and Western Railroad and the officials of the company will take place at 11 o'clock this morning at 26 Exchange place. The engineers demanded an increase of wages and the company made a counter proposition which was in the nature of a raise, but not so much as was demanded. It was learned yesterday that the counter proposition was rejected. President W. H. Truesdale of the D. L. & W. was asked yesterday if he thought there would be any trouble.

"There should not be," he said, "in view of the offer we made the committee. This road pays the highest wages. I do not see why there should be any trouble."

Mr. Truesdale said he expected the other branches of the service to send committees with demands. There was a general movement in that direction.

The grievance committee of the telegraphers on the New York Central system began a conference yesterday with General Superintendent A. H. Smith of the New York Central over demands for higher wages and other conditions. Mr. Smith refused to grant the demands. The telegraphers and trainmen are also to send committees, but their schedule of demands had not been submitted. He denied a report that the New York Central advanced wages recently, but said that it would probably advance wages more or less. It is said that the committees of the engineers and firemen will ask for a conference next week.

Representatives of the committees of a number of the railroads which have made or are to make demands were seen yesterday evening in the Broadway Central Hotel. A representative of the Order of Railroad Trainmen said that to the trainmen on the Reading system earning \$200 a month or less had been granted an increase of wages after Grand Master Morrissey of the trainmen had seen General Superintendent Dice at Reading and threatened a tieup of the road if the demand was not granted.

Some of the engineers at the Broadway Central Hotel were inclined to be sceptical about the increase to the Pennsylvania trainmen. They said they had not heard it officially. It was said that the trainmen on the Central Railroad of New Jersey have received an increase of 15 cents daily for runs of 100 miles. This increase, it is said, applies to baggage-men and brakemen.

Referring to the Congo Independent State, the Marquis said that the primary duty of putting things right there belonged to Belgium. If she did not accept the duty which Great Britain would have to accept if she was possible to act in concert with other Powers to remedy the evils.

MORE INCENDIARY FIRES.

Two Started Last Night in Tenement Houses on the East Side.

A small fire in the rear on the first floor of a tenement house at 27 East Twenty-second street was discovered late last night by the janitress, Mrs. Margaret Collins. She summoned the firemen, who discovered a pair of trousers soaked with kerosene burning away next to a bundle of paper. They put out the fire, which had communicated to the apartment of Mrs. Mary Lee on the first floor and done about \$200 damage in it.

Mrs. Collins says that in the afternoon she found a small fire in the cellar and cut it out with the help of her son. While the firemen were attending to the evening blaze Sergeant Dempsey of the East Twenty-second street police station smelled smoke coming from the basement of 231. He ran down there and brought out a barrel filled with blazing paper.

The police believe that the fires were of incendiary origin. The houses at 27, 229 and 231 belong to Mrs. Annie Schmecker, who lives in 231.

BRUCE STILL HAS A CHANCE.

Latest Returns Cut Chanler's Plurality to 700—Official Count Necessary.

It was agreed yesterday by the leaders of both the State organizations that an official count will be necessary to determine whether M. Linn Bruce or Lewis Stuyvesant Chanler was elected Lieutenant-Governor last Tuesday. From the returns which continued to drift in yesterday it is asserted by the Republicans that Chanler's apparent plurality has been cut down to about 700.

Although all these latest returns continue to indicate the election of all the Democratic ticket except Hearst, the pluralities of the candidates were considerably lessened by the new batch of figures which came down to this city yesterday from the outlying parts of the State.

Secretary Gleason of the Republican county committee, who is giving himself to the work of tabulating the returns as they arrive from up State, said that only an official canvass could decide which of the official candidates had been elected Lieutenant-Governor because of the closeness of the returns.

The tabulation as it now stands would seem to show that Chanler has a plurality of less than 700, but these figures are based upon incomplete and partially estimated returns from half a dozen counties. It is admitted that the incompleteness of the figures upon which this calculation was made would make it possible that the official count might show wide variance in either direction. Mr. Gleason admitted that so far as his tabulations showed nothing could be determined at the earliest until next Wednesday, when the county canvassers would have got well started on the task of footing up the vote.

BLAZE IN SPALDING STORE.

Firemen Have a Tough Fight in Sporting Goods House on Nassau Street.

Charles Magee, engineer in the Vanderbilt Building, at 128 Nassau street, occupied by A. G. Spalding & Bros., the sporting goods dealers, noticed that he was surrounded by an unusual quantity of smoke which he was at work at his boilers in the sub-basement last night. He started upstairs to investigate, but by the time he staggered into the street he was barely able to tell Policeman Cloon of the Oak street station house, who at once turned in an alarm. When the engines arrived dense volumes of smoke were issuing from the basement entrances on both Nassau and Beekman streets. The firemen used their axes vigorously on the window and cellar traps. It was difficult to locate the fire owing to the smoke, but the streams of water were soon doing their work and by 9 o'clock the fire was under control.

The basement and first two floors are used by the Spaldings as exporting and retail departments, and in the cellar are kept gasoline, excelsior and other combustibles used for repairing and packing purposes. In the basement proper were stored about \$250,000 worth of bicycles, sweaters and skates.

A. G. Spalding, who was at the Hotel Belmont when the fire started, was informed by telephone and started down town immediately with his brother. He said he could not state definitely what the loss would be, but whatever it was, he said, the owners need not feel that the football, hunting and fishing world have to stop for lack of supplies. Chief Croker said the loss would probably be about \$75,000. It is covered by insurance.

LONG ISLAND TRAINS COLLIDE.

Every Car Damaged, but Only a Few Passengers Injured.

The westbound Long Island Railroad passenger train from Oyster Bay due in Jamaica at 5:20 P. M. was in a head-on collision yesterday afternoon near Dunton station, half a mile west of Jamaica, with train 29, an eastbound accommodation train bound for Patchogue. The locomotives of both sections were badly smashed, and every car on both trains was damaged and splintered with the exception of a Pullman attached to the Patchogue train. The accident was due to the Oyster Bay train's taking a switch, which threw it over on the eastbound track. The railroad officials wouldn't admit that the switch was open and said they couldn't account for the accident.

The engine crew of both trains jumped and were unhurt. The cab of each locomotive was smashed. Each train carried more than a hundred passengers and in view of the condition of all the coaches the railroad officials were surprised that there were only a few serious accidents.

Bessie Sinkoff, 12 years old, of 118 West Main street, Patchogue, sustained a crushed elbow when her uncle, Max, with whom she was travelling, had a scalp wound. They were attended by Dr. McNeivins of St. Mary's Hospital, Jamaica, and taken to their home. Conductor Ayres of the Oyster Bay train had his back wrenched. Louis Germano, express messenger on the Patchogue train, suffered severe internal injuries.

Read officials are inclined to hold Philip Tait, the engineer of the westbound train, responsible. They think he ran by a danger signal. This, however, Tait denied. He said the signals were set for him to go ahead.

FIGHT ON STOCK TRANSFER TAX.

Organization Forming to Secure the Amendment or Repeal of the Law.

There is in progress of formation an organization which will endeavor to secure from the next Legislature the amendment or repeal of the stock transfer tax. Many who have become interested in the movement, but brokers will constitute only a portion of the membership. Among the remainder will be found bankers, traders and others affected by the tax. E. H. Fallows, a lawyer at 170 Broadway and a former member of the Assembly, is one of those taking an active part in the organization.

"There has never been a concerted effort," said Mr. Fallows yesterday, "to present the merits of the case, and especially the injustice of the amendment of last winter, to the Legislature. We believe that a large part of the vote against the Republican candidates for minor State offices was cast out of a conviction that the law is unfair and that an equitable amendment to the law can be secured in case the matter is properly presented at Albany."

Gen. Shafter Dangerously Ill.—A special from Bakersfield says Major-Gen. Shafter, who has been suffering from a cold, at his ranch near there, is now dangerously ill with pneumonia.

His physician feared to remove him to a hospital in Bakersfield, and several specialists will hold a consultation at the ranch.

KENTUCKY BARS MUTUAL LIFE.

COMMISSIONER DENOUNCES PRESIDENT PEABODY'S METHODS.

Use of Money for Election of Trustees Declared Dangerous—Removal of Kentucky Agent as Election Measure Regarded as Against Policyholders' Interests.

FRANKFORT, Ky., Nov. 9.—Commissioner of Insurance Prewitt last night revoked the license of the Mutual Life Insurance Company of New York to do business in this State. Attorneys for the Mutual to-day filed suit in the Franklin Circuit Court seeking an injunction to prevent the Commissioner from enforcing his order.

Commissioner Prewitt in his ruling makes an exhaustive review of the evidence produced before him on the inquiry as to the removal of State Agent Elmer Hindman by President Peabody for refusing to disavow his candidacy on an opposition ticket to the administration ticket. In conclusion he says:

"It is my duty to protect the interests of the policyholders of this State and of the public who may, in the future, become policyholders. I regard the plan of procedure of Mr. Peabody and his colleagues in the matter under investigation as being destructive of the essential features of mutuality, as tending to prevent a full, fair and free presentation of the policyholder's rights to them by those who are in position to know who the policyholders are and what their interests are; that such action is contrary to the spirit of the charter of the company, and, if tolerated, would destroy absolutely the mutual feature."

"The trustees themselves are only agents of the policyholders. They cannot be in a contest in this matter against the policyholders. They are in a sense trustees for the policyholders, and it ought to be permitted to the policyholders to turn them out at any time that the law permits the election to be held, and while they may present reasons to the policyholders for being retained any policyholder or agent of the company ought to be allowed equal opportunity for presenting reasons why they ought not to be retained."

"The evidence taken discloses that a number of letters have been or will be sent to each policyholder, that the estimate of the cost of sending a single letter to each policyholder would be \$100,000."

Mr. Peabody testified that this expense is being paid by him personally and that he expects to be reimbursed by other gentlemen who desire a vindication in this election.

"However, I believe it to be unsafe in any business to permit any trustee or trustee to expend large sums of money to secure their election. Perhaps in this case no harm would result, but if this rule should be permitted to exist in mutual companies I dare say that it would only be a short time until the officers elected would find some way to increase salaries, give additional commissions and in other questionable ways reimburse themselves."

"The evidence further discloses the fact that the present general manager in this State had recently advanced the company's money to the agents of the company apparently to solicit insurance, but after notice was given of this investigation the examiner of the company disallowed the money advanced by the manager and required the manager to refund it."

"I only mention this as an incident, that if the money was advanced to an agent in good faith by a manager it should have been allowed; but the inference is that the money was advanced to the agents to solicit votes."

"After a full and careful consideration of the charges made against the management of the Mutual Life Insurance Company of New York I have reached the conclusion that the company should not be permitted to continue to insure the lives of the citizens of this State."

"The present policyholders of the company can in no way be affected by my action. A continuation of the authority granted the company would be an indorsement of the acts of the present and past management of this company."

MISTAKEN FOR A DEER AND SHOT.

Another Case of Accidental Shooting in the Adirondacks.

UTICA, N. Y.—William Curley of East Penobscot, Genesee county, was accidentally shot yesterday by Ray Law of Kirk, Chenango county, about a mile and a half from Chet Elliott's camp at Sands Springs, from the Adirondacks. Curley is at St. Elizabeth's Hospital in this city, where very little hope is entertained for his recovery.

A soft nosed bullet of large calibre had torn a hole in his left side, breaking the three lower ribs into fragments from a half inch to an inch long, which were embedded in his spleen by the expansion of the projectile. Curley's companions improvised a litter and carried him several miles through the woods to the Beaver River railroad station at about 3 o'clock yesterday afternoon. Blackmer heard a yell and thought that a hunter had wounded a deer and wanted help to track him, or that the deer had been killed and the hunter desired some aid. At the time he was about one hundred rods from Curley. He went in the direction from which the yell came and found Curley seated and resting against a tree trunk.

"I'm shot," said Curley.

"Yes, and I did it," said Law, who was much excited over the accident, "and you must be thinking of me for it. I thought you were a deer."

MORE STATE CAPITOL GRANTS.

Pennsylvania Treasurer Says \$850,000 Was Paid for Work Offered at \$51,000.

PHILADELPHIA, Nov. 9.—State Treasurer William H. Berry declares he has found more information to bear out his charges of graft in the \$13,000,000 State Capitol.

"I have a copy of a proposition submitted by a sub-contractor who offered to do the decorating and painting for \$51,000," said Mr. Berry, "and yet the contractor who got the job got \$850,000."

"I said that whichever way the election went I intended to keep on probing the Capitol overcharges. I intend to keep my word."

BISHOP WINS AERO-AUTO CUP.

New Yorker's Machine So Near That He Helped to Land Balloon.

PITTSFIELD, Mass., Nov. 9.—Cortland Field Bishop of New York, president of the Aero Club of America, driving a French auto with Samuel N. Valentine and Leo Stevens of New York as his guests, won the Hawley Aero-Auto Cup contest to-day, in competition with the balloon L'Orion, piloted by J. C. McCoy of New York.

The ascension of the L'Orion was at noon and shortly after a starter released the automobiles. For two hours the balloon was plainly in view of Pittsfield while the motorists manoeuvred for its position.

As there was little wind stirring Mr. McCoy decided to descend at 3 o'clock over the city of North Adams and made a very successful descent into the city, landing in a garden.

Mr. Bishop was so close behind the balloon that he was able to assist in pulling the bag down by a drag rope and presented his card to Mr. Hawley three minutes before any other automobilist arrived.

SAYS SILVER WILL REACH 76.

Director of the Mint Roberts Says Advance in Price Will Continue.

DENVER, Nov. 9.—Director Roberts of the Mint, who is here, predicts a steady and permanent advance in silver. He says: "Silver is going to reach 76 or better within two years and it is going to hold that price. The increase of the last three months is only the forerunner of the most hopeful period of the silver market in the last twenty years."

"It seems very clear to me that before the year is ended the price will have advanced several points. The spring may see 75 cents offered. And this is not a speculative or boom price either."

"Silver has been buying silver for the United States mints, the first of August, the price has soared from 66 to 71 and better."

"Another year and the effect of the Indian demand will be upon the market in increased force. Then China is taking more silver every year. It is a matter of but a few years until the development of the interior of China will demand an enormous increase in the silver coinage, which is now taking three mints."

"Add to all this the enormous increase in the last five years in the demand for silver for use in the arts—due to increased property—and you understand why I say that silver is going up, and going up to stay."

MOTHER HATES THAW TO COURT.

Wants Young Pittsburg Millionaire Adjudged a Common Drunkard.

PITTSBURGH, Nov. 9.—Mrs. Elizabeth D. Thaw has applied to the courts to have her son William Thaw, a namesake of the head of that family and a nephew of Harry Kendall Thaw, declared an habitual drunkard.

William Thaw is about 30 years old and is one of the best known of the younger millionaires of Pittsburg.

His mother's petition sets forth that he has an income of \$35,000 a year, has \$100,000 back of that and an estate still in reserve, the value of which is not estimated.

Mrs. Thaw Thaw Collins and Henry L. Collins, sister and brother-in-law of William Thaw, join in the petition.

Judge Brown has appointed Attorney A. C. Johnson to take testimony.

THE PRESIDENT AT SEA.

Wireless Despatch Reported the Squadron Off Cape Hatteras at Noon Yesterday.

WASHINGTON, Nov. 9.—The President and party transferred to the battleship Louisiana from the Mayflower at 6 o'clock this morning at Wolf Trap light, in lower Chesapeake Bay, and proceeded on their voyage to Panama. Information was received at the White House at noon that the fleet had passed the capes at the mouth of Chesapeake Bay and was well out to sea. The convoys of the Louisiana, the Washington and Tennessee, sister ships, joined the Louisiana in the bay.

The following wireless message from Capt. Conden, commanding the battleship Louisiana, on which the President is proceeding to Panama, was received at the White House late this afternoon:

"At noon the Louisiana passed Cape Hatteras. The sea smooth. All well."

WON \$3,000 ON CHECKER GAME.

A. B. Dunlap of New York Loses to C. M. Freed of Salt Lake City.

SAN FRANCISCO, Nov. 9.—Three thousand dollars was won by C. M. Freed, a Salt Lake capitalist, from A. B. Dunlap of New York in a game of checkers on the steamer Corea. For this purpose, at 9 o'clock yesterday afternoon, two men of the schooner launched the yawl and came alongside the steamship and told of their plight. The schooner was supplied with provisions and water for twenty days and steered a course for Nova Scotia.

The five men aboard were very weak from hunger and thirst when the Hamburg-American liner Armenia came along, bound for this port, at 9 o'clock on Wednesday morning. Two men of the schooner launched the yawl and came alongside the steamship and told of their plight. The schooner was supplied with provisions and water for twenty days and steered a course for Nova Scotia.

After all, Usher's the South that made the highest blunder.—
The Party of Burnett's Vanilla was never questioned by any party food commission.—
—Ad.

MURPHY GRABS AT THE STATE

FIRST MOVES TO READ MCCARREN OUT OF THE PARTY.

State Committee Votes 22 to 12 to "Investigate" Killing in Kings—McCarrren Retires Hasty and Says He'll Fight in the Courts—Perry Belmont Ousted.

Charles F. Murphy started in yesterday to carry out the plans he has been making with his friends for weeks past to secure for himself the undisputed leadership of the Democratic party in the State. Incidentally he began to fight also in the open for the retention of his leadership of Tammany Hall.

Mr. Murphy's scheme to make himself supreme in the State and city Democratic organizations was unfolded yesterday at a meeting of the Democratic State committee at the Victoria Hotel. The majority of the members, obeying the command of Mr. Murphy, decided to "investigate" charges of irregularity made against Senator Patrick F. McCarrren, the leader of the Democratic organization in Brooklyn, who was formally accused of directing his followers to knife Hearst.

McCarrren admitted the truth of the charges and accepted the challenge to attempt to read him out of the party. He told the Murphys, in effect, that they could have all the fight they were looking for and taunted them with playing into the hands of a man who after having one check slapped, turned the other one for another slap. Mr. McCarrren served notice that he would fight through every court in the State if the committee attempted to remove him.

One of the important developments of the meeting was the refusal of Maurice Featherston, the State committeeman from the Sixteenth district, to vote for the resolution to investigate McCarrren. The attitude taken by Mr. Featherston corroborated the announcement made in THE SUN yesterday that he had decided to align himself on the side of the local Democrats who were preparing to oust Murphy from the head of Tammany Hall and that he had in fact been selected by these opponents of Murphy to become the new leader in case the movement against Murphy should succeed.

Another happening of interest at the meeting was the throwing out of Perry Belmont as the representative from the First district. Mr. Belmont was not in favor of the nomination of Hearst, and at Buffalo he and his delegates from Nassau and Suffolk were unseated by the Murphy controlled committee on contested seats.

When the objection to the continuance of Mr. Belmont as a member of the State committee was brought up yesterday he failed to follow the defiant lead of Mr. McCarrren, and announced that rather than have any fuss he would get out, and accordingly he tendered his resignation, which was immediately accepted. Ex-Senator Edwin A. Bailey of Patchogue was elected to fill the vacancy. Mr. Bailey was the personal selection of Murphy. Mr. Bailey professes to be a great admirer of Murphy, and it was at the solicitation of Bailey that Murphy ordered the nomination of Julius Hauer of Sayville for State Treasurer.

The meeting of the State committee was called hurriedly. Little more than twenty-four hours notice was given to the members to get together. Those notices were sent out after a long conference held by Murphy and Fingy Conners, the chairman of the committee, on Wednesday night. At that conference it was decided that Murphy should not only take steps at once to ascertain just what his strength was in the committee, but that advantage should be taken of the meeting to issue a threat in the shape of an object lesson to the Democrats of the State and the city who are anxious for reorganization of their party.

In order to give the plan an appearance of forcefulness and as being animated entirely by a desire to punish irregularity it was resolved to make a play against McCarrren. Mr. Murphy and Mr. Conners have known from the time of the Buffalo convention that they would have a fight to maintain control of the committee and have been aware of it almost from the closing day of the convention a movement was on foot having behind it such men as Mayor McClellan of New York, Mayor Adam of Buffalo, Edward M. Shepard, Thomas M. Osborne and John N. Carlisle, for the reorganization of the Democratic party throughout the State.

It was said yesterday that Mr. Murphy and Mr. Conner had contemplated beginning so quickly a struggle the outcome of which would mean either their downfall or entrenchment in power, but that they had been forced to the action they took yesterday because of the knowledge which had come to them that the men who were bent on putting an end to the present demoralized condition of the Democratic party in the State had started work.

The ostensible purpose for which yesterday's meeting was called was to discuss means for the proper protection of the interests of the Democratic candidates at the official count on Tuesday next. But the real purpose of the meeting was made clear when, after the committee had been in session about an hour, a delegation arrived headed by John H. Delaney, representing the "Kings County Democratic Party." This is an organization which was formed after the Buffalo convention to oppose the regular Democratic organization in Kings and which is made up entirely of enemies of Senator McCarrren.

One of the delegates was Warden Patrick Hayes of the Kings County Penitentiary, one of Murphy's representatives in Brooklyn and an avowed opponent of McCarrren. The delegation presented a petition to the committee calling for the removal of Senator McCarrren from the committee. The petition, after some preamble, closed with this recital:

"That one Patrick H. McCarrren at said State convention was made one of your honorable body, but that said McCarrren has refused and failed to support the candidate for Governor nominated by said convention and has by public utterance and through the public press openly advocated the election of the nominee of the Republican party, and has openly used the election machinery and the county committee of Kings county, of which he is chairman of the executive body, to accomplish the defeat of the regular Democratic candidate for Governor."

The action of the Democratic county committee in indorsing and approving the words and action of its leader, the said Patrick H. McCarrren, and adopting as its own policy the