

PRESIDENT BACK FROM HIS TRIP

REACHED WASHINGTON AT 10:40 LAST NIGHT.

He and Mrs. Roosevelt in the Best of Health and Spirits—Kathleen Roosevelt the First to Greet Her Father—Senator Bermudez of Uruguay Indignant.

WASHINGTON, Nov. 26.—President Roosevelt got back to Washington to-night from his trip to the Isthmus of Panama and Porto Rico after an absence from the capital of eighteen days. He looked well, and some of those who returned with him said that he never felt better in his life. Mrs. Roosevelt was likewise in the best of health and spirits. The cruiser yacht *Mayflower*, which used to belong to the late Ogden Colet of New York, arrived at the Washington Navy Yard at 10:40 o'clock with the President and his party aboard.

The *Mayflower* went down yesterday to the mouth of the Potomac River, and the President and those who accompanied him on the trip to Panama were transferred to her with their baggage at 3 o'clock this afternoon. William Loeb, Jr., secretary to the President, made the trip from Washington in the *Mayflower* and greeted his chief when he came over the side.

Capt. Leutze, the commandant of the Washington Navy Yard, had figured that the *Mayflower* would make the run from the mouth of the Potomac to Washington in time to dock at the navy yard wharf at 10:30 o'clock to-night, and it was just that time when she appeared off the yard and began manœuvring for a landing.

A little after 10 o'clock those who were assembled at the wharf awaiting the *Mayflower's* arrival sighted the vessel in the bright moonlight coming across from the Potomac into the eastern branch, or Anacostia River, upon which the navy yard is situated. She came very slowly, using her searchlights all the time and picking her way with the greatest care through the tortuous channel.

Lieutenant-Commander Long was taking no chances with the precious human freight he had aboard, in spite of the fact that the channel had been especially dredged in preparation for the President's coming. The marine guard of the yard had been turned out and was assembled on the wharf under command of Capt. Harold Snyder, who used to be private secretary to John D. Long when the latter was Secretary of the Navy.

A squad of bluejackets was drawn up on the wharf, and in addition to the commandant several of the yard officers were there. Miss Ethel Roosevelt was also at hand under the patronage of Miss Isabel Hegner, Mrs. Roosevelt's secretary. With them were Lieutenant-Commander Key of the navy and Capt. Frank R. McCoy of the army, aides to the President.

It took the *Mayflower* about fifteen minutes to make the landing. The instant the gangplank was thrown out Miss Ethel Roosevelt rushed over it eagerly and reached the deck just in time to meet her father as he came from below. There was nothing conventional about the young lady's greeting to the President. When she was through showing her father how glad she was to see him back, Miss Ethel dashed down below to greet her mother.

The President had hardly been released from the embraces of Miss Ethel when he came face to face with Señor Don Pedro Requena Bermudez, First Secretary and chargé d'affaires of the legation of Uruguay in Washington. Señor Bermudez was the second person over the gangplank and he carried with him aboard the *Mayflower* a breast swelling with indignation and a heart full of protest. He told the President all about it as soon as he was through extending the welcome home to which diplomatic punctiliousness caused him to give precedence.

Señor Bermudez had determined that it was only right and proper for him to be at the navy yard on the President's arrival as the representative of the diplomatic body in the American capital. When he got to the yard gate it was unfortunately after the tattoo, and the stiff backed young sentinel was not impressed with Señor Bermudez's explanation of who he was and what he was there for.

What the sentry wanted was a pass, and a pass was something that the Latin dignitary did not have. Señor Bermudez speaks English perfectly, but he was utterly unable to make the sentinel comprehend that it was absolutely necessary for the honor of his country and the Diplomatic Corps to reach the wharf before the President stepped ashore. Finally an officer was called and the matter having been adjusted Señor Bermudez sprinted for the wharf, several hundred yards away, and reached it as the *Mayflower* came up to her dock.

Standing on the *Mayflower's* deck, with the bright moonlight showing him in sharp relief, President Roosevelt listened to the tale of woe which the emissary from Uruguay unfolded. Those on the wharf were near enough to hear the word "outrage" several times through the teeth of Señor Bermudez. They were near enough also to hear the President repeat "outrage," but they did not catch anything else that he said. Evidently the President managed to modify in some degree the injured feelings of his South American welcomer.

When their conversation had ended, Mr. Roosevelt and Señor Bermudez shook hands cordially and the latter, leaving ashore, went rapidly out of the yard and boarded a street car.

Mrs. Roosevelt, Surgeon-General Rice of the Navy, M. C. Latta, Assistant Secretary of the President, and Mr. Loeb followed the President on the deck and came ashore at once. The President greeted Capt. Leutz very cordially and also shook hands with Lieut.-Commander Key and the others who were there to meet him. Then the President and Mrs. Roosevelt, Miss Ethel and Miss Hagner got in the waiting White House carriage and were driven out of the yard, followed by the carriages of the other members of the President's party.

It was five minutes past 11 o'clock when the President arrived at the White House. After assisting Mrs. Roosevelt out of the

METZ SUSPENDS E. A. SLATTERY

ARRAERS OF TAXES NOT ENTERED UP FOR THE CITY SINCE 1899.

But Title Company Books Kept in the City's Office Are Up to Date—City Employees in Collector's Office Worked for Companies—Other Bureaus Threatened.

Edward A. Slattery, Collector of Assessments and Arraers, was suspended yesterday by Comptroller Metz pending an investigation by the Comptroller of what he said yesterday he thought were irregularities in the conduct of the bureau.

Mr. Metz said that to all appearances Mr. Slattery and some of his staff have neglected the keeping of the records of the department in order to work for some of the title guarantee companies and that the bureau seems to have been run as a branch of the title companies. He said also that Collector Slattery had undoubtedly been paid by these companies in return for the work he did for them.

Slattery has been away from his office in the Stewart Building for ten days, pleading ill health. While he was away Mr. Metz began to overhaul the bureau. In doing so he discovered a tall pile of books marked with the names of the Title Insurance Company, the Title Guarantee and Trust Company and several other similar companies. Some of the books also bore Mr. Slattery's own name. Mr. Metz found that the records of arrears due on properties in the city were entered up to date in these books, but that the city's books had not been written up since 1899.

"The assumption I have made, and properly so, I think," Mr. Metz said yesterday, "is that Mr. Slattery and the officials of the department have been practically working for the companies while at the same time drawing pay from the city. Whenever the city was about to purchase property for public purposes we would send to the Bureau for the Collection of Assessments and Arraers to find out if there were any liens on such properties. But we were unable to get the information because the books were not entered up, and the only way the information sought could have been obtained would have been by searching through huge stacks of old rolls of papers which ought to have been copied in proper form into the journals provided for that purpose. The result was that the city had to pay some of these title insurance companies for the needed information, and the peculiar part of it is that in paying this money to the companies the city was paying for data given to those companies by the city's employees. I have taken possession of the books belonging to the companies and to Mr. Slattery, and intend to make a thorough investigation."

"There will be a big scandal in this department one of these fine days. The arrears bureau is not the only one in which there is cause for complaint. Some of the other bureaus need looking into and I intend to look into them at once. I know already that some of the men in this department succeeded in fooling Mr. Grout for four years, but they will not fool me and before I get through with them some of them will lose their places. I will clean up the department if I have to dismiss every man in it. A lot of these men around here think they can do as they like under the impression that they are protected by the civil service laws, but some of them are likely to have charges made against them of neglect of duty so persistent as to warrant their removal."

According to the Comptroller, the clerks of Mr. Slattery's bureau admitted that the Collector and some of the employees in the office worked on the books of the companies after office hours and that therefore the city was not robbed of any time.

"And that reminds me," Mr. Metz suddenly exclaimed, "that the men up in that bureau have been in the habit of sending in bills for supper money, but they had been compelled to work overtime. As the city's books have not been checked up it looks as if the supper money paid by the city was for overtime work on the private books."

Chief Bookkeeper Smith of the Finance Department was assigned yesterday by Mr. Metz to take charge of the books of the bureau and with a staff of assistants he will start to-day to look up the records since 1899 entered up. Daniel Moran, chief of the bureau of municipal investigation and statistics was named to fill Mr. Slattery's place during his suspension.

Mr. Slattery has been Collector of Assessments and Arraers since 1904. He was appointed by Comptroller Grout because of his fine record in the bureau. He was one of the bookkeepers in the bureau when he discovered that Charles P. Chipp, the chief bookkeeper, had been manipulating the books stolen about \$20,000 from the city. Chipp was indicted and went to prison. Edward Gilon, then Collector, was forced to resign. William F. McFadden was appointed Collector and Slattery Deputy Collector. Two years later, when Mr. McFadden resigned, Mr. Slattery was appointed head of the bureau.

Deputy Comptroller Edgar J. Levey, who is the president of the Title Insurance Company, said last night: "I think it will be found that Mr. Slattery was not suspended for any irregularities in the management of his department, but for an unfortunate falling. It is quite true that Mr. Metz found books belonging to us and other title companies in the bureau because the companies keep representatives always in the bureau to keep track of all the records and to enter them in our books. If we did not have our men in that office we would be unable to do business. One company indeed hires a room in the Stewart Building for its men."

"Did Mr. Slattery or his men ever do any work on your books?" it was asked. "They may have, but only in their own time and after office hours," Mr. Levey replied.

"Was Mr. Slattery paid for this work?" "Well, now I've said as much as I feel I ought to say about this matter until I have found just what the facts are upon which the Comptroller suspended Mr. Slattery," was the answer.

MAY BAR PHONETIC SPELLING.

Possibility of a Row Between the White House and Both Houses of Congress.

WASHINGTON, Nov. 26.—A merry row is threatened between the White House and both houses of Congress over the reformed spelling propaganda of President Roosevelt. Public Printer Charles H. Stillings sees trouble ahead for himself, and, fearing that hostilities will soon open up, is getting ready to hold the bag.

The first draft of the executive bill to be considered by a sub-committee of the House Committee on Appropriations was received at the Capitol to-day. It contains a number of phonetically spelled words in accordance with the order issued by the President some months ago. The President apparently has authority to require the Public Printer to adopt reformed spelling in all documents that emanate from the White House and the executive departments, but he has no control over the printing of Congress. Public Printer Stillings has taken the liberty to use the phonetic form in the executive bill and also in the Treasury estimates which are about to be issued.

Representative James A. Tawney, chairman of the House Committee on Appropriations, was asked to-day if he thought Congress would stand for phonetic spelling. "I decline to be drawn into a controversy on that subject," he said with a smile. "Some of the old graybeards of both houses, it is understood, will at the first opportunity openly express their disapproval of the use of phonetic spelling in documents printed for either house, and there was an intimation to-day that an amendment might be incorporated in one of the supply bills prohibiting phonetic spelling in any publication issued by the Government."

"I wonder if the President would veto an appropriation bill that contained such a provision," said a member at the Capitol to-day.

DOZEN BURT IN CAR SMASH.

One Woman Was Thrown to Street and Internally Injured.

Several persons were injured as a result of a collision between two southbound cars on Eighth avenue at Thirty-ninth street shortly before 9 o'clock last night. One car had been stopped at the crossing so the Mrs. Hannah Coghlan, her twelve-year-old son, Edward, and her sister, Miss Sadie Delany, all living at 12 Orange road, Montclair, N. J., could get aboard. Before the car was started, another car bound south banged into it with great force.

Mrs. Coghlan, who had not got seated, was thrown to the street and sustained several internal injuries. Miss Nellie Sullivan, a maid, living at 14 East Thirty-second street, was also thrown from the car and suffered general contusions.

Policeman Smith of the West Thirty-second street station, who witnessed the collision, says that at least a dozen passengers were more or less injured. While the policeman went to summon an ambulance the motorman of the two cars sent them ahead. An ambulance was summoned from the Roosevelt Hospital, and Miss Coghlan was taken in it to Bellevue. Miss Sullivan refused to go to the hospital and went to her home. The others injured hurried away before the policeman could get their names.

TO CLOSE POOLROOMS TO-DAY.

Those in the Tenderloin to Shut Up Shop as Result of Jerome's Action.

Word was passed through the Tenderloin, when the races were over last evening, that all the poolrooms must close to-day. This announcement came from the poolroom owners. The cashiers, card hangers, doorman and telegraph operators were told that they need not report to-day and that they wouldn't be needed for some time. A man familiar with the poolroom situation in the Tenderloin said last night that there wouldn't be a room open in the district to-day.

Outside of the district, however, poolrooms were running. Many of the downtown poolrooms have closed, but there are others still running despite Mr. Jerome's fight.

District Attorney Jerome's gambling fight didn't show many results yesterday, but Mr. Jerome said that he had obtained some valuable information. As a result of this information there may be developments to-day or to-morrow.

Mr. Jerome had a talk with Emil Fuchs, who is counsel for some of the poolroom men. Mr. Fuchs has been tardy about reporting to-day to Mr. Jerome, but in the course of his talk with Mr. Fuchs Mr. Jerome said: "If your men are square with me I'll be square with them, but if they are not they won't get any consideration from me."

The Rev. Thomas R. Slicer had another talk yesterday with Mr. Jerome on the poolroom question and the method of procedure best to be adopted to bring about the repeal of the Percy-Gray racing law.

MAY CALL PLATT AND PAYN.

MUTUAL RESERVE TRIALS TAKE AN UNEXPECTED TURN.

Jurors Asked if They Know the Senator, the Ex-Insurance Superintendent or Edward Lauterbach—Defendant Not Seen to the Tombs During the Trial.

Senator Thomas C. Platt, Lou Payn, ex-State Superintendent of Insurance, and Edward Lauterbach may be called as witnesses in the trial of George Burnham, Jr., who is counsel for the Mutual Reserve Life Insurance Company. The hearing of the case began yesterday before Justice Greenbaum in the Supreme Court, Criminal Branch. There are five indictments against Burnham for larceny and forgery, but yesterday was the first time that the names of Platt, Payn and Lauterbach were brought into the case.

Every salesman examined by Assistant District Attorney Nott, who is in charge of the prosecution, was asked if he knew these men. No one in the District Attorney's office would explain the significance of this, but it was said that they might be called as witnesses and that their testimony might be of great importance, but it all depended on the developments of the trial. It was said that whatever connection these men had with the case came out since the District Attorney's office took up the investigation of the charges against Burnham.

When yesterday's session was adjourned, after eight jurors had been obtained, Assistant District Attorney Nott moved that Burnham be committed to the Tombs. This was opposed by William Rand, Jr., who was Mr. Jerome's chief of staff. He said it wasn't the custom to commit a defendant to the Tombs. Justice Greenbaum said that he thought it was in the case of Mr. Nott, said that in 85 per cent. of the felony cases the defendant was committed during the trial. Mr. Rand questioned this statement.

Mr. Rand said that he would be responsible personally for the appearance of Burnham. Mr. Mott wanted to know who would hold Mr. Rand accountable if Burnham should skip. There was a scurrying to see if Burnham's bondsman was in court, but he wasn't. Both Mr. Rand and Sewell Tyng, counsel for the Mutual Reserve, declared that they would guarantee the appearance of Burnham. That was satisfactory to Justice Greenbaum, who let Burnham go home.

Burnham came into court with his brother, Frederick A. Burnham, president of the company, and George D. Eldridge, vice-president. They all sat at a table together. Mr. Rand and Mr. Tyng and Frank R. Lawrence, a number of retainers were grouped around them.

Every precaution had been taken to protect the interests of the defendants. Long typewritten lists had been made of the salesmen on the special panel, and opposite each name was a history of the individual. Whenever a name was called the list was consulted, and there were whispered conferences between the Burnhams, Eldridge, and Mr. Rand. Sometimes Mr. Rand challenged a salesman without asking him a question.

The Burnhams and Eldridge, who are indicted together, were called to the bar by Clerk William Penney when court opened. Mr. Rand immediately asked Mr. Nott to announce which one of the defendants he would try first. Mr. Nott said that as they had decided not to be tried together he would call the case of George Burnham first. Then Mr. Rand tried to have incorporated as part of the trial record a motion he made some time ago to have the indictment dismissed, but Justice Greenbaum said he thought it was an unusual request and refused to grant it.

Many of the salesmen had prejudices against life insurance companies and their officers. One man said he was sick of the whole thing, and he was sick of life insurance in the newspapers and hearing people talk of it. Mr. Rand wanted to know if the salesman approved of the criticism of life insurance officials, and he said he did, that he was down on them.

"Regardless of age, sex or previous condition of servitude," said Mr. Rand.

"That's right," said the man. "But while I wouldn't let that influence my judgment, I wouldn't take the opinion into the jury box with me." He was excused.

Another man said he knew District Attorney Jerome, that he played chess with him at the Manhattan Chess Club and that he was a good chess player and a man of sterling qualities.

"Challenged," said Mr. Rand.

"Another man said he wouldn't be influenced by public clamor.

"You stand right there," when the popular wind blows stronger," said Mr. Rand.

"That's right," said the salesman.

Justice Greenbaum sat until 5 o'clock, when eight jurors had been drawn. They are: Henry H. Alger, civil engineer; Henry E. Sprague, merchant; Leonard D. White, banker; E. Brainard Bulky, secretary; Adolph F. LeGost, bank teller; Howard A. Raymond, real estate; Isidor Levy, commission merchant, and Elwood Hendrick, broker.

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MILLION DOLLARS FOR CHARITY.

Will of Late Daniel B. Shipman Leaves Bulk of Fortune to Public Uses.

CHICAGO, Nov. 26.—Bequests aggregating more than \$1,000,000 are to be distributed to charity by the will of Daniel B. Shipman, the paint manufacturer, who died last Thursday unattended by a single relative.

It is believed Chicago charitable institutions will get nearly all the money. Mr. Shipman's only near relative, a sister, Mrs. Olive J. Cone, was in Connecticut too feeble to attempt the journey to his bedside. She is about the same age as Mr. Shipman, 86. The sister has been provided for, and except a few minor bequests the estate will go to charity.

WOMAN SHOTS DIPLOMAT.

Former French Finance Minister Wounded—Boulevard Incident.

Special Cable Despatch to The Sun. PARIS, Nov. 26.—M. Merlou, formerly Minister of Finance and now Minister to Chile, was shot with a revolver this evening on the Boulevard des Italiens by Mme. Dallemagne, a former friend of his. She fired four shots at him, only one of which hit him, resulting in a slight wound in the arm.

The woman was arrested. She assaulted M. Merlou publicly last year.

CANADA FOR NEW POSTAL DEAL.

Tired of Carrying Our Second Class Matter—Would Revise Convention.

OTTAWA, Ont., Nov. 26.—The Dominion postal authorities want to withdraw from the convention existing between the United States and Canada in regard to second class matter. The Canadian Government is unwilling to continue delivering at news rates tons of American publications that would not be entitled to the second class privileges if they were published in Canada.

It is also charged that Canada would be better without many of these and that a strict adherence to the definition of second class matter in the United States would have resulted in many publications being not being admitted to the mail on the same basis as bona fide newspapers and magazines.

A new convention will no doubt be negotiated with Uncle Sam to accomplish what the postal authorities on this side of the line are aiming at.

TO ELECTRIFY PENNA. R. R.

Planned to Erect Power House and Dam Near Harrisburg.

HARRISBURG, Pa., Nov. 26.—Cars will soon be run by electricity over the Pennsylvania Railroad according to a statement by an official to-day.

He said that work would soon be started on a power plant and dam at Iniquis, about twenty miles west of Harrisburg, to furnish power to supply all the telegraph and signal towers and to run cars between Aqueduct and Mifflin.

Hundreds of acres of land have been purchased by the railroad at Iniquis, much of it along the river front.

TRAINMEN ASK MORE PAY.

Committees of Central Employees Meet With the Road's Officers.

The adjustment committees of the trainmen and conductors on the New York Central railroad arrived in New York yesterday to confer as to wages and working conditions. They demand an advance in wages and a readjustment of the working conditions.

The two committees met the officials of the railroad at the Grand Central Station yesterday afternoon. The conferences with the trainmen and the conductors will go on simultaneously until they are finished. Both committees expect that wages will be advanced and the working conditions modified.

MYSTERY OF NORTHERN WILDS.

Blood Stained Saddle of J. S. Dale Found—Foul Play, Say Canadian Police.

VANCOUVER, B. C., Nov. 26.—A blood stained saddle belonging to J. S. Dale, a wealthy young Philadelphian who disappeared on August 23 in La Belle Col Valley, has been found. As a result the provincial police detailed to investigate the mystery are convinced the young man was foully dealt with.

CARUSO'S APPEAL IS GRANTED.

HIS CASE WILL BE PASSED UPON IN GENERAL SESSIONS.

Refused to Pay Fine, but Gave Bond for \$100—Mothot Says That Many Prominent Men, Including a Bishop, Have Been Arrested for Same Offense.

Third Deputy Police Commissioner Mathot declared yesterday that many men prominent in professional or business life have been arrested in Central Park for offenses similar to the one of which Enrico Caruso, the Metropolitan Opera House tenor, was found guilty. The Deputy Police Commissioner asserted that a Bishop, several clergymen, lawyers, business men, actors, managers and others have their names on the police records as defendants in cases of that sort, but the news of their arrests had been suppressed. The Deputy Commissioner said further that he had received letters threatening his life on account of his activity in the prosecution of the Caruso case.

Mr. Mathot's statements, together with the granting by Judge O'Sullivan in the Court of General Sessions of an order of appeal from Magistrate Baker's decision in the Caruso case, were the most notable developments yesterday in the situation that has grown out of the arrest of the tenor for annoying women in the Central Park zoo.

Deputy Commissioner Mathot made his statements before a group of newspaper men at Police Headquarters.

"The people of New York city," said he, "have no conception of the extent of such offenses as are charged against Caruso. We have records to show that a Bishop, several clergymen, lawyers, musicians, actors, managers and others have been guilty of committing the same or similar offenses in the parks of this city. Only two days before Caruso was arrested a musician from the Metropolitan Opera House was taken into custody for the same offense. The Court pronounced him guilty and fined him \$10."

"But why have the records of these arrests been suppressed?" asked one of the reporters.

"Because," said the Deputy Commissioner, "it has been the experience of the Police Department that women will not appear in court as complainants in cases of this sort except in very rare instances. Experience has shown that it is better to keep these cases quiet and hold over the heads of the offenders the possibility of their infamy being made public in the event of their being hauled up a second time on the offense."

The Deputy Commissioner went on to say that in the case of Caruso he was an old offender, although he had never been arrested before. One woman whom he had insulted, he said, went to the station house and preferred a complaint against him and promised to appear in court as a witness against him. Then the affair got into the newspapers and there was a big hubbub. Except for the prominence of the man and the attempt that was made to fix a charge of blackmail upon the police, the Caruso case, the Deputy Commissioner said, was no different from the large number of other cases of the same sort which occur in the city's parks regularly.

Mr. Mathot didn't have anything to say about how the court proceedings in these cases had been hushed. The Deputy Commissioner declared that if it was shown the police were not handling these cases in the best way by keeping the facts quiet, why, he would be in favor then of having publicity to the fullest extent.

One of the letters which the Third Deputy Commissioner received read:

"Produce Mrs. Graham or you will be among the missing."

This letter was written on tissue paper, and was decorated with the usual skull and crossbones. The most of the letters which have come to the Deputy Commissioner in support of Caruso have been from Frenchmen and Italians. Nearly all of these letters condemn the Deputy Commissioner, as he puts it himself, as thoroughly qualified for the "United Order of Jackasses." Mr. Mathot has, on the other hand, received a large number of letters from citizens of this State complimentary to him on the stand which he took in support of the Deputy Commissioner.

The Deputy Commissioner is inclined to take the threats on his life as jokes, going on the assumption that a larking dog never bites. Mr. Mathot declared yesterday that if the police ever caught Caruso again they would try to send him to State prison. He denied that any special attempt was being made by the Department to watch the tenor's movements.

Judge O'Sullivan's decision granting an order of appeal was based largely on an affidavit which was signed by Caruso. This affidavit gave a brief history of the case and declared it to be Caruso's belief that the charge originally entered against him on the blotter of the Arsenal police station was that of indecent conduct toward a "Mrs. Hannah Graham" and did not have appended to it the words "and other women." The deponent declared that he is guilty of any of the things charged. He holds the case against the decision of Magistrate Baker is entirely against the weight of evidence and that the Magistrate made a number of erroneous rulings in the admission and rejection of evidence. The affidavits sets forth that Magistrate Baker before rendering his decision visited the monkey house in the Central Park Zoo in the absence of the defendant and his counsel and that the Magistrate was influenced in rendering his decision by this visit. The deponent says further that he is advised that there is no such offense known to the law as set forth in the affidavit of Policeman Cain as disorderly conduct.

Judge O'Sullivan, in granting the appeal, consented to accept \$100 bail and stay all proceedings on the judgment. The \$100 was put up in cash with the City Chamberlain, and this enabled Caruso's lawyer to go into the Yorkville police court later in the day and refuse to pay the \$10 fine.

The date of the hearing on appeal has not been set yet. The case, so far as the people's side is concerned, has passed out of the hands of the police now into the hands of the District Attorney's office. Ex-Judge Dittenhofer, Caruso's leading counsel, conferred with the District Attorney for some time after Judge O'Sullivan's decision was rendered, but nothing definite was announced. Caruso took part in a rehearsal yesterday for the first time since his trial began. His throat was improved and Herr Corrad is