

EVERYBODY AT SEA IN ALBANY

LEGISLATORS UNCERTAIN AS TO WHAT GOV. HUGHES WILL DO.

He Has Taken No Leaders Into His Confidence Regarding His Appointments—Senate to Adopt a Rule Authorizing Rates to Appoint the Committees.

ALBANY, Dec. 30.—Governor-elect Hughes did not leave the Executive mansion today. He had no visitors of moment and passed a restful day with his family. After breakfast he read the proof of his message, which will be transmitted to the Legislature on Wednesday.

Gov. Higgins reached Albany this afternoon. He is stopping at the Hotel Ten Eyck. When Governor-elect Hughes learned that Gov. Higgins was in town he invited the Governor to stay at the mansion, but Gov. Higgins sent back word through Mr. Hughes's military secretary, George Curtis Treadwell, that realizing there was not an overabundance of room in the mansion he would remain at the Ten Eyck.

The news of the arrival of Mr. Hughes in this city has been the signal for members of the Legislature to hasten their departure from their homes to this city. While Mr. Hughes is making no public utterances of his programme, the legislators are anxious to find out what is going on in Albany and are hanging on to every rumor that goes the rounds. At present, however, they are beginning to show some concern regarding the organization of the two houses of the Legislature.

Never before was there so much uncertainty regarding what an incoming Governor will do, and the fact that he does not seem to think it worth while to take legislative leaders into his confidence concerning his appointments and other acts has everybody at sea. They know he has named his staff and also his private secretary and military secretary and has said whom he will name as Superintendent of Banks, but further than that he has given no intimation of what he proposes to do, and the utmost anxiety is expressed as to what he will recommend in his message.

Only the fact that it will not be as long as other communications to the Legislature is known. And it is safe to say that when the message is read on Wednesday it will receive strict attention and not be looked upon as a mere routine of the organization of the Legislature.

The gossip continues to make McDougall Hawke, the former New York city Dock Commissioner, the new Superintendent of Public Works. It is pointed out that even if Governor-elect Hughes wanted to appoint Col. Thomas A. Symonds to that position the public officers act would prevent it, for Col. Symonds is not a resident of this State. In order to appoint him Mr. Hughes would have to secure a special act of the Legislature.

It is also believed that there will not be public investigations of the various departments. What investigations will be made will be of an internal character. For instance, it is believed that the new Banking Superintendent, Charles Keep, will do his own investigating and clean house as he finds it necessary.

But while all of this speculation concerning the new era that is to occur in the executive department of the State government, the proud, haughty and often called naughty Senate is to proceed on the same lines as have prevailed for the last decade. The Senate refuses to take to itself the rebuke of the people at the polls last fall, and Senator John Raines is going to proceed just as if the people had not shown their displeasure with the way the Republican party through its officers had been conducting the affairs of the State. There is to be no housecleaning of the upper body of the State Legislature. This was shown when it was announced that John Raines of Canandaigua was to be once more the president pro tem. of the Senate.

Although the rules provide that the Lieutenant-Governor shall appoint the committees of the Senate, the same policy that has been the custom when the presiding officer is of a different political faith than the majority of the Senate is to be pursued. On the opening day Senator Hughes will introduce a resolution amending the rules so that the president pro tem. will be authorized to name the committees. This amendment will be adopted.

Senator Raines is in town and is at work trying to fix up his committees, but he finds it a troublesome task. The chairmanships are not to be doled out until after conferences are had to-morrow and Tuesday with individual Senators, and then the list will be prepared during the recess of one week. It is definitely settled, however, that Senator W. W. Armstrong will be the chairman of the Finance Committee, but the chairmanships of other committees have not been decided definitely. The important committees whose chairmen have not been returned are Judiciary, Codes, Taxation and Retrenchment, Insurance, Miscellaneous Corporations, Banks and Public Education. Senator Raines will not disturb the committee chairmanships where the member has returned save to promote from insignificant committees to more important ones. Senator Horace White of Syracuse will continue as chairman of the Cities Committee. Senator Benjamin F. Wilcox will continue as chairman of the Railroads Committee.

Senator Page of New York is insisting upon being named as chairman of the Judiciary, but Senator Davis of Erie is the ranking member of that committee. However, Senator Davis is chairman of the Canal Committee, an assignment that is dear to the heart of an Erie man. Senator Jotham Fairbairner of Albany is mentioned in connection with the Judiciary chairmanship. He is the chairman of the Forest, Fish and Game Committee, and for reasons probably best known to himself he prefers to retain that chairmanship if he cannot have that and the Judiciary too.

Senator Hill is the ranking member of the Codes Committee and it is more than likely that he will be named as chairman. Senator Tully of Corning and Senator Tamm of New York are mentioned in connection with the chairmanship of the Committee on Taxation and Retrenchment. Should Senator Saxe be named it would not be at all surprising to see Senator Tully made chairman of Insurance, he having been a member of the Insurance Investigat-

ing Committee. Senator Fancher, Gov. Higgins's Senator, is the ranking member of the Insurance Committee.

There is no doubt that it is a lively time in deciding the chairmanship of the Committee on Miscellaneous Corporations. The power companies of Niagara have sent to the Senate as their representative Stanislaus P. Franchot, and they naturally will expect him to be named as chairman of the committee that always considers their bills. But Senator Owen Cassidy of Watkins has claims for that post that will have to be considered. Then there are several former Assemblymen who will have to be counted upon as likely to be influential members of the Senate. Senator-elect George B. Agnew, who succeeds Nathaniel A. Elsberg, and Senator-elect Percy Hooker of Genesee represent the reform element in the party and are likely to be swayed by only the highest impulses.

While Speaker Wadsworth has but few vacancies to fill in the Assembly, these few are about to prove troublesome. Assemblyman James T. Rogers of Broome persists in protruding himself upon the notice of the leaders. Last year he was gracefully shunted to one side by being made chairman of the Insurance Committee. Mr. Rogers now appreciates the fact that the Insurance Committee is not to cut much of a figure this winter and he clamors for higher honors. He wants to be chairman of the Judiciary Committee, but it is believed he has already been overlooked as far as that committee is concerned. There is a lively fight on between Assemblyman Charles W. Mead of Albany and Assemblyman Edward Schoenck of Syracuse for the chairmanship. Mr. Schoenck was one of the members who fought to remove Justice Warren B. Hooker, while Mr. Mead opposed his removal.

Assemblyman Edwin A. Merritt, Jr., of St. Lawrence, on account of "being good" and supporting the Speaker last winter, is to be promoted. He is to have the chairmanship of the Railroads Committee. Mr. Merritt last winter introduced a number of railroad bills that were looked upon as almost revolutionary in their character. One practically abolished the Railroad Commission.

Doesn't look now as if the Assembly leaders were going to find an important committee chairmanship for Assemblyman Ezra Prentice, Herbert Parsons's personal representative. The only remaining chairmanships of important committees are Taxation and Retrenchment, Electricity, Gas and Water Supply and General Laws. Assemblyman Fred Hammond of Syracuse and Assemblyman Edward C. Dowling of Brooklyn are mentioned in connection with the Electricity, Gas and Water Supply chairmanship. In the event of the latter getting the place Mr. Hammond, it is believed, will get the chairmanship of the General Laws Committee.

STEPS TO OPEN BALLOT BOXES.

NEW ATTORNEY-GENERAL WRITES TO HEARST TO APPLY.

And It Looks as if the Application Will Be Granted, Whereupon the Action Will Probably Be Brought Somewhere Up State—Mayor's Lawyers Will Fight.

Attorney-General-elect William S. Jackson, who is to take office to-morrow, sent the following letter to William R. Hearst yesterday from the Victoria Hotel: Hon. William R. Hearst, 135 East Twenty-eighth street.

DEAR SIR: In the matter of the application of William Randolph Hearst to the Hon. Julius Mayer, Attorney-General of the State of New York, for leave to institute quo warranto proceedings against George B. McClellan, Mayor of the city of New York, which leave was heretofore denied, you are hereby notified that should you desire to renew or to make another such application a re-hearing and consideration on said matter will be granted by me as soon as I take office as Attorney-General on January 1, 1907.

You are thus informed because I deem that the welfare and dignity of the people of this State demand the immediate settlement of the serious questions involved. Yours truly, W. S. JACKSON.

Mr. Jackson gave out copies of this letter at the Victoria last night. "The letter speaks for itself," he said. "I have no further statement to make about the matter at this time. Any statement now must come from Mr. Hearst or his counsel."

Clarence J. Shearn, Mr. Hearst's counsel, said that the first intimation he had that such a letter had been sent was when he heard of it from the reporters, though Mr. Jackson, it was understood, had had a talk yesterday with Mr. Shearn and also with Mr. Hearst.

"This is certainly very gratifying to us," said Mr. Shearn. "As a matter of fact, we had all along intended to present such an application to Mr. Jackson as soon as he took office and the papers are now all prepared and will be handed to him on Tuesday. It will then be for him to set a date for an argument. We intend to push this fight for a recount as vigorously as ever, and nothing will be spared to bring about a recount of the votes in the ballot boxes. It looks now as if we were going to get some action at last."

Mr. Shearn said that the papers which would be submitted in the new application were practically the same as those presented to Attorney-General Mayer, who denied the application. In denying it Mr. Mayer said that in his opinion nothing was shown in the papers which would indicate that the result of the election would be materially changed.

There are 1,200 printed pages of affidavits for Mr. Jackson to go over alleging frauds and mistakes in the count. The other side has the right to oppose the application before the Attorney-General, and Mayor McClellan will be represented in the argument probably by Assistant Corporation Counsel Butts, who has handled the case all along. Mr. Jackson has been asked verbally by Mr. Hearst and his friends to give them a re-hearing, but his letter was not sent in reply to any formal written application, and it had been widely expected that Mr. Jackson would wait until after he had taken office and received such a request. That he anticipated this by a letter in which he says he believes the people of the State demand a settlement of the matter leaves little doubt that he intends to grant the application. In that event it will be for him to bring an action in the Supreme Court. He could do this in any judicial district in the State. It was said last night that the action would probably be brought in the second district on account of the crowded condition of the calendar here.

It is the intention of Mayor McClellan and his friends to oppose such proceedings and to take advantage of every point that seems to justify an appeal. Most of the lawyers who have looked into the case have upon figuring how long these proceedings might take, but all have agreed that they will take a long time, and with a sufficient number of appeals could be made to last almost indefinitely. The expense, which would also be great, falls on the applicant if he loses.

The ballot boxes, which, as it now looks, will be opened, are still in the custody of the Board of Elections of this city. Ordinarily their contents would have been destroyed long ago and the boxes used for the last election. The Corporation Counsel, representing the Board of Elections and the Mayor, asked permission from the Supreme Court to destroy the ballots at the end of the six months provided by law, but Justice MacLean denied the application, holding that while doubt existed as to the propriety of public policy to destroy the proof, Mr. Hearst at that time offered to pay for a new set of ballot boxes for use last fall, but the Board of Elections found that it could not allow this and had to foot the bill itself.

Although Justice MacLean handed down this decision last summer no notice of an appeal by the Corporation Counsel was taken until some weeks after the election of Mr. Jackson. The matter was argued before the Appellate Division two weeks ago and no decision has been handed down as yet.

The Hearst people have been confident of a recount ever since Mr. Jackson's election, though Mr. Jackson has carefully refrained from making any statement which would indicate that he had made any decision himself in the matter. He has already appointed Mr. Hearst's committee, W. A. de Ford, a deputy Attorney-General.

Mr. Jackson's letter to Mr. Hearst comes closely on the heels of Attorney-General Mayer's appointment of Gherardi Davis as a special deputy to take charge of the action brought against Mr. Hearst by the Corrupt Practices Association to compel him to make a statement in detail of the sums he spent in his last campaign, on the ground that his statement on file contains many discrepancies. The appointment was made on Friday, and there seems to be some doubt as to whether it terminates when Mr. Mayer goes out of office. Mr. Jackson said last night in reference to the Davis appointment that he believed it could be revoked or continued. Mr. Davis is a member of the executive committee of the Corrupt Practices Association and a Republican.

Buy House Where Keats Died. Special Cable Dispatch to THE SUN. ROME, Dec. 30.—The Anglo-American Executive Committee has purchased the house in the Piazza de Spagna in which Keats died, for \$12,000. Eight thousand dollars more is wanted to pay off the mortgage on the place.

OVER NIGHT TO CHICAGO. PENNSYLVANIA SPECIAL. In 14 hours via Pennsylvania Railroad: rock-balled, dustless roadbed. Leaves New York 8 P. M., arrives Chicago 8 A. M. Other fast trains to Chicago Cleveland, Cincinnati and St. Louis.

SEABOARD FLORIDA LIMITED LEAVES N. Y. 12:30 noon on commencing Jan. 1. Arrives St. Augustine 2:30 P. M. Quicklets time. Shortest route. Booklets 1153 5-way, or any P. R. N. office.

DELICACIES. For all imported Italian and French table wines and delicacies ask for booklet from Cesare Palli, 8 Broadway, n. d.

CAPT. VAN WICKLEN RETIRED.

Man Who Refused to Hazard Lives in Rescue of President Hutchceon.

LONG BEACH, L. I., Dec. 29.—Capt. Richard Van Wicklen, who for over a quarter of a century has been in charge of the life saving station on this beach, has been succeeded by Frank Langdon, who received his commission a few days ago. Capt. Van Wicklen's retirement is said to have been brought about by an incident that occurred last August, when President Hutchceon of the American Motor Car Company and two friends, one of whom was a mate of the Cunard Line, had to swim ashore in a raging sea after the launch in which they were cruising was baffled by heavy seas and had to be anchored.

A number of cottagers on the beach accused Capt. Van Wicklen and his men of cowardice in not maintaining the lifeboat and putting out to the rescue of Mr. Hutchceon and his friends. Capt. Van Wicklen insisted that to launch the lifeboat would be foolhardy. The captain felt the accusation keenly, as his entire record seemed to belie any cowardice on his part. The Government officials, however, it is said, gave ear to the cottagers.

PERSIA HAS A CONSTITUTION.

Shah, Who is Better, and His Heir Signed Document Yesterday.

SPECIAL CABLE DISPATCH TO THE SUN. TEBERAN, Dec. 30.—The Shah and the Crown Prince signed the Constitution this morning. It provides for a partly elective Senate, and financial control by the lower house. The princes signed a separate document promising not to dissolve the present Parliament for two years. The Shah is very weak, but is sitting up.

CLUNG TO WRECKAGE TWO DAYS.

Woman and Seventeen Men Adrift in Pacific Storm.

SAN FRANCISCO, Dec. 30.—A woman and fifteen of seventeen men who were cast adrift on a remnant of the deck house of the American ship Great Admiral, when that vessel was torn to pieces in a terrific gale, December 6, 200 miles west of Cape Flattery in the Pacific, arrived here to-day. For two days and nights the men and woman clung to the wreckage, tossed about by mountainous seas. In the middle of the first night the roof of the deck house parted and the two fragments drifted apart. The cabin boy and cook died and their bodies were dropped into the sea. On December 8 those remaining were rescued by the British bark Barcoe, and on Christmas eve they were transferred to the American bark Andrew Welch, from Honolulu, which arrived here to-day.

MR. AKED ACCEPTS.

Liverpool Clergyman to Be Pastor of John D. Rockefeller's Church.

SPECIAL CABLE DISPATCH TO THE SUN. LONDON, Dec. 30.—The Rev. Dr. Charles F. Aked has accepted the call to the pastorate of the Fifth Avenue Baptist Church, New York. He submitted his resignation as pastor of the Pembroke Chapel, Liverpool, in a letter read to the congregation to-night. He says he received last week from John D. Rockefeller, one of his new flock, a cablegram telling him he would have a free hand in his work in America.

ESCAPES FROM MATTEAWAN.

Somebody Saws the Bars for William Hall, Indicted for Burglary.

William Hall, an inmate of the State Hospital for the Criminal Insane at Matteawan, escaped at midnight last Saturday. Hall was confined in the dormitory on the second floor, but managed in some way to reach the corridor of the lower hall and got out through a hole made by sawing two bars from the window grating. The hospital authorities believe that the bars were cut by a friend of the prisoner who afterward aided him to escape. Hall's absence was not discovered until 5 o'clock in the morning. Hall was committed to the hospital on October 31, 1906, after having been indicted for burglary in the third degree. He was arrested on the complaint of two women living at 901 East 165th street, whose apartment he entered. The prisoner, the hospital people say, was a defective and inclined to suicide.

LIMIT TO WIFE'S DRESSES.

If Dressmaker Doesn't Make Sure Orders Are Reasonable She Can't Recover.

SPECIAL CABLE DISPATCH TO THE SUN. PARIS, Dec. 30.—The courts have decided a case that is interesting to many husbands as well as dressmakers. A fashionable dressmaker demanded \$5,000 for twenty-one gowns supplied to a woman in two months, and sued the wife and husband to recover.

The court points out that even if the husband gives his wife authority to purchase toilettes it must be presumed that he intends her to be reasonable. It rules that it is the duty of the dressmaker to inquire whether orders given by the wife accord with the husband's financial and social status.

The court cautions tradesmen that they should show prudence and reserve when orders are offered to them that are manifestly exaggerated or needlessly repeated. It awarded \$3,000 to the plaintiff.

CAR SMASHES AN A. O.

Chauffeur Thought the Car Would Stop at a Corner, but It Didn't.

A southbound Second avenue car yesterday crashed into an automobile in which were Mrs. Blanche S. Morton of 346 West End avenue, her brother and two women friends.

Mrs. Morton and her party were on their way from the Thirty-fourth street ferry. At Thirty-sixth street and Second avenue the car, which was in charge of Motorman William McCurdy of 308 East Ninety-sixth street, struck it as it was crossing the tracks. Howard McBride of 106 East Sixty-first street, the chauffeur, said he saw the car speeding through the avenue, but thought that the motorman would slow up before reaching the corner of Thirty-sixth street.

Instead of coming to a stop at the corner McCurdy, according to witnesses, didn't turn off the power, and the car struck the rear end of the automobile and hurled it against an elevated pillar. All the occupants of the automobile were thrown to the street, but escaped injury. The machine was demolished.

33 KILLED IN TRAIN WRECK

Appalling Disaster on the B. & O. Railroad Near Washington.

Empty Train Crashes Into a Local Passenger at Terra Cotta Station.

TRACKS STREWN WITH DEAD.

Engine of the Empty Train Ploughs Through the Cars of the Passenger Train, Killing and Maiming Men, Women and Children—Most of the Dead and Injured Were Residents of Washington—The Rescuers Attend to the Wounded Before Attempting to Identify the Dead—The Accident Due to Fog.

WASHINGTON, Dec. 30.—Thirty-three are known to be dead and more than thirty are more or less injured as the result of a wreck on the Metropolitan branch of the Baltimore and Ohio Railroad at Terra Cotta, a small station about four miles from Washington, at 6:40 o'clock this evening. The wreck was the most disastrous that ever occurred in the District of Columbia. The list of dead is as follows:

- HARRIS, Dr. E. GAITHER, dentist, 1228 New York avenue, Washington.
- DAILEY, ELDER O. L., Newark, Ohio.
- Boy with railroad pass in pocket for Mrs. J. A. McCaghey and son, "account family chief clerk to general superintendent."
- PERMAN, Mrs. M. S., North Takoma, D. C.
- MCFARREN, JEANNETTE, of Terra Cotta, employee of Bureau of Engraving and Printing.
- LIPPOLD, MARY, of Terra Cotta, employee of Bureau of Engraving and Printing.
- HOBBS, GEORGE, 7 years of age, Terra Cotta.
- ROBBINS, NORMAN, of Marian, Ind.
- BOWEN, Commodore P. V., address unknown. Boy, name supposed to be Edward M. Bell.
- LOWE, A. LEE, 1212 F street, Washington.
- KELLEY, J. A., Kensington, Md.
- REYNOLDS, Prof. T. I., Washington.
- REYNOLDS, Miss Takoma, D. C.
- Two colored women, unidentified.
- White man, mangled beyond identification.
- White child, unidentified.
- Unknown white woman, about 40 years old.
- Unknown girl, 14 years old.
- Unknown woman, 20 years old.
- Unknown woman, about 25 years old.
- Unknown white woman, about 25 years old.
- Unknown white woman.
- Girl, 18 years old, wearing Cornell pin.
- White child, unidentified.
- Black child.
- Two white girls, about 20 years old.
- White child, 6 years old.
- Three white women.

The accident was caused by an empty train of seven coaches running into a local train of three passenger coaches and a baggage car which had stopped at Terra Cotta to take on passengers. The empty train was running at a high rate of speed and crashed through all three of the coaches, smashing them to splinters.

The bodies of the dead were strewn along the track for a distance of more than a quarter of a mile. Many of them were horribly mutilated and it is probable that at least eight or ten will never be identified, as the bodies were distorted out of all human form.

The scene of the accident is a small station a short distance outside the city limits of Washington. It is a mere hamlet, inhabited only by workmen employed at the terra cotta works.

Train 66 from Fredericksburg is a local which runs only on Sundays. It was coming into Washington and was due here at 6:30 o'clock, in charge of Conductor Dick Moore.

TRAIN WAS LATE. The passengers were persons who had boarded the train at various small stations all along the line down from Frederick, Md., whence it started at 1 o'clock this afternoon. It was about fifteen minutes late, and in view of the fact that the night was foggy and the tracks damp the engineer made no effort to regain the lost time.

There is no station agent at Terra Cotta, merely a platform and shed where passengers wait for the train. The train had just come to a stop when Engine 3120, hauling seven empty passenger cars, which left Cumberland at 1 o'clock this afternoon on the way to Baltimore and in charge of Engineer Harry Hildebrand and Fireman J. T. McClellan, came down the track.

Red lights were burning upon the rear coach of the local, but owing to the fact that the fog was so heavy they could not be seen for more than a few yards. In fact, Engineer Hildebrand says that he was not aware that the track was not clear until an instant before the collision came. With a terrific crash his engine dashed into the coach and ran through all three of the cars on the local, demolishing them to kindling wood and leaving death in its path.

Each one of the three coaches was fairly well filled with passengers, and with only a few exceptions none escaped death or serious injury.

CARS THOROUGHLY SMASHED. Had the three coaches been constructed of tinder their demolition could not have been more complete, as the heavy engine ploughed its way through and scattered the unfortunate victims along the track. Some were ground into horrible masses beneath the wheels, while others were killed by the flying debris.

For a distance of fully a quarter of a mile

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The bodies of the dead were strewn along the track for a distance of more than a quarter of a mile. Many of them were horribly mutilated and it is probable that at least eight or ten will never be identified, as the bodies were distorted out of all human form.

The scene of the accident is a small station a short distance outside the city limits of Washington. It is a mere hamlet, inhabited only by workmen employed at the terra cotta works.

Train 66 from Fredericksburg is a local which runs only on Sundays. It was coming into Washington and was due here at 6:30 o'clock, in charge of Conductor Dick Moore.

TRAIN WAS LATE. The passengers were persons who had boarded the train at various small stations all along the line down from Frederick, Md., whence it started at 1 o'clock this afternoon. It was about fifteen minutes late, and in view of the fact that the night was foggy and the tracks damp the engineer made no effort to regain the lost time.

There is no station agent at Terra Cotta, merely a platform and shed where passengers wait for the train. The train had just come to a stop when Engine 3120, hauling seven empty passenger cars, which left Cumberland at 1 o'clock this afternoon on the way to Baltimore and in charge of Engineer Harry Hildebrand and Fireman J. T. McClellan, came down the track.

Red lights were burning upon the rear coach