The Sun.

THURSDAY, JANUARY 3, 1907.
Rain to-day; clearing and colder to-morrow.

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THE MESSAGE SUITS HEARST,

WHO WILL NEVER, NEVER RUN FOR OFFICE AGAIN.

He Congratulates Mr. Hughes on the "Independence League Message" He Has Sent In and Mentions That He Did Not Find Its Points in His Party Platform.

A large bunch of Independence League district leaders who are faithful to Hearst assembled at the Gilsey House yesterday afternoon, Justice John Ford presiding. Judge Ford said he did not see why a great movement such as that of the Independence League, based as it was on the highest and purest principles, should not have the active support of an individual elevated to the Supreme Court bench. He deplored the fact that custom seems to debar the judiciary from taking any part in political movements which tend to the betterment of the race and the improvement of governmental conditions. Mr. Hearst himself entered the room and was greeted with applause. He made a speech, in which he said:

"I think the league has accomplished more for the people of this State in its brief career than any party has done for many years. In the first place, in this campaign the league succeeded in securing the nomination and election of a number of able and honest and conscientious men who could never have been elected and who certainly never would have been nominated but for the activity and determination of the league.

"In the second place, the league has secured the general acceptance of many of its cardinal principles, and the promotion of those principles by the elected officials of all parties.

"Take, for illustration and example, the message which Gov. Hughes has addressed to the Legislature to-day. In that message Mr. Hughes demands legislative action to compel a recount of the votes cast in the last Mayoralty election. No such demand was expressed in the Republican platform on which Mr. Hughes ran, no such demand was expressed in Mr. Hughes's speeches, no such demand was expressed in the Democratic platform but that demand can be found very forcibly expressed in the platform of the Independence League.

"Mr. Hughes urges a measure providing for direct nominations. No such recommendation can be found in the Republican platform, or in the Democratic platform or in Mr. Hughes's speeches, but that recommendation was very clearly set forth in the platform of the Independence League.

"Mr. Hughes urges the abolition of the Railroad Commission and the Rapid Transit Commission, although when this was advocated during the campaign by the candidates of the Independence League, Mr. Hughes characterized these utterances as 'loose talk.' Mr. Hughes declared then that such matters should only be acted upon after the fullest and most careful investigation, and yet, on the second day of his official term, without any special investigation, he urges the abolition of these commissions, and very properly, too, for the character of these commissions is already perfectly understood, not only by public officials but by the public at large.

"I congratulate Mr. Hughes on the Independence League message that he has transmitted to the Legislature, and I congratulate the Independence League on having so many of its principles so speedily recognized and adopted, and I congratulate the people of the State on the benefits that will undoubtedly ensue.

"I myself am not and will not be again a candidate for any office, but I am as much interested as ever, and even more interested than ever in the promotion of the principles of the Independence League. And it seems to me that we can all feel satisfaction upon what has been and is being accomplished. And it seems to me that as patriotic citizens we need not care particularly what individuals put these principles and reforms into effect as long as they are actually being accomplished for the benefit of our fellow citizens.

"I believe that the league will go forward to further and greater achievements, and I heartily offer you, my friends, my best services as a fellow worker to those ends."

Other addresses were made by Clarence J. Shearn, William Madden of the Ninth district, Brooklyn; E. T. O'Laughlin of the Twelfth district, Brooklyn; Joseph Holwell of the Fifteenth district, Brooklyn, and Dennis McEvoy of the First district, New York. Charles J. Hackett of the Eleventh district in Brooklyn took occasion to deny that he had ever repudiated the Independence League executive committee and the management at the Gilsey House.

At the conclusion of the meeting Mr. Hearst shook hands all around.

Clarence J. Shearn said before the meeting that the snap meeting held by Timothy Driscoll and his followers at the Gilsey House on Tuesday, when Max F. Ihmsen was deposed from the chairmanship of the committee, would not hold good. Mr. Shearn said that the State committee was made up of 150 members, and as less than thirty members were present there was no quorum.

In any event, he explained, a meeting of the State committee had to be called by the executive committee under the articles of incorporation of the Independence League, and that as no call had been made by the executive committee the meeting held by the Driscoll men was without significance. When Mr. Shearn's attention was called to the clause in the by-laws providing for an annual meeting on the first Tuesday in January, Mr. Shearn stated that the first Tuesday this year fell on a legal holiday, and that even if the Driscoll combination took the matter to court the courts would not support their action in calling a meeting on a legal holiday.

LAIBACH'S BUSY SEISMOGRAPH.

Locates Submarine Earthquake at Pretty Nearly Longest Range.

Special Cable Despatch to THE SUN.

LAIBACH, Austria, Jan. 2.—The seismograph at the observatory here recorded at 1:15 P. M. to-day a very severe submarine earthquake 11,200 miles distant. It is expected that tremors elsewhere will follow.

The distance would suggest an earthquake in the south Pacific Ocean in one of the areas of great depth just east of New Zealand.

ADVERSE TO CAPT. KOEHLER.

Court-Martial Said to Have Convicted Him of Disrespect to Gen. Wood.

ZAMBOANGA, Mindanao, P. I., Nov. 20.—It can be stated on authority that the general court-martial of Capt. L. M. Koehler, Fourth Cavalry, for criticism of Gen. Wood has resulted unfavorably for the Captain.

The sentence cannot be made public until it has been reviewed by the War Department, but the court found Capt. Koehler guilty of the charges and specifications with certain exceptions and substitutions, and it is generally believed that the sentence will be a reduction in files, although this is not authentic

The evidence showed throughout that Capt. Koehler's former trial was irregular in many respects and tended to show that he had been the victim of prejudice and personal animus. This condition was the principal cause of his written appeal to the President, but the prosecution argued that even though a subordinate were wronged by a superior it was his duty as an officer and soldier to couch the language of his appeal to higher authority in respectful and concise terms, remembering that the superior of whom complaint was made was still his senior, to whom entire official respect was due.

Capt. Koehler was placed under arrest, as soon as the court adjourned, until the case has been disposed of by the War Department, probably in three months.

Capt. Koehler was charged with using disrespectful language in relation to Major-General Wood, a superior officer. The trouble is the outgrowth of a dispute between Major Hugh L. Scott and Capt. Koehler previous to the fight at Mount Dajo last March. Major Scott was in command. When the Fourth Cavalry took station at this place there were very bad accommodations for the enlisted men and the horses. Capt. Koehler requested an improvement in the way of better quarters for his men, and when Major Scott paid no attention to this Capt. Koehler sent a communication through military channels charging him with neglect and not attending to his duties as a commanding officer.

CLUNG TO RUNAWAY HORSE.

Police Sergeant Northrup Injured, but Prevents Others From Being Hurt.

Sergt. Charles Northrup of the East Twenty-second street police station, had just left the station house after going off duty at 6 o'clock last night when a runaway horse, dragging a light wagon, turned into the street from Second avenue at full speed. The sidewalks were crowded with factory girls, and fearing that the horse would swerve to the sidewalk Northrup threw himself at the animal's head as it passed. He caught the bridle and hung on until it broke, when he managed to wind the reins around the horse's legs and trip him. The animal fell on top of the sergeant.

Northrup's predicament was seen by the members of the night platoon when they turned out from the station house to go on patrol. He was extricated, and it was found that he was badly bruised and cut about the head and body. He was sent to Bellevue Hospital. He insisted on going home after his injuries had been dressed.

The horse started to run at Second avenue and Sixteenth street, when the driver, Samuel F. Shields of 1964 Bathgate avenue, The Bronx, got out to pick up a bundle of letters that had been dropped in the gutter by a messenger. The horse hadn't run a block before it collided with a street car and knocked out two windows. Shields tried to follow the runaway on a street car, but was far behind when the horse turned into Twenty-second street.

TO TEST SHOPLIFTING.

Sculptor's Model Said She Stole So as to Break Into Literature.

Caroline Morris of 239 East Seventeenth street, who says she is a sculptor's model, was arrested yesterday afternoon in a Sixth avenue department store for shoplifting. In the Jefferson Market police court Detective Sergeants Rein and Becker testified that the girl had been caught taking lace handkerchiefs and embroidery. The goods were found in her handbag. She was held in $500 bail for examination this afternoon.

The detectives said that when arrested the girl told them that she was writing a magazine article on the question of whether it would not pay the city to spend as much money for the prevention of crime as it now pays for the punishment of criminals, and that she was experimenting to find out how easy it was to commit a crime and escape detection.

Miss Morris refused to discuss her proposed magazine story in court. She said that she had posed for Paul Nocquet for his statue of "The Dancing Girl." She had with her a poem which she said she had written and dedicated to Paul Nocquet. It began:

The bronze doth so reveal the effort made
To express the dignity of life and work.

She explained that it was blank verse, and her first effort in this field of literary work.

Several months ago Miss Morris came to the Jefferson Market police court and complained that Dr. Schuyler C. Jacques of 1 West Eighty-ninth street had annoyed her by his attentions. Dr. Jacques was discharged. Michael O'Sullivan, attorney for the girl, said in court that he would confer with her parents or friends, and would probably ask to-day that she be committed to Bellevue Hospital.

TACKLED A TEDDY BEAR.

Boston Bull Wouldn't Stand for Any Bruin Opening His Mouth and Such.

In the window of the jewelry store beside the Broadway entrance to the Lincoln Square Theatre there was a "Teddy bear" yesterday. He was an automatic bear, and when the current was on he opened his mouth and seemed to gulp, and his head swayed from side to side. Last night at 8:30 o'clock a fugitive dog—a Boston bull bitch—came and stood before the window and looked and for a while didn't say a word. Late playgoers let the first act go to see what would come of it.

Bruin's jaw dropped and the dog barked. Bruin shook his head and the dog growled. Bruin's paw moved and the dog jumped straight at him. She hit the glass and dropped, got up and jumped again and again fell to the sidewalk. Then she streaked it for the door through the legs of the crowd, steeplechased a showcase and flung herself straight at the bear's throat.

Moritz Meisle, the jeweller, grabbed her and yanked, but that doesn't go with a Boston bull. Policeman Barlow got on the job. By that time Bruin was down and being worried. Barlow whacked the dog with his nightstick and it was five minutes, at that, before she let go.

Barlow poked his finger under her collar and dragged her to the West Sixty-eighth street station. She was booked for disorderly conduct and chucked in a cell.

Railroad Stock Quotation Record for January (176 pages), issued to-day, is obtainable only on application to Stock Exchange Brokers.—Adv.

49 DIE THROUGH BOY'S ERROR.

OPERATOR SEES HIS FATAL MISTAKE A MOMENT TOO LATE.

Tells Train Dispatchers and Other Operators, and They Wait at Their Keys for News of the Crash They Know Is Sure to Come but Can't Be Averted.

ALMA, Kan., Jan. 2.—"Twenty-nine has gone and I also." Shortly before 5 o'clock this morning the train dispatcher in the Chicago, Rock Island and Pacific Railroad office in McFarland heard the foregoing message clicked off by John Lynes, the boy operator in the little station in Volland, twelve miles further west. In an instant he knew what the halting, indefinite words meant.

Train 29, westbound from Kansas City and Chicago, had left the station where it had orders to meet No. 30, the passenger train coming from El Paso, and was rushing with its load of human freight to destruction only a few miles away.

The operator at McFarland leaped to his key and notified the despatcher's office in Topeka. There was still five minutes or more before the trains were due to meet and the operators in the office at Topeka, at McFarland and further west asked one another what was to be done to avert the wreck that was drawing nearer with each fleeting second.

The operator at Alta Vista already had notified the operator at Volland that No. 30 from the west had passed his station and was on the way to Volland. The dispatcher realized that no help could reach the trains rushing on to disaster, so they prepared to await the news which was to tell them that 49 persons had been killed and nearly as many more injured.

The two passenger trains collided head on. The brunt of the collision was borne by train No. 29, which was heavily laden with passengers. Forty-nine persons, nearly all of whom were Mexican laborers, in the smoking car on No. 29, lost their lives. Relief trains and all possible succor were rushed from every available point.

John Lynes, the operator at Volland, left for Alma, which is ten miles east. He ran along the road and overtook a farmer who was driving to Alma. The farmer let him ride with him. Lynes was frightened and talked little. When the two arrived here the Sheriff put Lynes under arrest. Lynes made the following statement:

"John Lynes, 18 years old, being duly sworn, upon his oath says that he was in the employ of the Chicago, Rock Island and Pacific Railroad Company as night operator at Volland, Kan.

"I had been awake all night and was perfectly sober. At about 5 o'clock this morning the despatcher gave me four orders; one was for second 29 to meet No. 30 at Volland instead of Alta Vista; No. 25 also to meet No. 14 at Volland at the same time.

"No. 29 headed into the east switch and let No. 14 pass, backed out of east switch and headed down the main line. I thought it was going to stop at the depot to take water, as trains have been doing, but instead it went by at from six to ten miles an hour.

"Both boards were at 'Danger' from the way the lever stood in the office. I cleared No. 14 by pulling down the right hand board for that train, as I had no orders for No. 14, leaving the westbound board at 'Danger,' as my lever was in proper place in the office, but No. 29 did not stop and I ran out with my lantern. With two swings across the track it went out. I then ran to the pumphouse, grabbing the pumper's lantern, waved it a few times and it also went out.

"I also called the pumper, telling him what had happened. I went back to the depot and told the despatcher that second No. 29 was by, and we waited to see if they were going to come back or hit. I told the despatcher that I was coming to Topeka and was trying to get there."

CHICAGO, Jan. 2.—In a signed statement given out to-day F. O. Melcher, general manager of the Rock Island road, says word was received this afternoon from Supt. Rourke at the Alma, Kan., wreck, that forty-nine persons were killed, and that ten bodies have been recovered. The superintendent also asserted that most of those killed were Mexicans, or other foreign laborers who were riding in the smoking car of the westbound train. Of the cause of the wreck Mr. Melcher's statement says:

"From the information at hand at present the wreck was evidently caused by failure of the night operator, John Lymes, at Volland, Kan., who had been on duty since 7 P. M. the previous evening, to deliver to the westbound train, No. 29, orders which he held for that train."

TRACHOMA VICTIM MAY STAY.

Mrs Weissberg Not to Be Deported, as Her Disease Can Be Cured.

Immigration Commissioner Robert Watchorn said yesterday that Mrs. Goldie Weissberg, the woman who with four children came here from Russia in December to join her husband, an Albany tailor, and was found to be suffering from trachoma, would probably not be deported after all. Mr. Watchorn said that he had received orders from Washington to deport her if it was found that she was suffering from incurable trachoma, but that he was satisfied from a report made yesterday by Surgeon Stoner that her trachoma would be cured in ten days and that he would therefore exercise his discretion.

The case of Mrs. Weissberg was notable in being the first one in which the Immigration Commissioner refused to obey the law in regard to the deportation of immigrants affected with trachoma. When Mrs. Weissberg landed here her husband had succeeded in establishing himself so that he could take care of his wife and children. Commissioner Watchorn said the law was plain enough, but that the particular application of it in the case of the little Jewish mother was too heartless. He refused to deport the woman and sent word on to Washington with a request that if any exception could be made it be made in this case.

The answer was received from the Department of Commerce and Labor yesterday The case has aroused great sympathy at Ellis Island and there was general rejoicing when it was announced that Mrs. Weissberg had a good chance to remain.

Latest Marine Intelligence.

Arrived: Ss. El Mar, Galveston, Dec. 27.

After all, Usher's the Scotch that made the highball famous.—Adv.

AUGUSTA, CHARLESTON, SUMMERVILLE 9:25 A. M. and 9:25 P. M. Unexcelled service via Penn. & Atlantic Coast Line R. R. Florida Information Bureau, B'way, cor. 30th St.—Adv.

SHOT SWEETHEART'S BROTHER.

Affray Between Scions of Famed Georgia Families at a Wedding.

LAGRANGE, Ga., Jan. 2.—Immediately after the wedding of Miss Ellie Ridley and Benjamin Swanson this afternoon, and while the guests were crowding about the couple to offer congratulations, Dr. Frank M. Ridley, Jr., a cousin of the bride, was shot and fatally wounded by Attorney Harvey Hill of Atlanta.

Hill surrendered to the Sheriff and was locked up.

The shooting grew out of attentions of Hill to Ridley's sister, Miss Mary. It is said that Hill and Miss Ridley became engaged in opposition to the wishes of the Ridley family. Some time ago Dr. Ridley, the girl's father, forbade Hill ever to speak to his daughter again.

Miss Mary was at the wedding to-day, and she and Hill engaged in conversation. This enraged Dr. Ridley, Jr., who asked Hill what he meant by speaking to his sister. Hot words followed and Ridley knocked Hill down. Hill arose, drew a pistol and shot the young doctor.

The Ridleys are wealthy, and socially belong to the old régime of the South. Harvey Hill is a grandson of the late Benjamin H. Hill, famous as a United States Senator from Georgia, and a son of Solicitor-General C. D. Hill of the Atlanta Judiciary Circuit. Young Dr. Ridley was recently married to a daughter of the late Gen. John M. Hood of Baltimore.

Feeling against Hill among Ridley's friends is bitter and there are threats of lynching if Ridley dies. Hill has made a statement in which he says:

"I was absolutely justified in what I did. The other man was the aggressor and I had to defend myself. I do not care to enter into any explanation of the details of the affair. I would not for the world say anything which would reflect upon the young man or his family, and I forbear speaking further of the occurrence other than to say that I was forced into the difficulty and couldn't have acted otherwise than I did."

SHOT AT GOVERNOR'S DAUGHTER.

Crazy Farmer Seeking Revenge on Woman's Husband Fired Shot Through Clothing.

LA PORTE, Ind., Jan. 2.—Mrs. Harry O. Gorman, a daughter of Gov. Hanly and wife of Prof. Gorman of Purdue University, narrowly escaped death at the hands of a farmer to-day. She and her husband were coming here to take a train for Lafayette and had just passed the home of William Coe when the farmer appeared at the side of the buggy and levelled a double barrelled shotgun at the occupants.

Mrs. Gorman screamed and bent forward and Prof. Gorman leaned forward and threw up his hands in protest against what he supposed was only an act of bravado on the part of Coe. Just then the farmer fired into the buggy. The horse started to run and there was a click as if an attempt to fire the second barrel had been made.

Prof. and Mrs. Gorman hurried here and officers were sent to arrest Coe.

Mrs. Gorman's clothing showed how narrowly she had escaped death. Her fur coat was almost riddled with shot and several had passed through the sleeves of her dress. There were several holes in Prof Gorman's hat and two in the shoulder of his overcoat.

Coe was actuated by revenge. Yesterday Prof. Gorman and his father were out hunting and Coe passed along the road, driving a team. One of the hunters fired at a rabbit and frightened his team, but no damage was done. It is said that he threatened to get even.

Coe was declared insane some years ago and spent a year in an asylum, but was discharged as cured. He acted strangely at times, and neighbors have never thought him wholly responsible for his acts.

IT RAINED QUARTERS

Down the Elevator of the Park Row Building as Night Fell.

Those who toil by day in the lofts of the Park Row Building were treated to a coin shower as they were going home late yesterday afternoon. But only their eyes got the benefit.

Three employees of the New York Coin Handling Company were taking $28,000 of the Interborough Rapid Transit Company's extra heavy New Year's collection of nickels, dimes, quarters and half dollars from the Interborough offices on the fifth floor. The coin was in 120 bags, which were piled on a truck. The two front wheels of the coin truck had been pushed onto the elevator, when the extra New Year's weight caused the platform to fall about six inches.

The bags of money were spread over the platform of the elevator. Two bags containing $500 in quarters fell over the sides of the lift and broke into a silver shower. The crowds of office workers caught a glimpse of a glittering stream that sped past them. There was a rush of frenzied financiers to the basement. But the elevator men and the three employees of the Coin Handling Company, armed with brooms and shovels, surrounded the pile at the bottom of the shaft before the investigators could arrive.

POCKET PICKED OF $2,878.

$2,850 in Checks, and Henjes Had to Wait Over New Year's to Stop Them.

Frederick Henjes, foreman of the Strohmeyer & Arpe importing firm at 64 Pearl street, had a nervous New Year's Day. He had been handing part of his wages over to Mr. Arpe for safe keeping for a good many months and on the last day of the old year he decided to start off the new one by opening accounts in two savings banks

Mr. Arpe drew two checks, one for $2,500 and the other for $350. They were certified by the Farmers' Loan and Trust Company and were payable at the National City Bank. Henjes indorsed them, but was too late to get them into the savings banks. So he started home for Brooklyn with his checks and $28 in bills in his wallet. On a Court street car somebody picked his pocket.

He decided to keep the bad news from his wife and tried to act just as though he had his wages in the bank. He sat down to a big New Year's dinner, cracked jokes and did everything else that he could to make it pleasant for the relatives who had come to his home to celebrate the day with him.

But it was a mighty hard proposition for Henjes. The banks weren't open on New Year's and there was no way to have payment on the checks stopped until Wednesday morning. He was up bright and early yesterday and when he got word to the banks nothing had been heard from the checks.

The checks have been stopped.

OCEAN WAY TO FLORIDA.
Two days of pleasant travel aboard the large new ships of Savannah Line. Telephone 414 Worth for tickets and reservations.—Adv.

MAYOR BOYCOTTING MURPHY.

DECLARATION OF WAR ISSUES FROM THE CITY HALL.

As Was Expected, the Mayor Turns Down Voorhis and Puts Dooling on the Board of Elections—Voorhis Intimates That He Will Appeal to the Courts.

Mayor McClellan in naming yesterday the new Board of Elections, with John T. Dooling instead of John R. Voorhis at its head, issued this statement:

In appointing Mr. Dooling as the representative of the Democratic organization of New York county on the Board of Elections, I take the opportunity to say that, as far as I can, I shall recognize and strengthen genuine Democracy in this city and invite its support, but I cannot recognize the existing control in Tammany Hall or tolerate any relations with its present leader.

I have named a man of strict party faith, the chairman of the general committee of the Twentieth Assembly district, a member of the law committee of Tammany Hall and its representative in legal affairs that require an expert knowledge of the election laws.

I have no candidate for the leadership of Tammany Hall, nor have I the least desire to involve myself with the aspirations of any one who is seeking such leadership. There has been no time when I have had such a candidate or sought to control the organization. I should like to have the support of the Democratic organization, because I have always been a believer in party responsibility in administration; but if I cannot have that support under conditions which favor clean and efficient government, then I am content to do without it.

The Mayor reappointed Charles B. Page (Rep., Manhattan) and John Maguire (Dem., Brooklyn) and appointed Rudolph C. Fuller (Rep., Brooklyn) to succeed Michael J. Dady on the elections board.

Later in the day the new members of the board met at the office in West Forty-second street to organize. Mr. Dooling was chosen chairman and Mr. Page was elected secretary. Before these formalities were begun Mr. Voorhis, who was present, handed to Mr. Page a protest against the seating of Mr. Dooling. Mr. Page read the document, which protested against Mr. Dooling's appointment on the ground that Mr. Dooling had not been recommended, as the Charter provides, by the Tammany county committee. Mr. Voorhis contended that the Charter made it mandatory on the Mayor to appoint the candidate recommended by the committee and that he, Voorhis, had been the only one so named.

While Mr. Voorhis would say nothing in addition to the statements contained in his protest it was learned that it is his intention to carry the matter to the courts.

While the Charter states that the parties in the counties of New York and Kings polling the highest and next highest number of votes for Governor at the preceding State election shall recommend names to the Mayor for appointment to the Board of Elections, there are some very careful circumlocutions instead of any direct statement that the Mayor must accept any of the candidates so recommended. The Mayor is advised that as the regularity of Mr. Dooling's standing as a regular member of the Democratic party of this county cannot be questioned, he has the power to select Mr. Dooling.

Mayor Low refused to reappoint Michael J. Dady when he was named by the Kings county Republican organization. But in that case Mr. Low asked the committee to send another name to him, and the committee responded by recommending Rudolph C. Fuller.

Mr. Voorhis has done most of the business of the board in past years and has resisted the installation of voting machines.

Mayor McClellan will to-day appoint twenty-three marshals for Brooklyn, one for each Assembly district. All of the new marshals will be McCarren men.

IT BRINGS MURPHY TO TOWN.

He Meditates an Answer to the Mayor, but Postpones It.

When the wording of Mr. McClellan's statement was telephoned to Mr. Murphy, who intended to stay at his country home at Good Ground, L. I., until the end of the week, he cut short his vacation and started at once for this city. He had a conference last night with several of his friends, and while they were together it was said that Mr. Murphy would have a statement to make replying to the Mayor. Afterward Mr. Murphy announced that he would not be ready to answer the Mayor until to-day.

MAYOR GETS A LAWYER

On Notification of Hearing Next Monday in Quo Warranto Proceeding.

Clarence J. Shearn, counsel for William R. Hearst, commenting yesterday on that part of the Governor's message urging the Legislature to pass a bill for a recount of the votes cast in the last Mayoralty election, said that despite the recommendation of Gov. Hughes the fight for a recount by means of quo warranto proceedings would be pushed as vigorously as ever.

"Of course," Mr. Shearn said, "if while those proceedings are in progress a bill should be passed ordering the opening of the ballot boxes and a recount of the votes and it should be shown that Mr. Hearst had been elected all that we would have to do would be to hand to the court the certificate of the Board of Elections and that would mean an end of the case. But we certainly do not mean to lose time by waiting for some possible action on the part of the Legislature. Such a bill as Gov. Hughes has recommended would be the most expeditious means of determining whether or not Mr. McClellan is the rightful Mayor of the city."

Notice was served yesterday on Mayor McClellan of the application of Mr. Hearst to the Attorney-General for permission to institute quo warranto proceedings. Mr. McClellan was also notified that the Attorney-General would hold a hearing on the matter in Albany next Monday.

The Mayor has retained as personal counsel Eugene Lamb Richards of 76 William street, and it is understood that Mr. Richards will appear for him at the hearing.

BOLTED FROM THE SUBWAY.

Bresnahan Found Himself Alone Sneezing—Needed a Drink and Got It.

A man who sneezed with every breath, stumbled out of a subway car at the Seventy-second street station last night and made for Policeman Douglas.

"I'm James L. Bresnahan of Washington Heights," he gasped. "But that doesn't matter. Tell me where I can get a drink."

Douglas told him and got his story. Bresnahan had boarded the train at Fourteenth street and started reading in a newspaper about a fire. He also started sneezing, but wasn't alarmed at any such phenomenon in the subway and kept on reading. When the train pulled out of Forty-second street station he looked up and found that he was alone in the car. The rest of the folks had left, sneezing and crying too.

Cayenne pepper.

NEW HAMPSHIRE'S GOVERNOR.

Republican Legislature Elects Charles M. Floyd.

CONCORD, N. H., Jan. 2.—Charles M. Floyd of Manchester was to-day elected Governor of New Hampshire.

The Legislature made the choice because of the failure of any candidate at the recent election to secure a majority of the votes cast.

By the provisions of the State Constitution but two candidates were eligible to be balloted for at the legislative session, although there were several candidates at the State election. The result of to-day's ballot was: Charles M. Floyd (Rep.), 263; Nathan C. Jameson (Dem.), 144.

Mr. Floyd will be inaugurated on Thursday.

GOMPERS REFUSES TO AID SHEA.

Goes to Havana to Escape Testifying in Chicago Strike Case.

CHICAGO, Jan. 2.—Samuel Gompers, president of the American Federation of Labor, on whom Cornelius P. Shea and the other labor leaders relied to clear them of the charge of conspiracy now being tried here, has gone to Havana, Cuba, to avoid summons, thus leaving Shea and his alleged co-conspirators to their fate.

For three weeks Shea's attorneys have been trying to get President Gompers to come to Chicago from Washington, and at last a summons was then drawn. A deputy sheriff was sent to Washington to serve it. The deputy reached the office of the American Federation of Labor in time to learn that Mr. Gompers had gone to Havana and would remain until after the close of the Shea trial, making it impossible for process of the court to reach him.

In the early part of the strike President Gompers came to Chicago to affect a settlement. He left in disgust after two days spent in investigation and ineffectual effort to get President Shea to agree.

WOMAN SHOT AT JUDGE ON BENCH.

She and Sister Aggrieved by Ruling That Left Them Poor.

ST. LOUIS, Jan. 2.—In Circuit Court No. 3 this morning Miss Rosa Weil rose as Judge Jesse McDonald took the bench, drew a revolver from under her cloak and fired at the Jurist.

The bullet lodged in the wall about a foot from the Judge's head. Before the woman could again pull the trigger she was disarmed and taken prisoner.

Investigation disclosed that the Misses Rosa and Clara Weil, sisters, dissatisfied with Judge McDonald's ruling in litigation growing out of the disposal of their father's estate, which left them practically impoverished, had decided to be avenged on the Jurist and then take their own lives. They decided which was to fire the fatal shot by tossing a coin, and Miss Rosa won the privilege.

Judge McDonald said he would not prosecute them, as they were clearly not responsible for their acts.

DANGER IN RAILROAD TRAVEL.

J. J. Hill Says the Block System Is Disregarded by Every Road in the Country.

WASHINGTON, Jan. 2.—Information has been received in Washington through official channels that practically every railroad in the United States at the present time is disregarding the rules governing the operation and management of the block signal system. Chairman Knapp said to-day that while he had no direct information on the subject he believed that it was true that the block signal system through design had become absolutely ineffective.

A member of the Cabinet told this story to-day:

"I was in New York a few weeks ago, and while there met James J. Hill, the well known railroad man. He deplored the conditions resulting in so many disasters, and spoke rather mournfully as follows: 'Every time I undertake a railroad journey nowadays I wonder whether it is to be my last. The thing has grown to be uncertain. It is a fact, of knowledge to every railroad man, that in this day from two to three trains enter at times into every block of every system in the country. There is danger in it.'"

REPUBLICAN ALDERMEN BOLT.

Dispute Over Seating Democrat Causes Them to File Out.

Disputing the right of Joseph A. Wright, Democrat, declared elected after a recount to represent the First ward, the fourteen Republican members of the Newark Common Council for 1907 bolted the organization of that body last night. The sixteen Democrats, including Wright, answered the roll call and proceeded with the organization of the council, received the first message of Mayor Jacob Haussling and adjourned to meet again to-morrow night.

Mayor Haussling sent in the nominations of T. Edwin Burke for Fire Commissioner, Joseph Heisler for Police Commissioner and John L. Carroll for Tax Commissioner. According to custom they were laid on the table until to-morrow night. Heisler will not be confirmed because of opposition from organized labor.

The question of Wright's standing as an Alderman, it is said, will be taken into court by the Republican officeholders, whose positions depend upon the complexion of the council. The Republicans insist that Wright in failing to qualify within forty days after election, as provided by the city Charter, deprived himself of the office.

DUNLOP'S BODY FOUND.

Missing Scotch Golfer Was Drowned in Van Cortlandt Park Lake.

The body of Robert Dunlop, a Scotch golfer, who was a familiar figure on the Van Cortlandt Park links, was found in Van Cortlandt Lake near Grand avenue, Kingsbridge, yesterday afternoon. He had been missing for seven weeks.

Dunlop, who was 37 years old, came here from North Berwick, Scotland, last spring with the intention of becoming a professional. He entered the championship match of the New York Golf Club last July, but his record of 330 in two days play left him far short of any of the prizes. While he occasionally played good golf, doing the course at Van Cortlandt in 79, he took so little care of himself that he was not much sought as an instructor. He appeared more frequently as a caddie.

When the executive committee of the Eastern Professional Golfers' Association heard last night that Dunlop had no friends or relatives in this country, arrangements were made to bury him.

DEWEY'S RICH OLD PORT WINE.
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GOV. HUGHES IS FOR A RECOUNT

Says Bill for Opening Ballot Boxes in This City Should Be Passed at Once.

WOULD ABOLISH R. T. BOARD

And Also the Railroad and Gas and Electricity Commissions.

His First Message to the Legislature Calls for Many Reforms—Recommends One Separate Board for All the Railroad Corporations Here—Says That Proper Means of Supervision Have Not Been Supplied—Favors New Form of Ballot and a Limit to Money That Candidates Spend—Also Advocates Eight Hour Day for Children Under 16 Years.

ALBANY, Jan. 2.—Gov. Charles E. Hughes's first message to the Legislature, which was read in both houses to-day, recommends among other things that immediate provision be made for a recount of the votes cast here at the Mayoralty election of 1905, when on the face of the returns George B. McClellan received a plurality of only 3,474 out of over 600,000 votes cast. After reciting the efforts of Mr. Hearst to get a recount and how the decisions of the courts and the Attorney-General were against him the Governor says:

"The Legislature, however, has full authority to deal with the matter. There is no question but that widespread doubt is entertained as to the accuracy of the official canvass, and that doubt should be resolved. Our entire system of government depends upon honest elections and a fair count. It is a matter of the gravest concern that the view should be largely, even though erroneously, held that one who has been elected to office has been deprived of his seat through invalid returns. The failure to obtain a summary recount through a defect in the law has aggravated the sense of injustice."

Another important recommendation of the Governor's is for the abolition of the present Rapid Transit Commission and for the establishment of a new board having not only all the powers of the present commission, but exclusive jurisdiction over all operations of railroad companies in Greater New York. Speaking of the traffic situation here, the Governor says:

"I recommend that immediate provision be made for a recount of the votes cast for Mayor at the municipal election in New York city in 1905. The matter is not one into which any considerations with respect to persons or expediency should be allowed to enter. If upon a recount it is found that the present incumbent of the office received a plurality of the votes, he will be confirmed in his title and the claims which have been vehemently asserted against it will be conclusively answered. If, on the other hand, his opponent was elected he should be seated.

With reference to future elections the power should be supplied to order a recount summarily, which the Court of Appeals has found lacking in the present election law. Provision should be made both for an entire recanvass or a recanvass of the ballots cast in particular districts or for particular candidates. The courts should determine the propriety of the exercise of the power in particular cases, but the power should be conferred. The fact that such a summary recount can be had will not only provide means to determine the actual result but will tend to promote the faithful performance of their duties by election officers.

"The late Attorney-General recommends, and I fully concur in his recommendation, that the power to authorize the bringing of an action to try the title to office should not be lodged with the Attorney-General. His own office may be in question. This power should be intrusted to the Supreme Court."

The problem of transportation in the territory of Greater New York demands special, prompt and comprehensive treatment. The configuration of Manhattan Island and the concentration of business at its lower end, together with the rapid growth of population, have produced an extraordinary congestion. All the existing lines, surface, elevated and subway, are overburdened, and the people suffer in mind, body and estate. The worst congestion is found at the Brooklyn Bridge, due to the convergence at that point of the Brooklyn traffic. The people of Brooklyn who do business in Manhattan are subjected morning and night not only to exasperating inconvenience, but to such maltreatment and indignities incident to their disgraceful herding that relief in the most practicable manner should be afforded them at the earliest possible moment.

Not only are new facilities needed, which should be planned with reference both to immediate and future needs, but there is urgent necessity for more strict supervision to secure better service on existing lines. In some portions of the city antiquated horse cars may still be seen, giving picturesque emphasis to the disregard of the public convenience. Overcapitalization and the improvident creation of guaranties and fixed charges to suit the exigencies of successive combinations entered into for the purpose of monopolizing the traffic have produced their natural results. There are such unjust burdens upon earnings, and the tendency constantly to effect economies at the expense of proper service is so strong that it is imperative that the people shall

Continued on Fourth Page.

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