TWO SUITS AGAINST AHEARN

ATTORNEY-GENERAL ANTICIPATES GOVERNOR'S PLAN

And Brings a Quo Warranto Proceeding Which May Last a Long Time—City Club Will Seek an Injunction in a Taxpayer's Action—Mayor's Statement.

Attorney-General Jackson forestalled action by Gov. Hughes in the case of Borough President John F. Ahearn by serving Mr. Ahearn with a summons and complaint in quo warranto proceedings at 11 o'clock on Monday night. The suit is brought in the Supreme Court in this district and Mr. Ahearn has thirty days in which to answer.

Mayor McClellan sent a special messenger to Albany at 3 o'clock Monday afternoon with a letter to Gov. Hughes giving all the facts in Mr. Ahearn's case, especially his reelection by the Manhattan Aldermen and the circumstances under which the Mayor administered the oath of office to him. After reciting the facts the Mayor said:

"I submit this matter for such action as you deem necessary."

Acting on this letter of the Mayor, it was the intention of the Governor to send forthwith a letter to Mr. Jackson asking him to bring proceedings. This was in accordance with a programme that had been arranged after conferences that members of the City Club had had with both the Mayor and the Governor. But Mr. Jackson apparently got wind of what was doing and took the head of the procession.

At 11 o'clock Monday night one of Mr. Jackson's subpœna servers found Mr. Ahearn at the clubhouse and thrust into his hands the papers as a Christmas present. The suit as instituted simply calls upon Mr. Ahearn to show by what right he holds the office. There is some doubt apparently as to whether the action will be entitled to preference on the calendar. If it has to take the usual course it will probably not be decided finally until after Mr. Ahearn's term expires. By the nature of such a suit the defendant is recognized as a de facto official, and it is not until the final adjudication of it that a man can be prevented from exercising the duties of his office.

It was announced last night that the City Club, acting in conjunction with the Citizens' Union, would bring a taxpayer's action and ask for an injunction restraining Ahearn from exercising the duties of his office. This suit, it was explained, will in no way interfere with the quo warranto suit, but may bear fruit sooner. Nelson S. Spencer has been retained to bring the suit. Regarding the suit brought by Mr. Jackson Mr. McAneny said:

"The entrance of Mr. Jackson is certainly most welcome. It practically makes it unanimous. Our plan is to commence some action that may possibly be more expeditious, but which will not interfere in any way with his action."

The committee of fifteen authorized by the resolution adopted by the meeting of the City Club and the Citizens' Union on Monday was appointed yesterday by Chairman Austen G. Fox. Everett P. Wheeler is the chairman, and the other members are Franklin Bartlett, R. Fulton Cutting, Homer Folks, Howard S. Gans, G. Beekman Hoppin, Franklin B. Lord, George McAneny, Robert Neidig, George Haven Putnam, James B. Reynolds, Isaac N. Seligman, Charles Sprague Smith, Henry W. Taft and Thomas Thacher.

This committee will hold its first meeting shortly after Christmas. One of its objects is a speedy reconstruction of the Board of Aldermen.

In announcing yesterday his action against Ahearn Mr. Jackson said:

The manifest purpose of the statute conferring upon the Governor this power of removal was to prevent an official shown to be incompetent or corrupt from continuing in office during the full term for which he had been elected, and to close his term of office and to relieve the public from the evils of his administration at any time within such term.

It would utterly defeat the spirit and intent of the act if the Board of Aldermen, in the pretended exercise of their power to fill the vacancy caused by such a removal, should reinstate and continue the same official in office for his full term. The statute cannot be construed as intending to confer upon the Board of Aldermen the power to nullify and reverse the determination of the Governor in this manner.

It is of the highest public importance that this law providing for the removal of public officers be made effective, and I deem it my duty to take legal action to the end that the order of the Governor shall be respected and obeyed.

Martin W. Littleton, Ahearn's counsel, said that there were just two points involved in the quo warranto proceedings. One was whether Mr. Ahearn's removal by the Governor was legal and the other was whether his reelection by the Aldermen was legal. Mr. Littleton said that both involved questions of law only. He appeared to be of the opinion, however, that the settlement of these questions by the courts would take so long that Mr. Ahearn needn't worry about it.

In regard to the point made by Mr. Littleton that Mayor McClellan in swearing in Mr. Ahearn and signing his certificate of election had aided the latter materially in his fight to retain office the Mayor gave out this statement yesterday:

In taking this action I proceeded under the law as laid down by the courts in this State. It has been held that an officer with power to swear in an appointee is not permitted to question the eligibility of the man before him to the particular office (see People ex rel. Dobbs v. Dean, 4 Wendell 436, cited with approval in Morris v. the People, 3 Denio at pages 395-6; and Dolan v. The Mayor, 68 N. Y. at page 279): Under these decisions I had no option, although believing Mr. Ahearn's election to have been illegal, but to administer the oath of office to Mr. Ahearn in accordance with the resolution passed by the members of the Board of Aldermen representing the Borough of Manhattan at the conclusion of their meeting.

In regard to my action in refusing to recognize Mr. Ahearn the next morning at a regular meeting of the Board of Estimate and Apportionment as a member of that Board, I acted under the case of The People ex rel. Gibson v. Sheffield, 47 Hun, 481, which permits a public board to refuse to recognize one seeking admission to that body on the ground of his ineligibility to hold the position.

It is likely that Mr. Ahearn's salary will be the only one held up as a result of the mixup. Comptroller Metz received an opinion from the Corporation Counsel yesterday advising him to pay the salaries of all of Mr. Ahearn's appointees, providing that they have performed the service required of them.

GREAT HOTEL FOR CHICAGO.

Will Be Twenty-two Stories High and Will Have 1,170 Rooms.

CHICAGO, Dec. 24.—Preparations for letting contracts for the twenty-two story LaSalle Hotel at LaSalle and Madison streets, went forward to-day, following the issuance of the building permit.

The estimated cost of the hotel is $2,300,000, and with the furnishings it will represent $3,500,000, on land worth $2,500,000.

The hotel will have 1,170 rooms. George H. Gexley of New York is at the head of the enterprise.

Paul Sarkasian Turned Loose.

Paul Sarkasian, who was arrested on Friday on suspicion of connection with the murder of Father Caspar Vartarian last May, was discharged by Magistrate Droege in the Tombs police court yesterday. Assistant District Attorney Manley said there was not sufficient evidence to warrant holding him.

PROMOTERS' LUCKY MISTAKE.

Intended to Deceive, Says Justice, Deciding for Them, but Plan Went Wrong.

Justice Maxsan in the Supreme Court, Brooklyn, yesterday dismissed the suit brought by Francis L. Minton against the Mogollon Gold and Copper Company of Albuquerque, N. M., but declared that the defendants had "intended to deceive." An error in the execution of the plan evidently saved them from judgment.

The history of the alleged attempted swindle dates back to 1901 and involves as a defendant the Rev. Walter D. Buchanan, pastor of the Presbyterian Church at Fourth avenue and Twenty-second street, Manhattan. Thomas J. Curran, president of the Mogollon Company, George M. Masten and Mary B. Dun, as stockholders, were also in the scheme, the minister acting as an agent for the woman in that he deposited shares which the Justice finds were intended for manipulation.

The promoters had sold a million shares at $1 each, when Francis L. Minton entered the field with $4,000 and a desire for more. He snatched eagerly at an opportunity to put his money in a mine and could scarcely wait for the issuance of 140,000 shares of stock which the president and stockholders had in mind. At last it was issued, and he bought. He was not told, however, that the new stock was not the real treasury article and was valued at only 50 cents on the dollar. When he learned this he brought suit.

In the midst of the action it was discovered that the certificate held by Minton was for original shares and therefore valued at par. It seems that the defendants had given through inadvertence an original certificate to the purchaser and not a certificate for special issue, so, the Justice says in part, "In making these plans and these representations the defendants Curran, Masten and Buchanan intended to deceive the plaintiff, and their plans were elaborately prepared for that purpose."

He dismissed the suits against all the defendants on the merits, but without costs.

NOTHING TOOK SOMETHING.

Convinced He Wasn't Nothing, He Stole Twenty Boxes of Cigars.

About 2:30 yesterday morning Policeman Goldberg of the Union Market station spied a man walking with difficulty under the weight of twenty boxes of cigars. He asked the carrier where he was bound.

"Oh, I'm the boss. I'm taking these cigars up to a saloon at Fourteenth street and Avenue B."

"That may be," said Goldberg, "but don't you know that no saloons are open at this hour?"

"Well, this one is. It's an all night saloon—on the quiet, see?"

Goldberg went with the man, and sure enough there was a saloon on the corner, but it was closed. Then the man said he was Sigs Greenburg, boss of a cigar factory at 290 Fourth street.

Back to the cigar factory they went, although the boxes were getting heavy. When they reached the factory they found Goldberg, the proprietor, running up and down the street yelling, "Police, police!"

Then the man gave up and said his name was Henry Nothing of 247 Avenue B. A rear window of the factory had been jimmied open.

"I only thought I was the boss," said Nothing, as he eyed the boxes he had carried so many blocks.

"You've been thinking too much to-night. You'd better come with me before you get brain fag," and Goldberg took him to the station for a rest.

Magistrate Butts held Nothing in $1,000 bail for the Grand Jury.

SAY THEY WERE KIDNAPPED.

Two Canadians Want Damages for Alleged Act of U. S. Treasury Agent.

OTTAWA, Dec. 24.—A special from Winnipeg says:

"Information was laid in the Attorney-General's department to-day against George Foulke, Secret Service agent of the United States Treasury, on the charge of kidnapping Isaac Casson and Albert Tollon of Emerson. The two men were driving east along International avenue, Emerson, which is close to the boundary line.

Foulke rushed out and seized their horse by the bridle. He wanted them to go with him across the line to Noyes. Both refused, saying they were British subjects. Foulke threatened to shoot the animal if they drove ahead. He ordered Robert Rossell, signalman on the railway, to assist him in the arrest.

Rossell refused because he was on neutral ground and a struggle occurred. Foulke by a quick move secured the reins and striking the horse he got the rig across the international boundary. Then the two men were taken to Noyes station.

Casson and Tollon were compelled to sign a paper in order to be allowed to return to Canada. The reason given for their arrest was that it was desired to implicate them with others in a charge of smuggling grain into the United States.

A claim is being made on the Treasury Department of the United States for $5,000 damages for the arrest of each of the two men. The matter is now in the hands of the Secretary of State at Ottawa and the British Ambassador at Washington.

"SAM SLICK, CLOCKMAKER," DEAD

Original of Judge Haliburton's Famous Character Had Reached 87 Years.

BANGOR, Me., Dec. 24.—Jackson Young, known throughout New England as the original of "Sam Slick, the Yankee Clockmaker," written by Judge Thomas Chandler Haliburton, is dead here, aged 87. He is survived by his wife, who is 87 years old.

Mr. Young was one of four brothers who came to Maine from Vermont and travelled the State selling Yankee notions in pedlers' carts. Later they took up the clock business, and thousands of the old fashioned brass clocks still doing duty in the farmhouses of Maine and the provinces were bought from the Young brothers.

Samuel J. Young was the last survivor of the four, the others of whom became millionaires in Western and Canadian lumbering and lands, all getting their start from peddling clocks.

"No doubt we were a pretty wild and wide awake set of lads in those days," said Samuel Young recently. "We were healthy and anxious to get rich, and had the whole field to ourselves. We drove through the country in our shining carts and sold clocks nearly as fast as the Connecticut factory could turn them out."

The Weather.

The storm of Monday was moving rapidly out the mouth of the St. Lawrence yesterday and fair weather set in over the northeastern quarter of the country. The only storm was central over eastern Montana and was causing only light snow in North Dakota, and there was rain in Idaho and Oregon. Rain also fell in Georgia and Tennessee and a little snow in Arkansas and Illinois. In other districts generally fair weather prevailed.

It was colder in the Ohio and Tennessee valleys and all the Atlantic States, except New England. In parts of the Lake regions and in Montana and Wyoming it was warmer. There were no extreme temperatures.

In this city the day was fair and cooler; wind, brisk westerly; average humidity, 59 per cent.; barometer, corrected to read to sea level, at 8 A. M., 29.37; 3 P. M., 29.57.

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

	1907.	1906.		1907.	1906.
9 A. M.	42°	10°	6 P. M.	43°	19°
12 M.	45°	15°	9 P. M.	39°	12°
3 P. M.	46°	20°	12 Mid.	38°	13°

Highest temperature, 46°, at 3 P. M.

WASHINGTON FORECAST FOR TO-DAY AND TO-MORROW.

For eastern New York, partly cloudy to-day, probably snow in northern portion; to-morrow snow; fresh westerly winds.

For New England, partly cloudy to-day; to-morrow snow or rain; fresh westerly winds.

For eastern Pennsylvania, New Jersey and Delaware, fair to-day; to-morrow probably light snow; fresh west to south winds.

For western New York, snow to-day and to-morrow, colder to-morrow; fresh easterly shifting to brisk westerly winds.

For western Pennsylvania, snow to-day and probably to-morrow; colder to-morrow.

ROBBED BY THIEVES DE LUXE

JOHN JAY KNOX'S PLATE CARRIED OFF IN A CAB.

Burglars Tested and Packed While a Polished Comrade Kept Watch and Fooled a Police Hunting Maid—Miss Mary Barnes Saved by an Upset Chair.

Two slick burglars, with a third dressed in evening clothes to act as lookout, took their time in going through the silver chests of two houses of the brownstone row along East Seventy-seventh street early yesterday morning, and when disturbed they called a cab and drove off with about $1,000 worth of silver plate neatly wrapped in a tablecloth. John Jay Knox, a broker, who lives at No. 53, was the loser of the silverware. Miss Mary Barnes, next door to the Knox house, found her plate laid out ready for transportation, but nothing was missing after the burglars had driven away.

Mary Corcoran, a servant employed by Miss Barnes, was sleeping with another maid of the household in their rooms in the basement under the dining room when, shortly after 4 o'clock in the morning, both were awakened by the sound of a chair falling over their heads. They sat up and listened, and presently another chair toppled over and they heard the sound of footsteps padding over the carpeted floor of the dining room.

When she got back her nerve Mary Corcoran screamed. Then she threw on a wrap and ran out into the street to get help. At Seventy-seventh street and Madison avenue, a few doors away, she saw a man standing under the electric light. He was dressed in an Inverness coat and silk hat and he was holding a lighted cigarette in his carefully gloved hand.

"Oh, please, sir," Mary Corcoran panted, "get a policeman. Our house is being robbed."

"Certainly, with pleasure," the man replied, and as Mary turned to run back into the house she heard him give two low whistles. Just as the servant slammed the front door she saw a cab, which had been standing some distance down the street, begin to move toward the man, who was still under the electric light.

Meanwhile the other servant had awakened Miss Barnes and her niece, Miss Beatrice Hall. Together they went into the dining room and found a new tablecloth carefully spread on the floor and most of the family plate heaped up in the middle of the cloth ready to be tied up. Miss Hall, impatient at the delay of the police, went to a front window to see if there were any in sight.

Instead of a policeman she saw two men walking slowly down the front steps of the Knox house next door, carrying a heavy white bundle between them very gingerly. A cab with open door was waiting at the curb. The man in evening dress, who had graciously consented to find a policeman for Mary Corcoran, was standing by the door, still smoking his cigarette.

The bundle was lifted into the cab; the three men got in and slammed the door and the cab went rattling down Seventy-seventh street in the direction of Madison avenue. About fifteen minutes later a special policeman who is hired to guard houses in the district sauntered down the block and half an hour later a police sergeant and fifteen men from the East Sixty-seventh street station raced breathlessly on the job.

Mr. Knox and his family had meanwhile been awakened, and an investigation showed them why their front door was open. Inside the dining room ranged around on tables and chairs were a few pieces of silver plate. The acid marks on them showed that they had been tested and found wanting. All the rest of the silverware was gone, likewise a tablecloth out of the linen closet.

The police found that a window in the basement of the Knox house had been forced deftly with a single stroke of a jimmy. After that the burglars had gone up one flight of stairs to the dining room in the rear of the first floor and had turned on the electric light to facilitate their testing and packing. None of the other rooms in the house had been disturbed.

After finishing with the Knox silverware the intruders had walked along a broad stone coping running just beneath the window sills of both houses to the windows of the dining room in Miss Barnes's home. There with a slender jimmy they had lifted the burglar proof lock of a window and climbed in. It was while they were groping for the electric light switch that they had tipped over a chair and aroused the maids.

It was apparent that after discovering that their game was up the men left the Barnes house, went back along the ledge to Mr. Knox's dining room and carried their swag out the front door to the cab which the lookout had provided. The artists left no incriminating trace.

GRAB BAG IN SIXTH AVENUE.

Kids Cop Off Bundles That Rain From a Runaway Express Cart.

Merry Christmas for upper Sixth avenue began about 3 o'clock yesterday afternoon, when a delivery wagon owned by the United States Express Company and filled with Christmas packages followed its runaway horse for a distance of four blocks, scattering advantages for small boys' garnering at every bump. The small boys were not neglectful.

At Fifty-sixth street a wheel came off the wagon, which was driven by George Douglas, and the horse started on a mad dash down the avenue. At Fifty-fifth street Douglas was thrown off the seat and knocked unconscious on the pavement. At Fifty-second street the wagon collided with an automobile standing on the corner and tore the auto's canopy off. From the auto the wagon jumped to an elevated road pillar and turned completely over.

The horse, shaken loose from the shafts, ran on down the street to the car barns at Fifty-first street, where he mounted the rear platform of a car which was just being pushed into the sheds. There he became wedged and a policeman had to shoot him because of his injuries.

The packages that had spilled out of the runaway wagon could not all be picked up before several boys had taken a chance at the free for all grab bag. It will not be known what they got until some persons don't get the presents that other persons expect them to get to-day.

FISH FINDS ALLEGED "JOKER."

Thinks Cromwell's Pledge Was Changed for Court Record.

CHICAGO, Dec. 24.—An alleged "joker" discovered in the stenographic records of the trial of the Illinois Central injunction suit caused a flurry in the Stuyvesant Fish camp to-day. It consisted of four significant words qualifying a promise to the Court by Attorney William Nelson Cromwell, E. H. Harriman's personal counsel.

Mr. Fish and his attorneys did not know Mr. Cromwell had made the reservation until they saw it in the typewritten report and were then loath to believe it. They declared Mr. Cromwell's promise was as follows:

"I say, your Honor—well, I give you my personal word—that no transfer of stock will be made until your Honor's decision has been given in this case," and to this there is added the qualifying phrase, "without your Honor's permission."

It is the contention of the Fish lawyers that the words were spoken in a lower tone than the rest of the sentence.

Agents of the former president to-day sought affidavits from persons who attended the court session at which the pledge was given to the effect that the words were not audible to them.

KINGSTON INSURANCE APPEAL.

Supreme Court Reserves Decision on Plea of Companies Against Verdicts.

Special Cable Despatch to THE SUN.

KINGSTON, Jamaica, Dec. 24.—The Supreme Court reserved judgment to-day in the insurance appeal cases.

The companies allege that the verdicts of the juries against them for losses sustained at the time of the earthquake here were against the weight of evidence.

EMPRESS DOWAGER ANGRY.

Denounces Ignorant Meddling and Postpones Chinese Constitution.

Special Cable Despatch to THE SUN.

SHANGHAI, Dec. 24.—Owing to the agitation against the British corporation railway loan the Dowager Empress has issued a decree denouncing ignorant interference in internal and foreign affairs and declaring that the establishment of constitutional government will be postponed indefinitely.

The Board of Justice and the Board of Civil Administration are ordered to compile laws to control the press and political meetings. It is understood that the decree was issued at the instigation of Yuan Shih Kai, president of the Board of Foreign Affairs.

INCITERS TO MUTINY JAILED.

Heavy Penalties for French Anti-Military Socialist Writers.

Special Cable Despatch to THE SUN.

PARIS, Dec. 24.—The Assize Court has imposed the maximum penalty of a year in prison and a fine of $600 each upon Merle and Vigo for writing certain articles in Hervé's anti-militarist organ, the *Guerre Sociale*. They were also sentenced to five years imprisonment and to pay a fine of $600 each for not being present at the trial of the case.

They were convicted of attempting to incite to disobedience by their articles the French soldiers fighting in Morocco. The defence was that the Morocco imbroglio was the work of wealthy financiers, who hoped to profit financially from it.

TO OPEN DRUCE GRAVE.

Application Made to Chancellor of Diocese of London, Who Has Power.

Special Cable Despatch to THE SUN.

LONDON, Dec. 24.—Application was made this afternoon to the Chancellor of the Diocese of London for a faculty authorizing the opening of the grave in Highgate Cemetery which contains either the body of H. T. Druce, the Baker street merchant, or the coffin weighted with lead which the claimants of the Portland millions declare was buried when the fifth Duke decided to rid himself of his mercantile career.

The Chancellor has full power over the cemeteries in the diocese, and this action is probably taken because of the failure recently to get the Druce grave reopened by authority of the Home Secretary.

GREAT NORTHERN LINER AFIRE.

Serious Damage to the Minnesota and Her Cargo at Kobe.

Special Cable Despatch to THE SUN.

LONDON, Dec. 24.—The steamship Minnesota of the Great Northern Line has been on fire at Kobe, Japan. The ship and her cargo were considerably damaged before the fire was subdued.

The Minnesota is a vessel of 13,323 tons and runs between Seattle and Japanese and Chinese ports.

NORWAY TO SEND MR. GUDE.

New Minister Served in Denmark Before Split From Sweden.

Special Cable Despatch to THE SUN.

CHRISTIANIA, Dec. 24.—It is semi-officially announced that Mr. Gude, who formerly was Minister for Norway and Sweden at Copenhagen, Denmark, but who resigned when the separation between the two countries took place in 1905, will be appointed Norwegian Minister at Washington.

JUST DIDN'T LIKE HIS LOOKS.

Why Two Brooklyn Detectives Caught a Man With Lots of Goods on Him.

The reasons why a young man, who said he was George Miles of 440 Fifteenth street, Brooklyn, was locked up in the Gates avenue police station last night are, first, that Detectives Britton and Stevens didn't like his looks when they saw him coming out of the flat house at the corner of Tompkins and Jefferson avenues, and, secondly, that other evidence found subsequently convinced the police that the man was as bad as he looked.

Being suspicious when they saw Miles leave the house the detectives called to him to wait a moment as they wanted to talk to him. Miles took to his heels, but the detectives overtook him. At the station his pockets yielded a jimmy, seven skeleton keys, a revolver, a cold chisel, three gold watches, two gold rings, two watch fobs, a silver match safe and two pawn tickets.

One of the watches was identified later as the property of Mrs. James C. Orr of 464 Lexington avenue.

OBITUARY.

S. Newton Smith, a retired broker, died suddenly yesterday morning in his apartments at the Plaza Hotel. Mr. Smith had been ailing for some time. He telephoned to the office when he arose in the morning, and returning stumbled and fell. Mrs. Smith called assistance, but her husband lived only a few minutes. Coroner's Physician O'Hanlon, who examined the body later, said that death was due to apoplexy. Mr. Smith was 71 years old and a native of New York city. After leaving school he was engaged in a confidential capacity by ex-Gov. E. D. Morgan and he afterward became a member of the firm of E. D. Morgan & Co. He married Miss Harriet Wells, daughter of Charles Wells, the publisher. There were no children. Mr. Smith was a member of the syndicate that founded the Iron Steamboat Company and built the Kings county elevated railroad in Brooklyn. He was a member of the Academy of Design, the American Geological Society, the New England Society of New York, the Young Men's Christian Association and the New York Historical Society. He was also connected with the Presbyterian Church and with missions in this city.

Mrs. Marianna Everett Kimball, founder and for thirty years president of the Children's Home at Plainfield, N. J., and one of the best known charity workers in Union county, died yesterday morning after a two days illness with pneumonia at her home at Truell Court, Plainfield. She was born at West Newbury, Mass., February 8, 1829, her father, Thomas Huse Everett being a member of an old New England family. Mrs. Kimball was a niece of Edward Everett, at one time United States Senator from Massachusetts, and a cousin of the Rev. Dr. Edward Everett Hale. She was married to Dr. Horace Kimball in Boston in 1870 and they moved to Plainfield about thirty years ago. Mrs. Kimball is survived by a son, James Everett Kimball, and a sister, Miss Lucy H. Everett.

The Rev. Franklin S. Hatch, formerly general secretary of the Christian Endeavor Society in India, Burma and Ceylon, died of pneumonia at his home in Brookline, Mass., last night, aged 60. Mr. Hatch entered Andover Academy and later attended Amherst College and fitted for the ministry at the Hartford Theological Seminary, of which he was secretary for three years. He held pastorates in Hartford, Monson and Newton. He was president of the Massachusetts Society of Christian Endeavor for several years and then went abroad as general secretary of the movement in India. He leaves a widow, one son and one daughter.

Capt. Albert A. Folsom died at Brookline, Mass., yesterday afternoon after an illness extending over a long time. The immediate cause of death was an abdominal operation. Mr. Folsom was long superintendent of the Old Boston and Providence Railroad before it was absorbed by the Old Colony Railroad. He was a director of the Bostonian Society, was Past Deputy Grand Master of the Grand Lodge of Massachusetts Masons, was a Past Master of Columbia Lodge, A. F. & A. M. and was a prominent member of the Antiquarian Society. He was a frequent contributor on genealogical subjects.

Mrs. Ann Reese died at her home in Washington on Monday evening in her ninety-ninth year. She was born at Northeast, Md., was married to the Rev. Daniel Reese and had a home in Baltimore for the greater part of her life. She was able to recall with clearness the great reception given to Gen. Lafayette in Baltimore in 1824 and other interesting events in the early part of the last century.

James Ballagh, a well known horseman, died at his home, 624 McDonough street, Brooklyn, on Monday. He was born in Westbury, L. I., in 1850. For more than forty years he was in the employ of J. Newton Van Ness of Manhattan. He was a member of the Parkway Driving Club and the Pleasure Drivers' Association. He is survived by a wife, son and daughter.

Herald Square **Saks & Company** B'way & 34th St.

Will inaugurate to-morrow, Thursday, December 26th, and continue on Friday and Saturday following:

A Most Remarkable Sale of

Fine Evening Coats for Women

On which occasion will be offered

185 Garments from our own Stock of

Imported and Domestic Evening Wraps, Coats & Capes

Together with

The Entire Surplus Stock and Sample Garments of

A Prominent Manufacturing Tailor and Costumer

The Sale embraces several hundred garments, including all the latest fashionable models of chiffon, velvets, satins and broadcloths, in a large variety of styles in white, black and pastel shades.

For Final and Immediate Disposition

We announce the following extraordinary reduced prices:

Garments heretofore $35, $39.50 and $45 .....at **$16.00**
" " $55, $68, and $75 .....at **27.00**
" " $85, $98, and $125 .....at **39.00**

DOCTOR'S BILL AT $300 A DAY

THROWN OUT BY THE COURT WITH SEVERE REMARKS.

The Papers in Dr. Banes's Suit Against the Rainey Estate Sent to the District Attorney—"False and Manufactured," the Court's Opinion on Them.

Justice Dowling has dismissed a suit brought by Dr. Samuel Thompson Banes of Philadelphia against Roy A. Rainey as executor of the estate of his brother, William T. Rainey, to recover $34,000 for medical services rendered under an alleged contract, and he directs that the papers be submitted to the District Attorney. The case went to John J. Delany as referee. Henry W. Goodrich and John V. Bouvier, Jr., were counsel for Dr. Banes, and Cipriano Andrade, Jr., Bartow S. Weeks and Charles J. McDermott represented Rainey. It was alleged by the plaintiff that a contract was made by William T. Rainey with Dr. Banes on September 10, 1898, and that under the terms of this contract Dr. Banes was to be paid $300 a day for his services. The referee in his report says of this alleged contract: "The story connected with it is, in its entirety, a pure fabrication concocted in an effort to sustain the claim of the plaintiff against the Rainey estate and is a fraud upon the court."

Dr. Banes maintained that the contract was in duplicate, that he kept one copy and W. T. Rainey the other. Dr. Banes's wife and a witness named Sherman testified for the doctor. It was said by the plaintiff that on February 6, 1906, he took his copy of the contract to Mr. Andrade, the attorney for the Rainey estate. Only the doctor and Mr. Andrade were present at the time, and when Mr. Andrade left the contract was missing. Mr. Andrade denied that he had taken the paper. He admitted having seen the alleged contract, but said it was not in Mr. Rainey's handwriting.

Besides this contract the plaintiff was ordered to produce some letters he had at one time exhibited to Mr. Andrade in support of his claim. He produced some typewritten documents which Mr. Andrade says are not the ones, and which the referee finds were manufactured.

Justice Dowling in his decision wrote:

An examination of the testimony taken before the referee satisfies me that the alleged contract upon which this action was brought is not now and never was in the possession of defendant or his attorney, except for the short time during which it was being inspected by the attorney, who returned it to plaintiff. Plaintiff has not satisfactorily explained its disappearance and the conclusion is irresistible from the evidence that it was suppressed or destroyed when plaintiff realized that its genuineness was disputed and would be the subject of judicial investigation. The motion for a discovery was properly made, and the expenses of the reference herein are hereby charged and taxed against plaintiff. I am further satisfied that the alleged letters in typewriting with a typewritten signature, dated April 27, 1903, and June 19, 1903, deposited in alleged compliance with the terms of the order herein, are not the letters originally exhibited to defendant's attorney, but are false and manufactured ones, intended to impose upon the Court. For the failure to comply with the terms of the order plaintiff's complaint is directed to be dismissed with costs. In view of the record herein showing what clearly appears to be an unblushing attempt to impose upon the Court and defraud the estate of a decedent I direct that the papers herein be submitted to the District Attorney of this county for appropriate action.

COCK FIGHT IN PARK ROW.

Red Beat Yellow and Thirsty Driver Lost Most of All.

The driver of a truck loaded with crates of live chickens stopped his team in front of a saloon on Park row last night and went in. A small red rooster squeezed out through the slats and bracing himself on the topmost crate vented his feelings with a long and loud crow, followed by a noise most like a satisfied chuckle.

Instantly other chickens struggled to be free. A yellow cockerel succeeded in getting out of his prison and with a challenging crow pounced on the little red chap. It was nip and tuck and no favorites with the crowd that had been collecting until the red rooster caught the yellow one with his guard down and knocked him off the wagon. The crowd scrambled and fought for him and he ran squawking into a doorway followed by two men. Men and women jammed themselves into the doorway and watched the further adventures of the rooster, who was running through the hall, and the two men trying to catch him and fight each other away.

He finally was shoved under the coat of a man who came out of the hallway just as the driver appeared. Squeezing the rooster's neck to make him keep quiet, the man hustled through the crowd and disappeared down Park row. The little red rooster had jumped down between the crates in the meantime and was keeping perfectly still.

The driver mounted his seat and with a wondering look at the grinning crowd started his team off down the street.

DIVIDENDS HELP CLEVELAND.

Earnings Paid Before Due Boost the Lagging Holiday Trade.

CLEVELAND, Dec. 24.—To relieve the financial stringency in the holiday season many Cleveland corporations to-day either began paying or announced early dates for paying dividends.

To-day $100,000 was distributed to Citizens Savings and Trust shareholders, the proceeds of the 2½ per cent. dividend. This was not due till January 1. The Cleveland Worsted Mills Company also paid in advance a regular 1½ per cent. and an extra 1 per cent. dividend, and the State Banking and Trust Company paid out some scores of thousands in dividends not due until January 1.

This money had an appreciable effect to-day on the financial situation and on the Christmas shopping slump, business rallying to a marked extent.

Other Cleveland corporations that announced dividends to be paid in a few days were the Great Lakes Towing Company, 1¾ per cent., January 2; Garfield Savings Bank, 2½ per cent., January 2; Cleveland Trust Company, 2½ per cent., January 2; Cleveland Stone Company, 1½ per cent., January 1; Guardian Savings and Trust Company, 2 per cent., January 1; Aurora, Elgin and Chicago Railroad, ¾ per cent. on common and 1¼ per cent. on preferred, January 10.

WILL OF CLARA BLOODGOOD.

Leaves the Income of Her Estate All to Her Husband for Life.

The will of Clara Bloodgood, the actress, who in private life was Clara S. Laimbeer, was filed for probate here yesterday. The will is dated June 13, 1907. Mrs. Laimbeer committed suicide in Baltimore on December 5 last.

Under the will her husband, William Laimbeer, will enjoy the income of her entire estate, for his life, with power to dispose of the principal by will. The house at 105 East Thirty-ninth street and its contents go to him for his life.

Bernard M. Baruch and Shepherd M. De Forest are named as trustees to collect the income of the estate and pay it over to Laimbeer. The estate is valued nominally at "over $10,000" in both real and personal property, but it is known that Mrs. Laimbeer had accumulated a considerable sum.

REQUISITION FOR WALKER.

State Department Forwards Papers in Case of Bank Cashier.

WASHINGTON, Dec. 24.—The State Department has sent to Ambassador Thompson at the City of Mexico requisition papers in the case of W. F. Walker, the absconding cashier of the Savings Bank of New Britain, Conn. Walker is now held by the Mexican authorities and his case must be passed upon by the courts there before he is turned over to a representative of the United States.

An officer of the State of Connecticut was at the State Department yesterday and made arrangements for the requisition, which was transmitted to-day.

Movements of Naval Vessels.

WASHINGTON, Dec. 24.—The cruisers West Virginia and Pennsylvania have arrived at San Francisco, the tug Sioux at Boston. The cruisers Tennessee and Washington have sailed from Acapulco for Magdalena Bay via Pichilinque; the supply ship Arethusa sailed from Trinidad for Para; the torpedo boats Whipple, Hopkins, Hull, Stewart, Truxtun and Lawrence sailed from Trinidad for Para, but returned to Trinidad on account of a slight accident to the engines of the Lawrence.

Col. Lockwood Retired by His Own Request.

WASHINGTON, Dec. 24.—Col. Benjamin C. Lockwood, commanding the Twenty-ninth Infantry, has been placed on the retired list on his own application after forty-three years of service. Because of his service in the civil war he is retired with the rank of Brigadier-General. He is a native of Kentucky and entered the army as a private.

Secretary Taft Returns to Washington.

WASHINGTON, Dec. 24.—Secretary of War Taft returned to Washington from Cincinnati to-day. He went directly home, but later visited his office for a short time.

Army and Navy Orders.

WASHINGTON, Dec. 24.—These army orders were issued to-day:

Capt. Leon S. Roudiez, Quartermaster, relieved from detail in the Quartermaster's Department.

Capt. Douglas Settle, Fifth Infantry, detailed for service in the Subsistence Department at Chicago.

The retirement of Col. Benjamin C. Lockwood, Twenty-ninth Infantry, from active service, with the rank of Brigadier-General is announced.

These navy orders also were issued:

Rear Admiral A. Ross, placed on retired list.

Commander E. R. Scribner, retired, from navy yard, Boston, to home.

Lieutenant-Commander C. P. Plunkett, to navy yard, Boston.

Lieut. G. W. St. Castle, from command of the Plunger and continue duty in command of the Shark.

HEBREW CHARITIES CLOSE UP

ALL ITS OFFICES CLOSED UNTIL AFTER THE YEAR END.

Shortage of Money Is the Reason—The Organization Can No Longer Furnish Coal or Transportation to the Indigent—Main Office May Reopen January 1.

The United Hebrew Charities, which helps about 40,000 persons in the course of a year, closed its doors temporarily yesterday because of a lack of funds. It is expected that the main offices, at 356 Second avenue, will be reopened on January 1, but the branches at 185 East Broadway and 149 Rivington street have been closed permanently. The trustees of the organization closed a third branch, at 91 Cannon street, about a month ago.

The suspension has been foreshadowed for some time by statements made by persons in charge of the organization, but it was generally believed that funds would be forthcoming in time to prevent it. The trustees decided a month or more ago that the resources of the Charities would permit of the expenditure of only $20,000 a month. That appropriation for December has been exhausted, and as a result the doors were closed for the remainder of the month. But, even running on this $20,000 a month basis, there will be a considerable deficit at the end of the year unless the organization gets some new help.

Dr. Lee K. Frankel, the superintendent of the society, ascribed its condition partly to a falling off of contributions due to the hard times and partly to the fact that the organization had in years gone by been attempting to do more than it could afford to do with its available resources. So many demands have been satisfied in previous years, according to Dr. Frankel, that many of the organization's legacies and its extra funds have been eaten up.

The effect of the hard times is evidenced in the guarantee fund used to cover any deficit that may exist at the end of the fiscal year. Last year the subscriptions to this fund amounted to $100,000. This year barely $80,000 has been subscribed. According to Dr. Frankel the United Hebrew Charities had to shut down for part of each month in which the $20,000 appropriation was exceeded or else suspend for a period of several months toward the end of the fiscal year. The former plan seemed the less objectionable.

A committee of East Side Jews had agreed to raise enough money to keep the East Broadway and the Rivington street branches open, but they have succeeded in getting only $1,300, which will not run one of the branches more than a week.

The organization, even when it is open, will be obliged to curtail its work. Practically the only assistance which it will be able to give will be for rentals. For several weeks it has been obliged to cut down on the amount of money distributed to widows and orphans and to the sick. The society has had also to discontinue its workroom, where it gave employment to some at small wages. At this time of the year it has generally granted applications for coal, half a ton to each applicant. In December the organization has usually spent about $5,000 in this way.

"We can give no coal at all now," said Dr. Frankel.

The society has been obliged further to discontinue the granting of transportation to persons who are unable to pay their fares and has cut down on administrative expenses.

Dr. Frankel said that between 75 and 100 applicants were turned away from the society's offices yesterday. Many of these applicants wanted help to meet their rent. They will have to depend on their friends or the mercy of the landlord. Dr. Frankel said that since the organization had begun to curtail its help beggary had increased on the lower East Side.

Officers of the Charity Organization Society said they had not noticed any particular falling off in contributions for charitable purposes, although in most of the organizations that wouldn't be apparent until the first of the year, which is the time when most of the appeals are sent out.

CLARK'S CRUISE OF THE "ARABI