The Sun.

TUESDAY, JANUARY 7, 1908.
Rain or snow to-day and to-morrow.

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4 DIAMOND HOUSES TRUSTEED

ONE OF THEM HOLDS FAMOUS BUT UNSALABLE HOPE DIAMOND.

Debts of the Four Put at $4,500,000, Assets $6,250,000—Vice-Presidents of Two Big Banks to Serve as Liquidating Trustees for the Frapkels and Gattles.

The diamond jewelry trade was startled yesterday when it became known that four of the largest diamond dealers on Fifth avenue were temporarily embarrassed, with liabilities of $4,500,000 and assets of $6,250,000, and that their affairs had been put in the hands of trustees for liquidation. The firms are the Joseph Frankel's Sons Company, Joseph Frankel's Sons, Gattle, Ettinger & Hammel, all of 576 Fifth avenue, and E. M. Gattle & Co. of 420 Fifth avenue. These are all corporations. The names of the liquidating trustees are James G. Cannon, vice-president of the Fourth National Bank; John C. Van Cleaf, vice-president of the National Park Bank and Louis Kahn of L. & M. Kahn & Co., diamond merchants.

An incident of the troubles of the Joseph Frankel's Sons Company was the importing by the firm about five years ago of the Hope diamond. The big diamond has been unsalable and the company has not had an offer of anywhere near its value. The Hope is a beautiful sapphire blue diamond, weighing 44⅜ carats. In its present condition it has been known since 1830, and it is named in all the lists of noted diamonds. It was bought by Henry Thomas Hope, a London banker, for about $60,000. Tavernier brought from India a stone of that color for Louis XIV. In the rough it weighed 112 3-16 and was cut to 67¼ carats. This diamond was stolen with other jewels of the French crown in 1792, and was never found.

Edwin W. Streeter of London bought a small stone of the same color, weighing about a carat, for £500. Another drop shaped stone of the same color, weighing 13¾ carats, was sold at Geneva in 1874 for 17,000 francs from the collection of the Duke of Brunswick. As the weights and shapes of these three stones, after allowing for the loss by cutting, would bring them to the original weight and size of Tavernier's diamond, Mr. Streeter thinks they are all parts of it, especially as the very rare color of all is the same. The Frankels are said to have held the Hope diamond at $250,000.

The four concerns are very closely associated, and it was deemed for the best interests of all concerned that their affairs should be put in the hands of the same trustees. Joseph Frankel's Sons Company was incorporated on January 17, 1905, with a capital stock of $1,000,000, with Simon Frankel president and David J. Frankel treasurer. They are the sons of Joseph Frankel, who established the business thirty years ago and died in 1887. They did a very large business in importing diamonds, averaging more than $2,500,000 a year. Joseph Frankel's Sons was incorporated on January 18, 1905, with a capital stock of $10,000. E. M. Gattle & Co. are capitalized at $300,000.

Stroock & Stroock are the attorneys for the Messrs. Frankel. They said that the concern was absolutely solvent; that the embarrassment is only temporary, due to the existing financial conditions, and primarily to the inability of customers to meet their obligations to the several companies.

Moses Stroock said last night that the nature of the liabilities of the Frankel companies will not be known for several days, as the books haven't been recently examined for the purposes of the present action. The only cause of the companies' embarrassment has been their inability to sell diamonds and other precious stones of the grade that they have been importing. The diamond trade had fallen off alarmingly recently not only with this firm but with others. Their creditors wouldn't wait, however, and the firm had to take the action it did.

In addition to their business the Messrs. Frankel are interested largely in real estate, which has all been put into the general fund for the benefit of creditors. They own the store building at 576 Fifth avenue, corner of Forty-seventh street, other parcels on Fifth avenue and some downtown leaseholds. Kendall & Herzog represent the Gattle companies. William Nelson Cromwell of Sullivan & Cromwell, counsel for the liquidating trustees, issued the following statement regarding the adjustment of the affairs of the four companies:

"These four houses have been closely associated in trade and are leaders in the sale of precious stones and jewels of the highest order and value. Owing to the unprecedented falling off in sales of high class gems, as of almost all other luxuries, and owing also to the unparalleled stoppage of customary banking facilities, it became necessary to readjust the affairs of these firms so as to insure the realization upon their assets at times more propitious and under conditions more advantageous than those now prevailing both at home and abroad. From the very nature of the assets and business of this character, as well as from interrelations of the corporations, it is self-evident that enormous sacrifice would result to the injury of creditors if customary proceedings in bankruptcy were pursued.

"The gross liabilities are about $4,500,000 and the gross assets are valued at over $6,250,000. The statement of each corporation shows a substantial surplus if the assets be wisely conserved. In addition to the corporate assets Messrs. Frankel and Gattle contribute personal assets valued by them at over $400,000, to be applied to the reduction of the total indebtedness.

"It has been designed to conserve the interests of creditors and preserve the large equities by placing the control of the four corporations in the hands of liquidating trustees with adequate power to realize upon the assets in a judicious manner and to the best interests of creditors; the proceeds to be paid over to the creditors of the respective corporations as rapidly as possible and according to their respective rights and interests; with the understanding that if the entire indebtedness be not paid within eighteen months the trustees shall then promptly convert into cash the balance of the assets and distribute the proceeds to creditors entitled thereto. In this way the customary expense, litigation and delay will be avoided and a more speedy and economical distribution made for the creditors.

"To accomplish this plan the accounts and claims of creditors will be deposited with the trustee through the Bankers Trust Company of New York as depositary and negotiable certificates of interest will be issued in exchange therefor by the trust company.

"The liquidating trustees are James G. Cannon, the well known banker and chairman of the loan committee of the New York Clearing House; Louis Kahn of L. & M. Kahn & Co., diamond merchants, and John C. Van Cleaf, vice-president of the National Park Bank. The high character and great experience of these gentlemen assure the best results possible.

"The Frankel companies and their predecessors have pursued their business for over thirty years; Gattle & Co. and predecessors for over twenty years and Gattle, Ettinger & Hammel for over ten years, without ever before asking similar indulgence, and creditors representing a large proportion of their indebtedness in the United States and Europe have already given their hearty indorsement to this plan for the protection of the creditors and preservation of the surplus. I unqualifiedly state that I consider it to the best interests of creditors to promptly avail of the plan by depositing their securities thereunder and receiving the negotiable certificates in lieu thereof."

NO CALL FOR JAPAN'S RESERVE.

Embassy at Washington Has Heard Nothing of Army Mobilization Either.

WASHINGTON, Jan. 6.—T. Miyaoka, the counsellor of the Japanese Embassy here, said to-day that there was no truth in the report printed this morning from Vancouver, B. C., saying that Japanese in Canada and the United States belonging to the army reserve had been secretly ordered to report in Tokio.

It was necessary, he said, to mobilize the army in Japan before the reserves could be called upon, and the army could not be mobilized without the knowledge of the embassy in this city.

JAPAN RESTRICTS EXODUS.

New Rules to Check American Influx Please Ambassador O'Brien.

Special Cable Despatch to THE SUN.

LONDON, Jan. 7.—The Tokio correspondent of the *Telegraph* says that Japan has issued stricter administrative instructions with the object of completely prohibiting undesirable emigration.

Mr. O'Brien, the American Ambassador, in an interview said he was gratified and that his negotiations with the Government were proceeding in the most cordial manner. He ascribed the non-success of Japan's past restrictive measures to the failure of subordinate officials to comply with their instructions. He believed that stricter measures would lead to a satisfactory result.

The question would be very simple if emigration to Canada and Mexico were simultaneously restricted, thereby preventing the transmigration of Japanese into the United States from those countries. He believed that suitable remedies would be taken.

ODDITIES OF A BURGLAR HUNT.

Mrs. Law Has Most of the Experience—Citizen Catches One Man.

Mrs. William Law and her two children, Purdy, aged 10, and Mary, 7 years old, were dining on the ground floor of their four story house at 177 West Eighty-eighth street last night, when Mrs. Law heard steps overhead. She hurried upstairs, followed by her children and her bulldog Jeff and on the landing of the third floor encountered two men.

The men brushed her aside, and Mrs. Law swooned. One of the men ran up to the roof, and by means of a rear extension got to the roof of the adjoining house, occupied by Dr. D. L. Rauch, at 179. The man ran down through the house, but just as he was going down the steps he encountered Policeman Whitman of the West 100th street station. Whitman questioned him.

The burglar said he was the doctor's janitor and had just come around to look at the fires. Whitman asked a few more questions and the burglar then took to his heels.

He ran north on Amsterdam avenue to Eighty-ninth street, with Whitman close behind. As the burglar ran through Eighty-ninth street he met Ellsworth Reynolds coming out of 117.

Mr. Reynolds had heard the police whistle and caught the man at Columbus avenue. The captive drew a revolver. Mr. Reynolds made as if to get a pistol out of his pocket, when the man threw his own gun away and pitched into Reynolds with his hands.

Several other persons ran up, but were mistaking Mr. Reynolds for the burglar when the policemen arrived and arrested the right man. The prisoner was then taken back to Mrs. Law's residence, where she was asked to go to the station house to make a complaint. She said that her fur coat, worth $800, had been stolen.

"Your fur coat is up on the top floor behind the portières," spoke up the burglar.

Mrs. Law went upstairs alone followed by the bulldog. She drew back the portières and the other burglar jumped out and pushed her over. She screamed and the dog grabbed the burglar by the trousers leg. The man shook the dog off and got to the roof. The screams of Mrs. Law brought the policemen from downstairs, but when they got to the top floor they found that the ladder to the roof had been pulled up by the burglar. When they did get to the roof they could find no trace of the man.

The prisoner said he was Louis Wallinger of 216 East Tenth street. He said he had been released from Elmira five months ago after a long term and went to Panama to keep from returning to his old habits. He recently returned and could get no work, so he went back to robbing houses.

Mrs. Law found that the man who got away had taken a gold watch, three diamond and emerald stickpins, a diamond horseshoe and other pieces of jewelry of less value. A number of pieces of silverware which were dropped by the prisoner in his flight were recovered.

The fur coat was found.

DEWEY'S CLARET OR SAUTERNE PUNCH. Ready to serve, for all social events. M. T. Dewey & Sons Co., 138 Fulton St., New York. —Adv.

Florida's Famous Trains 9:25 A. M. and 2:10 P. M. Unexcelled service via Penn. & Atlantic Coast Line R. R. Florida Information Bureau, B'way, cor. 30th St.—Adv.

KIN OF EARL GREY A SUICIDE

H. GREY DUBERLY TAKES POISON AT THE HERMITAGE.

Young Son of Capt. Duberly of the British Navy Left Letters Charging His Father With Ill Treatment but Giving No Specific Reason for Taking Oxalic Acid.

A young man who registered on Sunday afternoon at The Hermitage, a bachelor hotel at 596 Seventh avenue, as "H. Grey Duberly, Canada," committed suicide there last night by swallowing oxalic acid. He was found unconscious in his room and died while two physicians were working over him.

On a bureau in the room were found letters addressed to Earl Grey, Governor-General of Canada; Capt. James Grey Duberly of the British navy, who is the young man's father and lives at West Cannons, Yarmouth, England; Miss Amy Hamsheer, Lady St. John, Melchbourne Park, Bedford, England, and the Hon. Mrs. Hugh Mostyn, Buckworth Rectory, Huntingdon, England.

Apparently Duberly, who was about 25 years old, was a distant cousin of Earl Grey. The daughter of a younger brother of the second Earl married James Duberly of Gaines Hall, Huntingdonshire. The Governor-General of Canada is the fourth Earl and a grandson of the second Earl.

Duberly arrived at The Hermitage late on Sunday afternoon with several pieces of baggage and asked to be assigned to a bright room. He was sent to Room 606 on the seventh floor, and after the Japanese bellboy had shown him upstairs he went in and locked the door.

Nothing was seen of him thereafter, and last night Charles Kelly, the manager, sent a Japanese bellboy to rap at Duberly's door. The boy reported that he could get no answer, so Kelly tried himself. Then he sent for the engineer and the door was forced open.

Duberly, with only his underclothes on, was lying across the bed and moaning as if in great pain. Kelly sent for Dr. Melvin Walk of 151 West Forty-third street and Dr. Walsh of 150 West Thirty-sixth street. The young man was unconscious and breathing heavily when they arrived, and he died while they were administering antidotes.

Besides the five letters, which were stamped, there was a note addressed to the manager which read:

"DEAR SIR: Kindly communicate with my father, Capt. Grey Duberly, the Cannons, West Castle, England. He will defray all expenses. Also communicate with Earl Grey, Ottawa.

"I regret. But all expenses will be paid.
"H. GREY DUBERLY."

When the physicians told Manager Kelly that Duberly had killed himself he sent word to the West Thirty-seventh street station and asked that detectives be sent to the hotel. Detectives O'Sullivan and Magee went to the room and found two envelopes labelled "oxalic acid." The contents of one of the envelopes, the detectives found, had been dissolved in a glass containing sauterne wine which Duberly had drunk.

Duberly called for writing paper and envelopes and two quarts of sauterne late on Sunday night, and it is supposed that he spent the greater part of yesterday writing farewell messages.

The letter to his father accused him of ill treatment, but also said: "I forgive you, as I hope God will forgive me."

A letter which he wrote to his aunt, the Hon. Mrs. Hugh Mostyn, repeated the charges against Capt. Duberly and ended: "Will you, and Uncle Hugh pray for my soul." Neither it nor the other letter suggested any specific reason for suicide.

Mrs. Mostyn was Ellen Grey, daughter of the late James Duberly, and married the Rev. the Hon. Hugh Wynne Lloyd-Mostyn, Canon of Ely.

There was also found in the room a letter addressed to "Miss Amy Hamsheer, care of W. Newcombe, Niagara Falls, Ontario, Canada." A single strand of young Duberly's hair, which he had evidently taken care to gum to the stamp, protruded from the corner of the letter. This missive was sealed, but the letters addressed to his father and his aunt were open.

There was no baggage in Duberly's room and he had nothing in his clothes except a five cent piece and two keys, one of which bore the number 15 and looked like a hotel key. His clothes were of English make.

Coroner Dooley had the body removed to Stephen Merritt's undertaking establishment on Eighth avenue, where it will be kept until claimed. The young man's clothes were sent to the West Thirty-seventh street police station.

The police believe that Duberly had been without funds and had been staying at hotels in this city for some time. They concluded that he had been unable to get any money from his father and that finally, when he saw that he would be unable to get credit, he made up his mind to end his life.

FINDS FOR ACRITELLI.

Judge Crain Orders Election Indictments Dismissed.

Judge Crain in General Sessions, Part I., ordered yesterday that the two indictments against Coroner Peter P. Acritelli in election registration fraud cases should be dismissed on the ground that there was insufficient evidence for the finding of either indictment and further that the evidence laid before the Grand Jury was illegal. In the case of the indictment for misdemeanor it was suggested that this should be resubmitted. The other indictment was dismissed without any such recommendation. It is considered unlikely that an attempt will be made to resubmit the misdemeanor charge.

Judge Crain said that the evidence showed that the offence did not have its inception in the mind of Coroner Acritelli and that a conviction could not be had upon the uncorroborated evidence of an accomplice. It was pointed out that the proof that was lacking in the case of the misdemeanor charge might be supported if it were put up once more to the Grand Jury.

HAAN'S Restaurant, Park Row Bldg.—For ladies downtown. Luncheon and Dinner. Music. —Adv.

SEABOARD FLORIDA LIMITED SERVICE best to Pinehurst, Camden, Columbia and Florida. Shortest route. Office 1185 B'way.—Adv.

THINK MOUNT ROYAL WAS SEEN.

Steamer at Liverpool Reports Her West of Fastnet and Stationary.

Special Cable Despatch to THE SUN.

LONDON, Jan. 6.—The steamer Vivina, at Liverpool, reports that on January 3 she sighted about 250 miles west of Fastnet a steamer nearly resembling the long overdue Mount Royal, which sailed from Antwerp December 7 for St. John.

The vessel was stationary and did not appear to be in distress. She signalled that she wished to be reported, but falling darkness prevented her name signals being clearly seen.

The agents of the Canadian Pacific Railway Company, the owners of the Mount Royal, are convinced that the steamer was the Mount Royal and are sending the Lake Manitoba to assist her.

ST. JOHN, N. B., Jan. 6.—A cable despatch reports the Mount Royal sighted off Fastnet, Ireland.

This news from Liverpool was received with a gasp of relief in St. John, which has watched with anxiety during the last week. The relief was modified, however, by considerable scepticism among the C. P. R. officials, bred of repeated disappointments.

Only this afternoon they were confident of the boat's arrival here, and a steamer matching her description is reported passing Brier Island at the entrance of the Bay of Fundy at 1:30 P. M., but two hours later the signal station identified her as the Monmouth of the same line, which left Antwerp two weeks after the Mount Royal and had seen her nowhere.

It is not believed that the Mount Royal is short of supplies if she is still afloat. She left the other side with 2,200 tons of coal, enough for thirty-five days ordinary steaming. She had food supplies sufficient for more than that length of time, and plenty of water.

As a general rule five stewards are allowed for every hundred passengers and three or four additional for the ship. It is thus estimated that the crew would consist of seventy-five or seventy-seven persons, and these, with the 304 passengers, would bring the total of those on board to fully 380.

The Mount Royal, with nearly 400 passengers and crew and of 4,599 tons burden, left Antwerp December 7 for St. John, N. B. She was operated by the Canadian Pacific Railway Company, having been built at Newcastle in 1898. The Mount Royal is 470 feet long, has a beam of 56 feet and is 32 feet in depth.

Her sister ship, the Mount Temple, which went on the rocks off the Nova Scotia coast on December 2, is still hard aground, although the company is trying hard to save her. Her passengers, 600 in number, were taken off in tugboats.

TWO KILLED ON BATTLESHIP.

Accident on the Nebraska Carries Two Sailors Overboard.

SAN DIEGO, Cal., Jan. 6.—Reports have been received to-night of an accident to-day on the battleship Nebraska, which cost two lives.

It is said that men in charge of a crane lost control of it and it crashed through a group of sailors, carrying two overboard to death.

JOHNSON PRAISES BRYAN.

Governor Indicates That He Is Not an Opponent of the Nebraskan.

CHICAGO, Jan. 6.—Gov. Johnson of Minnesota, who is being exploited some as a Presidential candidate on whom centre Bryan's foes, has sent a letter regretting that he cannot attend the Bryan banquet of the Jefferson Club Wednesday evening.

His letter contains a tribute to Mr. Bryan, expressing such high admiration for the Nebraskan that the Jefferson Club managers feel the Minnesota Governor will be with them in spirit if not in person. His letter says in part:

"I am a very sincere admirer of Mr. Bryan's splendid personality and wonderful statesmanship and ability. It would give me much pleasure to be with your club on this occasion and listen to the words of eloquence and wisdom which I am sure will be spoken there."

SHOT A POLICEMAN.

Burglars Went Back After Loot and Got Into a Gun Fight.

Police Headquarters received a message at midnight from Leonia, N. J., on the Palisades, not far from Fort Lee, to look out for two men who had shot a policeman there. They had robbed a shoe store in the town last Friday, hid the loot and returned for it last night.

Policeman Paul Minnerly saw them and shot one of them. They returned the fire and one of the bullets hit the policeman in the leg. A general alarm was sent out by the New York police.

A telephone message was received at Headquarters from the Oak street station at 1 o'clock this morning that two men were under arrest in St. Gregory's Hospital, in Gold street, who were thought to be those wanted.

SERUM CURES MENINGITIS.

Dr. Flexner's Discovery Used With Success at Johns Hopkins Hospital.

BALTIMORE, Jan. 6.—A case of cerebro spinal meninigitis has been brought to the Johns Hopkins Hospital from Atlanta and the physicians in charge have used with success the new serum which Dr. Simon Flexner, head of the Rockefeller Institute for Medical Research, discovered recently.

The case had been running for five weeks before being brought to Hopkins and showed all the malignant symptoms of the disease. Soon after Dr. Flexner made public his discovery of the serum he sent a quantity of it to the Hopkins hospital.

One of the most prominent members of the medical staff at the Hopkins, who has charge of the case there, said to-day:

"While not enough cases have been treated to make the percentage of cures absolute, nevertheless the great success which Dr. Flexner met with, together with our own experience in the two cases now at Hopkins, encourages us to believe that this percentage will be great."

Deerfoot Farm Sausages. Made of the tender meat of dairy fed, fat, young porkers, daintily seasoned with selected spices. Try a two-pound package. Beware of imitations. —Adv.

FIVE BOYS THE FAME'S CREW

WHEN A NORTHWEST GALE BLEW THE CLOTHS OUT OF HER.

Youngsters in Search of Seagoing Experience Get a Lot of It With Glimpses at the Next World—Helpless Little Schooner Towed In Here Yesterday.

With little food and but a few gallons of water left, and after being lashed for eight days by gales, the 130 ton two masted fishing schooner Fame of Boston, manned by Capt. Joshua Nickerson of Orleans, Mass., and a crew of five young men described as Harvard students who wanted some real experience at sea, was discovered in distress in close proximity to the beach early yesterday morning by the life savers of Navesink Highlands. Her sails were gone and the vessel, unable to beat against the easterly gale, was driving toward the coast. A telephone message was sent to the revenue cutter Mohawk at Quarantine, which went to the Fame's assistance and after standing by all night towed her into Quarantine at daylight.

The tug Reliance brought her to a safe berth in the East River back of the Fulton Market, and the Fame had barely been made fast when four of the crew appeared at the gangway, suit cases in hand, and asked how to get a train for Boston. Then they started in the direction of the subway, not letting the fact that one of them was minus a hat alter their determination to return to Massachusetts as speedily as possible.

Those in the party but not in the Harvard catalogue were John Alden, Langdon Alden, Harold Davidson and Bradford Babcock. Raymond O. Brackett, said to be a graduate student, who acted as mate on the trip, remained behind with Capt. Nickerson and went with the ship in tow to Boston. The men said that they were all taking practice work in the shipworks of W. W. Crowninshield, Boston, intending to study yacht designing along with their university course.

The fishing vessel is owned by the Eastern Fishing Company of Boston and put into Halifax shortly after Christmas, with the captain and crew down with smallpox. Quarantine officers removed the crew and disinfected the ship. Capt. Nickerson, with the young men, who previous to this had had no experience at sea except aboard yachts and private craft, was sent to Halifax to bring the Fame to Boston. Capt. Nickerson is 58 years old and one of the most experienced skippers along the New England coast. He put his crew, whose ages average about 19, through their paces and had every sail set at midnight December 29, one night out of Halifax, when a northeasterly gale came up.

The crew was not husky enough by a good deal to reef the mainsail in time and Capt. Nickerson ordered them below, fearing that the heavy sea might wash some of them overboard. The mainsail was carried away. Previous to that the jibe had gone, and an hour later there was not an inch of canvas except the foresail. The little vessel was hove to throughout the 30th, 31st and New Year's Day. There wasn't enough oil left to fill the lamps and everything was darkness inside and out. To make matters worse the food supply began to run low.

When the gales finally abated early on the morning of January 2 the Fame found herself 250 miles north by northeast of Barnegat. Capt. Nickerson set his ensign union down at the main peak and blew on south in the wind then prevailing. When the Mohawk came alongside before daylight yesterday and asked the skipper if he could last until morning or wanted the cutter to make an attempt to take the crew off Capt. Nickerson shouted through his megaphone:

"We've got no food and no sails, but think we can last until daylight."

With the first streaks of down Capt. Reid of the cutter and his crew were bustling about with preparations to take the Fame to port. Through the gray mist they could see the life saving crew at Navesink patrolling the beach with their boat and keeping an eye on the Fame. The life savers hadn't slept either. It took the cutter an hour to make fast to the Fame. She was hailed off Quarantine by the tug Reliance, belonging to a local towing company, whose skipper said that the cutter had no right to take the schooner into port because it was interfering with a private enterprise and contrary to harbor regulations. Capt. Reid after talking over the matter agreed that the other man was right and the Reliance did the rest of the work, emulating the example of the early bird catching the worm.

Capt. Nickerson and Mate Brackett wouldn't talk much about the cruise. Capt. Nickerson said that the crew had behaved splendidly and were lacking in number only.

MAY DEPORT THE AGITATOR.

Muncie People Tired of Interference by Leader of Trolley Men's Union.

MUNCIE, Ind., Jan. 6.—A committee of preachers, headed by the Rev. Mr. Nyce of the First Presbyterian Church, to-day reported to the authorities that A. L. Behner, vice-president of the Amalgamated Association of Street and Electric Railway Employees, is responsible for keeping the trolley strike alive.

Major General McKee, in command of the militia, heard of Behner's presence here and inquired into his conduct. His speeches were also reported to the military commander. Gen. McKee notified the civil authorities that an investigation of Behner's conduct should be made and that if he stood in the way of a settlement between the company and the men he should be deported or locked up.

Mayor Guthrie and other city officials visited Behner, and he protested against being driven from Muncie. He insisted that the men wanted him to stay in Muncie and assist them in their fight. The ministers deny this.

The strikers declare that the great cost to the State of keeping the militia here and the cost to the county of employing deputy sheriffs is causing public sentiment to crystallize against the Indiana Union Traction Company and will compel the company to settle the strike in their favor.

Gen. McKee believes the men can effect a settlement with the company without the assistance of outside parties.

Boston Merchants' Line. Piers. 9, 10, 11, N. R. New tri-weekly freight service to Boston by Steamships Massachusetts and Bunker Hill.—Adv.

NORTH CAROLINA A LITTLE SLOW.

New Armored Cruiser Reported to Have Failed to Make 22 Knots.

ROCKLAND, Me., Jan. 6.—Although no official information was given out by the navy trial board, it is understood that the new armored cruiser North Carolina failed to make the required 22 knots in any of her fourteen dashes over the measured mile course off here to-day. It was found that to make the required speed 119 revolutions a minute of her propellers were necessary. During the test to-day the engines did not do better than 117.

It is believed she will make the 22 knots an hour in her twenty-four hour endurance test which follows a four hour run to-morrow.

CANNOT TRANSPORT LIQUOR.

Postmaster-General Issues an Order Prohibiting It on Star Routes.

WASHINGTON, Jan. 6.—Hereafter carriers on star routes will not be permitted to transport liquor from point to point along such routes, according to the terms of an order just issued by the Postmaster-General. This inhibition will apply at the beginning to contracts made for star route service in North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, Tennessee and Kentucky. It will be later extended generally throughout the country. Proposals will be opened on Wednesday for the work of supplying star route service in the States named, and in the contracts made for star route service in them it will be expressly provided that star route carriers shall not transport liquor while in the performance of their duties.

SHALL WOMEN SMOKE IN PUBLIC?

Little Tim Thinks Not and Would Prevent It by Ordinance.

Little Tim Sullivan introduced in the Board of Aldermen yesterday an ordinance forbidding proprietors of hotels, restaurants and other places of public entertainment to allow women to smoke in the public rooms. The matter was referred to the Committee on Laws and Legislation with instructions to the committee to hold a public hearing.

NOT DYING SO FAST.

New Year Starts With Lower Death Rate Than 1907 Had.

There died in New York during the first week in January 1,561 persons, according to the records of the Department of Health—156 less than during the same time last year. The rate is 18.46, against 20.95 last year.

There were noticeable decreases in the number of deaths from pneumonia, tuberculosis and heart disease.

RECEIVER FOR OIL CONCERNS.

Texas Court Will Take Hold of Standard Subsidiary Companies.

AUSTIN, Tex., Jan. 6.—The application of the State for the appointment of a receiver to take charge of the properties of the Security Oil Company, the Havarro Refining Company and other concerns which are alleged to belong to the Standard Oil Company and against which suits for violating the anti-trust laws are now pending, was argued in the District Court here to-day.

At the close of the argument Judge Calhoun announced that he would appoint a receiver for the Standard concerns that do not operate under Texas charters.

STOCK COMPANY FOR THE "TIMES"

C. A. Pearson to Be Managing Director—No Change of Policy.

Special Cable Despatch to THE SUN.

LONDON, Jan. 6.—It is officially announced that negotiations are going on to make the *Times* a limited liability company, with A. F. Walter, now the chief proprietor of the paper, as chairman and C. A. Pearson, the well known newspaper proprietor, as managing director.

The editorial character of the *Times* will not be changed.

COLD KILLS STEEPLEJACK.

He Couldn't Grip His Flagpole and Fell Sixty Feet.

Charles Zast, 23 years old, a steeplejack, while gilding a ball at the top of a sixty foot flagstaff in Echo Park, Tremont and Webster avenues, The Bronx, fell to the ground yesterday morning. He died last night in Harlem Hospital.

Zast was conscious for a time. He said that his fingers got benumbed with the cold and he lost his grip. His skull was fractured and three ribs were broken.

NEW HARLEM RIVER BRIDGE,

It's an Old One, Strictly Speaking, but in a New Position.

The old Harlem ship canal bridge, which the builders of the subway sold to the city for $50,000 after it had been replaced with a new steel structure at Kingsbridge, was opened for traffic yesterday across the Harlem River between 207th street, Harlem, and 184th street and Sedgwick avenue, The Bronx. It had been floated down the river on two barges. A number of city officials were present at the opening exercises.

POLITICIANS INDICTED.

Boston Grand Jury Makes Secret Presentments, Supposed to Charge Grafting.

BOSTON, Jan. 6.—A batch of secret indictments were returned by the Grand Jury to-day against a number of prominent politicians.

The nature of the indictments will not be made public until court proceedings begin, but it is understood that they concern a deal whereby the city paid twice the assessed valuation for a piece of land in Codman street, the high prices paid by the city for flagstones and the purchase of prize cups for city holiday games.

DARING ROMAN CRIMINALS.

Crusaders Steal From the Police Papers Damaging to Arrested Comrades.

Special Cable Despatch to THE SUN.

ROME, Jan. 6.—The Crusaders, the new criminal conspiracy like the Camorra, have stolen all the papers relating to the cases of their members who are under arrest from a safe in the private residence of Capt. Fabroni of the carabinieri.

Gulf Storm Moving This Way.

WASHINGTON, Jan. 6.—Northeast storm warning, 9 P. M., from Savannah to Fort Monroe. Storm over East Gulf Coast moving northeast.

Kalil's Restaurant, 14-16 Pk. Pl.: finest downtown. Open till midnight; charming music; seats 1,000.—Adv.

THAW TRIAL ON WITH A RUSH

9 JURORS SELECTED SUBJECT TO PEREMPTORY CHALLENGE.

Night Sessions Now, and Later Too, If Lawyers Don't Hasten Matters—Justice Dowling Cuts Speeches Short—Evelyn Thaw Looks Better—Jurors Locked Up.

There were many indications when the work of getting a jury for the second trial of Harry K. Thaw for the murder of Stanford White began yesterday that an effort will be made to make the trial move more rapidly than the first, which took almost three months. There will be night sessions until the jury box is filled and maybe night sessions while the testimony is being taken if the lawyers do not hasten matters of their own accord. Justice Dowling, who is presiding at this trial in the Supreme Court, Criminal Branch, showed yesterday that he is averse to any unnecessary delay or long drawn out arguments and speeches which characterized the first trial.

When the first day's session ended at 10 o'clock last night nine jurors, who may be called provisional jurors, for they may yet be challenged peremptorily by either side, had been selected. The proceeding of postponing the peremptory challenges is a departure from the usual custom in criminal cases in this county. It was accepted after a consultation between District Attorney Jerome and Martin W. Littleton, counsel for Thaw. Justice Dowling approved.

As each side has thirty-one peremptory challenges, it is possible for the jury box to be filled five times and then emptied and the job of getting a jury started all over again. As explained by District Attorney Jerome to the Court, in the course of the last Thaw trial and in other trials many communications, some of them anonymous but meriting investigation, were sent to both sides regarding jurors who had been sworn. The investigation that had to be made was often of a disagreeable nature and sometimes resulted in the withdrawal of jurors already selected.

It was deemed best, in the opinion of counsel for both sides, that the peremptory challenges should be reserved after a juror had measured up to the other qualifications. This means that both sides will have a chance to make an investigation of each juror and if dissatisfied with him can challenge peremptorily. Doubtless many jurors will sit in the box for two or three days and then be dropped, and it was the opinion of jury lawyers that two or three of the men selected yesterday will not be jurors when the taking of testimony begins.

Aside from a few changes in the arrangement of the court room and the absence of several familiar faces, the scene yesterday was very much like the opening day of the first trial. The crowd outside was not so great and the police had less to do. The women had been warned that they would not be admitted and Justice Dowling took occasion to announce from the bench that they will not be. That of course cut down the size of the crowd.

The court room was packed with talesmen and reporters. Representatives of the sympathy squad were there, but not as many as before. There was a newcomer with dazzling light hair and much plumage. She was the sensation of the day. You may hear from her later, as she was not identified thoroughly yesterday.

Thaw has changed little. His straight black hair is as wild as ever and accentuates the natural pallor of his face. His queer smile is still in evidence and he did as much talking to his lawyers as ever, although Mr. Littleton paid no attention to him. Thaw's mannerisms, so noticeable at the first trial, seemed a bit more pronounced and he strode into the court room with the same upward tilt to his left shoulder.

Thaw did not walk through the court room but around it by a brass railed passageway on the White street side of the court room. He sat inside of the clerk's rail, a few feet away from Mr. Jerome and his assistant, Francis P. Garvan. From where Thaw sits, at the end of his counsel's table, he has to twist around only a bit to get a good view of his wife and the other members of his family.

Those of the Thaw family who were present yesterday had their old seats at the end of the jury box. Evelyn Thaw came early. She was escorted to the court room by Detective Moore, who is employed by her husband's lawyers, and she went to lunch with him, although Mrs. George Lauder Carnegie, Thaw's sister, and Josiah Thaw, Thaw's half brother, were present. They were the only other members of the Thaw family in court. The Countess of Yarmouth is having her own troubles in Europe, but perhaps the most noticeable absentee was the stern faced, black robed Mrs. Mary C. Thaw, the defendant's mother, who is sick in Pittsburg.

Mrs. Evelyn Nesbit Thaw is a sturdier looking girl than she was a year ago. The paleness has left her cheeks, which are now actually rosy and well filled out, and the schoolgirl gown, much the same as affected at the first trial, reveals a figure just a trifle more plump. The style of her hat she has changed a bit, but it droops back over her head, and on the top of it is a big cluster of violets, over which a long blue veil was thrown.

At times the young woman was almost vivacious until she caught the eyes of persons watching her. Whenever there was anything amusing she smiled behind a gloved hand, but several times she made no concealment of smiles and glances she passed to her husband. Once he communicated some message to her simply by moving his lips, but she understood evidently for she answered in a similar way. Josiah Thaw and Mrs. Carnegie said very few words to her, and they left her in the court room at 5 o'clock, an hour before the afternoon session adjourned.

The methods of Justice Dowling are almost the opposite of Justice FitzGerald, who presided at the first trial. His manner is alert and he rules on all questions promptly. Once or twice, when Mr. Jerome and Mr. Littleton showed a desire to become oratorical, Justice Dowling shut them off with a quickness that astonished those who remembered how Michael Delphin Delmas and Mr. Jerome had been allowed to overwork their vocabularies. But it could not be said that Justice Dowling was harsh or unreasonable. A pleasant and responsive smile disclosed a sense of humor, and in the two slight encounters