SICA'S ALIBI IS ATTACKED

NURSE GIRL SAYS SHE SAW HIM NEAR WILHELM HOME

At a Time When He Says He Was Far Away From It—Detectives Say They Found Evidences of Love Affairs With Other Women Among Sica's Papers.

If what a sixteen-year-old girl says proves to be credible Nicholas Sica, the Italian real estate dealer of Newark who is held a prisoner under suspicion of having shot and killed Justice of the Peace Frank Wilhelm in the basement of his home at 448 High street in that city on Monday, will find the chain of circumstantial evidence very tight about him. Anna M. Saltau is the girl, and yesterday she told Chief of Detectives Carroll that she had seen Sica in front of the murdered man's house at a time when the man under suspicion claims to have been miles away from that place.

Anna Saltau is a nurse girl employed by the family of Dr. Jules Levy, who lives at 450 High street, next door to the house where Wilhelm and his wife lived. Yesterday the nurse girl, who had been reading all she could find in the papers about the tragedy, told her father, John Saltau of 51 Boyd street, and later told Dr. Levy that on Monday night a few minutes after 6 o'clock she saw Sica standing in front of the gate that leads to the basement door of the Wilhelm house. She had known the man while he was a boarder in the Wilhelm house. Sica was acting nervously, so the girl later told the detectives, and she marked his unusual manner as he tipped his hat to her and walked down High street and across Springfield avenue, where he disappeared from her sight.

When Carroll and Detective Sergeant Tuke had put Sica through a severe cross-examination on Tuesday, following his arrest on suspicion the man set forth an alibi to account for his movements on Monday. This did not correspond with statements made by Mrs. Mary Wilhelm, whom the police hold pending further investigation into the case, and in the light of the tardy revelation made yesterday by the Saltau girl Sica's alibi may be worthless.

Sica had stated positively that after leaving the Wilhelm house on Monday afternoon at 3.30 o'clock Mrs. Wilhelm at first denied that Sica had been a visitor there at all; he had taken a car and gone to the Hadden tract, a place some distance out of town, intending to see a man there on a question of real estate. Sica told the detectives that he had remained in the out of town locality until some time after 6 o'clock.

The nurse girl gave as a reason why she had not come forward with her statement concerning Sica immediately after having heard of the crime of which he is suspected the fact that she feared to be involved in a murder trial. Even though the detectives impressed it upon her that what she had told them might send a man to the electric chair, the girl insisted that her story was not the result of imagination.

Notwithstanding the girl's story the police and the Prosecutor did not lodge a charge against Sica yesterday. A search was made all day for the weapon with which Wilhelm was slain and examination into Sica's effects was made. The pistol was not found, but in Sica's room the detectives found evidence which may tend to establish motive if a murder charge is brought against him. The Prosecutor said yesterday that the suspect will be arraigned in the First precinct police court this morning, and it is possible that the authorities will see fit to hold Mrs. Wilhelm as an accessory. Eugene Dotto appeared late yesterday afternoon as Sica's attorney.

Much of the evidence the detectives unearthed had to do with the peculiar relations between Sica, the wife of the murdered man, and Wilhelm himself. The detectives say that Mrs. Wilhelm had told them that Sica was her lover, that her husband knew of the relations between them and that Wilhelm had even gone so far as to offer to divorce his wife in order that his boarder might marry her if the latter would buy the house the Wilhelms occupied and otherwise help him to dispose of other Newark real estate.

From other sources, the detectives say, they learned that the divorce scheme fell through, even though Wilhelm had gone so far as to have papers drawn up in which Sica was named as corespondent and that Wilhelm had begun to make arrangements to sell his Newark property and move away with his wife. Sica himself admitted that Wilhelm had asked him to help dispose of this property. The cause of Wilhelm's decision not to press the divorce, as the detectives have it, was Mrs. Wilhelm's refusal to deed back to her husband the titles to his real estate, all of which stood in her name. By his death she will become sole possessor of considerable wealth in realty.

The detectives say they found enough in Sica's rooms to show that the man under suspicion was participating in several love affairs with other women while he was paying attention to Wilhelm's wife. Nicolo Sica di Marjimino, as his full name runs, was evidently engaged to two young women even while he was promising to marry Mrs. Wilhelm if her husband would divorce her. Letters from these two and from other women, all filled with endearments, and a copy of a letter Sica had written to one of his admirers were found, together with a post card addressed by Mrs. Wilhelm "to my affinity."

Mrs. Wilhelm was taken to Muller's morgue on Washington street last night at her own request to view the body of her husband. No one was allowed in the room save the two detectives who accompanied her from headquarters, Chief Detective Weimer of the County Prosecutor's staff and a stenographer. When the lid was taken off the coffin Mrs Wilhelm kissed the face of her dead husband, passionately crying "Oh, darling, oh, sweetheart; oh, Frank! If you could only tell me who did it!"

She remained at the morgue for fifteen minutes and was then taken back again to headquarters, where both she and Sica were further questioned.

ADRIFT IN AN OPEN BOAT.

Crew of the Steamer Sarah B. Fells Picked Up Off the Delaware Capes.

LEWES, Del., Feb. 3.—Adrift off the Delaware capes in a small boat, with the freezing waves dashing over them, the entire crew of the steamer Sarah B. Fells, plying between Boston and Cuba, were picked up yesterday by the sugar steamer Francis and brought here tonight, from which place they were ordered to Boston and will arrive home in a day or so.

The Sarah B. Fells sprang a leak in the heavy gale Monday and was driven far out of the course of traffic. Late Monday night she was in such a bad condition that the crew were forced to take to the boats and barely got away from her when she sonk with her cargo of oil. All night the crew were exposed, with the water freezing to them as fast as it struck. Their signals of distress were noticed by the Francis, which had also been blown out of her course, and the crew were finally taken on board despite the heavy seas.

Senate Hunting $1,000,000 Corruption Fund.

CHARLESTON, W. Va., Feb. 3.—The State Senate to-day appointed a committe to investigate an alleged interview by Theo Alford, head of the Anti-Saloon League, regarding a $1,000,000 fund said to have been raised by the liquor interests to defeat prohibition legislation.

"BECAUSE IT IS GUARANTEED."

Hardly a day goes by but some customer says—"I come to you with my title because when you finish with it—it is guaranteed." There are many other good reasons for coming to us but the one that impresses people the most seems to be "it is guaranteed." After all, it does tell the whole story and our constantly increasing surplus makes our guarantee a real one.

TITLE GUARANTEE AND TRUST Co

Capital and Surplus, - $12,000,000

176 B'way, N. Y. 175 Remsen St., Bklyn. 350 Fulton St., Jamaica.

HURT IN AUTO CRASH.

Cars of Mrs. Colgate and Mrs. Olds Come Together in Kearny, N. J.

Mrs. Sidney M. Colgate of 368 Centre street, Orange, and Mrs. Edward A. Olds of the Marie Antoinette Hotel, New York, were injured in a collision between two large touring automobiles on the Turnpike road on the meadows in Kearny, N. J., yesterday. The Colgate car was travelling toward New York, while the Olds machine was going to Newark. The Colgate machine had turned to the side in order to pass a heavy truck and the Olds auto did likewise. The operation caused both machines to skid and they came together with a crash.

Mrs. Olds was protected by heavy furs and was only slightly bruised. Mrs. Colgate, who is the wife of one of the members of the Colgate firm of soap manufacturers, was cut about the face and severely bruised. Mrs. Colgate was taken home to Orange by Mrs. J. William Clark, head of the Clark Thread Company of Newark, while Mrs. Olds was brought home by Dr. J. B. Bissell of 46 West Fifty-fifth street. The two other cars were on their way to New York behind the Colgate machine. Mrs. Olds's husband is also a soap manufacturer at 81 Fulton street, Manhattan.

The accident occurred in the middle of the road, a short distance east of the Newark stockyards building. Both automobiles were wrecked. The glass shield in front of the Colgate machine was smashed and one of the axles broken. Word was sent to New York for help and the car was taken to a garage. The wood and ironwork on the side of the Olds machine was ripped away and both front wheels torn off. The car was thrown across the trolley tracks and it was necessary to send for a wrecking car to have it removed. In the meantime westbound trolleys were held up.

PACIFIC R. R. MERGER EVIDENCE

U. S. Court Calls Fifty Men to Give Testimony in Cleveland.

CLEVELAND, Feb. 3.—Fifty Cleveland men, traffic managers of factories and officers of railroads, have been summoned to testify in the Government's suit to dissolve the alleged Southern Pacific-Union Pacific merger.

The petition praying for taking of testimony here in the suit brought in Salt Lake City was brought before Federal Judge Tayler late Tuesday and service was had on the witnesses, who were summoned to appear before a special master here on February 13, before knowledge that such action was contemplated became public.

BAR HARBOR AUTO BILL.

Maine Legislature Committee Hears Petitions and Remonstrances.

AUGUSTA, Me., Feb. 3.—A hearing was held before the Judicial Committee of the Legislature this afternoon on a bill to prohibit the use of automobiles on Mount Desert Island, where Bar Harbor, the watering place, is located.

The town of Eden, which includes Bar Harbor, now has an ordinance forbidding the use of automobiles on certain streets.

A mass of petitions and remonstrances has been received at the State House. Among the signers in favor of the act are John D. Rockefeller, Jr., Joseph Pulitzer, Dr. Robert Abbe, D. C. Blair, George S. Bowdoin, Henry Lane Eno, Mrs. Burton Harrison, John S. Kennedy, Mrs. Morris K. Jesup, Dave Hennen Morris, Mrs. Paul Morton, Jacob H. Schiff, William F. Sheehan, Mr. and Mrs. John Jay White and Mrs. Carolyn M. Wright.

The Bar Harbor people, who dislike the idea of autos speeding along the narrow streets, were represented by ex-Senator Clark of that place, while the remonstrants were represented by Job B. Hedges of New York, Joseph Williamson of Augusta and Oscar F. Fellows of Bucksport.

WOOLLEN MANUFACTURERS

Want the Tariff Left Alone and Care Exercised in Railway Legislation.

BOSTON, Feb. 3.—At the annual meeting of the National Association of Woolen Manufacturers to-day the proposition that the tariff be placed under a permanent commission was condemned. Several resolutions were adopted. One in regard to railroad legislation said:

Resolved that the National Association of Woollen Manufacturers urges members of Congress and of the State Legislature to make careful inquiry as to proposed restrictive measures affecting railroads and to seek the encouragement of a spirit of calm deliberation in the discussion of railroad problems."

Another set of resolutions declared that the maintenance of the present rates in general for the protection of American woollen manufacturers is justified and demanded by increasing wages, narrowing profits, growth of foreign importations, and because the industry depends entirely upon a domestic market.

The Weather.

The storm moving eastward over the extreme Northwest was causing heavy rain yesterday in California and Oregon and lesser falls in neighboring States. Over the northern parts of the country it was generally cloudy, with light snow in the middle and lower Lake regions and New York.

South of the Ohio and Missouri valleys it was generally fair and the pressure was high with its centre in the Gulf of Mexico. The temperature was below zero in northern New York and New England. At Northfield, Vt., and Greenville, Me., 10 degrees below was recorded.

In this city snow fell lightly all day; warmer; wind light to fresh northwest; average humidity, 83 per cent.; barometer, corrected to read to sea level, at 8 A. M., 30.13; 3 P. M., 30.03.

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

	1909.	1908.		1909.	1908.
9 A. M.	25°	17°	6 P. M.	25°	27°
12 M.	25°	22°	9 P. M.	26°	25°
3 P. M.	25°	27°	12 Mid.	26°	19°

Lowest temperature, 25°, at 9 A. M.

WASHINGTON FORECAST FOR TO-DAY AND TO-MORROW.

For eastern New York and eastern Pennsylvania, partly cloudy and warmer to-day and to-morrow; variable winds.

For New England, partly cloudy to-day and to-morrow, with rising temperature; variable winds.

For New Jersey, partly cloudy to-day, with snow in early morning in eastern portion; warmer in western amd northern portions; partly cloudy to-morrow; variable winds.

For Delaware, snow early this morning, followed by clearing; partly cloudy to-morrow; variable winds.

For the District of Columbia, Maryland and Virginia, generally fair to-day and to-morrow; variable winds.

For western New York, partly cloudy to-day and to-morrow, with rising temperature.

TENTH SNOW GRAFT ARREST

JACOBS MAKES A CLEAN BREAST OF IT, INVOLVING MANY.

Cases to Be Taken Up in the Police Court Instead of Going to the Grand Jury Direct—Commissioner Edwards Thinks That Hogel, Meant No Evil.

The investigation into graft in snow removal which was carried on at the District Attorney's office throughout Tuesday night was continued yesterday by Assistant District Attorney Smyth, Commissioner Edwards and Deputy Commissioner Hogan of the Street Cleaning Department. Mr. Smyth spent the entire day examining employees of the department and contractors who have snow removal jobs.

David Jacobs, a foreman employed by the contracting firm of Daly & McBean, who has admitted to the District Attorney that he was engaged in illegal traffic in snow removal tickets, made a clean breast of the whole matter when his examination was continued yesterday. He is said to have implicated a large number of men both in the Street Cleaning Department and in the employ of contracting firms and to have furnished information which may involve men not directly connected with the actual work of snow removal.

One result of Jacobs's further confession was the arrest yesterday of Daniel Leahy, a foreman of the Street Cleaning Department, at Stable H, Forty-eighth street and East River. Leahy was brought to the District Attorney's office late in the afternoon and held in $2,000 bail for examination to-day. He was No. 10 in the list of prisoners. Another man is being sought by orders of Commissioner Edwards, who wishes to put some pointed questions to him.

Early in the afternoon Leonard McBean, a member of the contracting firm which employed Jacobs, visited the District Attorney's office, accompanied by his counsel, Abraham Levy. He brought a number of books and papers containing the records of snow removal work and turned them over to Mr. Smyth. Most of the books of the firm were brought to the District Attorney's office late on Tuesday night an a search warrant.

No objection was offered to surrendering the books, and when Mr. McBean heard of the matter he hurried down with such papers as had been overlooked. His visit was entirely voluntary. In addition to the men examined yesterday subpœnas were issued for four men said to be employed in the sixth and eighth snow removal districts.

Nearly all the nine prisoners taken on Tuesday night were foremen and laborers attached to Stable A, at Seventeenth street and Avenue C. They were photographed at Police Headquarters yesterday morning, and all but James Cleary, who had given bail, were sent over to the stables to help identify the 867 laborers who were waiting to be paid for the work of the previous day. Deputy City Paymaster Bremer was on hand with $3,846 to pay out for the purpose, but he had settled with only three men when Commissioner Edwards telephoned that no more men were to be paid off until they had been identified by the foremen who hired them. The foremen could not identify the men without the time books, and the time books had been seized with other office records on Tuesday. It was announced that no further payments could be made until this morning, but that all the men would then be taken care of at the City Paymaster's office in Reade street. The half starved and half clothed men were very insistent for their pay, and twenty policemen were sent down to quiet things.

Foremen Bernard J. Costello, one of the nine prisoners, found bail later. The seven others were sent to the Tombs. The cases will be heard at the Tombs police court this morning.

Commissioner Edwards said yesterday that the investigation had convinced him that the system of graft extended throughout his own department and in all the districts in which contractors had men at work. He said that he would continue the investigation until the Street Cleaning Department was as clean as the streets ought to be, and added that he was receiving the most efficient aid from his deputy, Hogan, and W. F. McComb, Jr., a lawyer whom he engaged when he first began the investigation. The Commissioner confessed that he had been startled to find that so large a number of his own men were probably involved in the graft. He was most hurt by the discovery of Deputy Commissioner Fred J. Hogel's transaction with Jacobs. Hogel is now under suspension awaiting the outcome of the investigation. He was raised from the ranks by Edwards himself.

"Hogel was the last man I would have suspected," Edwards said yesterday. "But I don't believe he was intentionally dishonest. I saw him this morning, and he was all broken up over the business. He says that it wasn't his own money that he loaned to Jacobs, but money that belonged to his cousin and that it was in the latter's interests that he cooperated with Jacobs. He says he meant no harm and least of all anything dishonest."

DISCOUNT ON SNOW TICKETS.

Contractor's Version of His Quarrel With a Financial Backer.

A squabble between Thomas M. Hart, one of the snow removal contractors, and Raphael Garfein, Hart's financial backer, came up yesterday before Justice Platzek in the Supreme Court on an application by Hart to have vacated an ex parte injunction obtained same days ago by Garfein which restrains Hart from removing any more snow in the First district for which Hart obtained the contract. Hart's counsel, ex-Magistrate Wahle, also asked Justice Platzek to grant an order restraining Garfein from interfering in any way with Hart's collection of the moneys due him for snow removal. Justice Platzek reserved decision on both motions.

The argument disclosed that when Hart got the contract in December Garfein agreed to advance all necessary money for each snowfall to enable Hart to fulfil his contract. Garfein was to get half the profits for his share, and the arrangement was approved by the Street Cleaning Department. Hart says that he executed an assignment to Garfein of all moneys he should be entitled to receive from the city, but did not assign the contract. Garfein says that the assignment included the contract also. Garfein wants $15,000 damages because Hart's contract was taken away from him by Commissioner Edwards on the second snowfall.

Hart says that if the Court holds that he has lost his contract also he will lose all credit with the Street Cleaning Department and thereby ruin his business. He has a claim for $6,274 now against the city for work he did in December. On January 16 he was stopped by Commissioner Edwards, but on January 29 he was told to go ahead again removing the snow, but was unable to do so, as Garfein had meanwhile secured his ex parte injunction.

According to Hart's affidavit the genesis of the squabble was Hart's refusal to permit Abraham Garfein, brother of Raphael, to discount the shovellers' tickets at 80 cents on the dollar. When Hart found Abraham doing this he says he threw Abe out of his office, which brought down on him the wrath of Raphael.

Hart says that he now has another backer, De Marco, who is willing to pay all that is coming to Garfein provided the injunction order is vacated and Hart is allowed to resume work under his contract.

NORTHLAND HASN'T PROPOSED.

Laugh on Mrs. Stirling Sternly Suppressed by Judge in Scotch Court.

Special Cable Despatch to THE SUN.

EDINBURGH, Feb. 3.—The hearing of the Stirling divorce cases in the Court of Sessions to-day was devoted to the examination of Mrs. Stirling, making it her third day on the witness stand. It was the fourteenth day devoted to the cases.

The woman seemed to be in better spirits to-day and disconcerted the examining counsel by requesting him to speak plain English, so that she could understand him. She did not confine herself to simple answers to the questions put to her, but more than once launched into voluble explanations.

Asked whether she had given up the idea of marrying Lord Northland, her face flushed and she replied that she was not free to marry him and that he had not proposed to her. Thereupon the people in the court room burst into laughter, bringing upon themselves a stern rebuke from the Judge and a threat to have the room cleared.

Mrs. Stirling admitted that Northland had kissed her, but insisted that there had been no misconduct. When she told her husband to go ahead and divorce her she never thought that the ground of his suit would be misconduct. She said she was an American and knew nothing of English law. She thought it would be possible for her husband to secure a divorce on the ground of desertion as in the United States.

CARDINAL CRETONI DEAD.

Served as Nuncio to Spain and in Various High Offices at Rome.

Special Cable Despatch to THE SUN.

ROME, Feb. 3.—Cardinal Serafino Cretoni, Prefect of the Congregation of Sacred Rites, Indulgences and Sacred Relics, died to-day.

Cardinal Cretoni was born in Soriano, September 4, 1833. He was raised to the cardinalate in June, 1896, with the title of Santa Maria sopra Minerva. He was educated in Rome, and his abilities first attracted the attention of Pius IX., who made him a domestic prelate and made him Secretary of Oriental Rites to the Propaganda. In 1889 he was promoted by Leo XIII. to be Assessor of the Holy Office. This brought him into direct contact with the Pope and led to his further advancement to the rank of titular Archbishop of Damascus in 1895 and the next year to that of Cardinal. He served for several years as nuncio to Spain.

DINED BY PRESIDENT OF PERU.

Leguia and Admiral Swinburne Exchange Good Wishes.

Special Cable Despatch to THE SUN.

LIMA, Feb. 3.—President Leguia gave a banquet at the palace last night to Rear Admiral Swinburne and the officers of the Pacific fleet which was also attended by the members of the American Legation, the Peruvian naval authorites and many prominent citizens.

In offering a toast President Leguia said: "I drink to the increasing prosperity of the United States and to the health and happiness of the great statesman who has ruled its destiny in late years."

Admiral Swinburne made an appropriate reply and toasted the prosperity of Peru and the happiness of its President.

"CHANTECLER" OFF.

Rostand Withdraws Request for a Theatre Francaise Successor to Coquelin.

Special Cable Despatch to THE SUN.

PARIS, Feb. 3.—M. Rostand has written to M. Doumergue, Minister of Public Instruction, cancelling his request that a member of the Comédie Française be allowed to play in "Chantecler."

This action was taken in consequence of the great opposition of the Comédie company against such a departure from the rules.

While it is still possible that M. Lebargy will resign from the Comédie Française in order to appear in Rostand's play, it is more likely that Rostand's letter prefaces the withdrawal of "Chantecler" from the stage entirely.

LONG RUN FOR "SAMSON."

Bernstein's Play, Produced in London, Makes Only the Critics Doubt.

Special Cable Despatch to THE SUN.

LONDON, Feb. 3.—Bernstein's "Samson" was produced at the Garrick Theatre to-night with Arthur Bourchier and Violet Vanbrugh in the leading parts.

The play received unbounded applause, apparently assuring a long run. Some of the critics, however, question its fitness for the English stage.

VENEZUELA MEANS WELL.

But President Gomez Says Her Laws and Interests Must Be Respected.

Special Cable Despatch to THE SUN.

WILLEMSTAD, Curaçoa, Feb. 3.—President Gomez of Venezuela, talking with a representative of THE SUN at Caracas on Monday, said that he was anxious to arrange all international questions in an honorable and friendly manner, but desired that the laws and interests of Venezuela should be in nowise disregarded. He said he would enthusiastically welcome foreign capital to assist in developing the country and its resources—its mines and its railroads.

He has appointed to revise the mining and other codes Dr. Abel Santos, who was imprisoned by the late dictator Castro "on account of his independence and the honorableness of his ideas." The President said that monopolies are being abolished and that all political parties are rejoicing to see the upright policy of the Government.

President Gomez hopes shortly to reestablish telegraphic communication with the exterior on a settled but revised tariff, the former tariff having been too high and therefore prejudicial to both public and private interests.

The Government of Venezuela, he said at the conclusion of the interview, "has been animated by the best intentions for the last thirty-eight years, except during the administration of President Rojas Paul in 1888."

WASHINGTON, Feb. 3.—William I. Buchanan, special commissioner of the United States in the negotiations with President Gomez of Venezuela for the settlement of the five pending American claims, sent a long report to the State Department to-day on the status of the negotiations. The substance of the report was not given out.

It is known, however, that Mr. Buchanan is consulting with the legal officers of the Department regarding disputed points in the negotiations which have caused a deadlock. Negotiations are still in progress, however, in the hope of overcoming the present obstacles to the signing of the protocol.

PILES CURED IN 6 TO 14 DAYS. PAZO OINTMENT is guaranteed to cure any case of Itching, Blind, Bleeding or Protruding Piles in 6 to 14 days or money refunded. 50c. —Adv.

Packard MOTOR CARS

ASK THE MAN WHO OWNS ONE

Packard Motor Car Co. of N.Y. 1561 BROADWAY

QUALTROUGH IN BAD HEALTH

DEFENCE OF GEORGIA'S CAPTAIN BEFORE COURT-MARTIAL.

Officers Testify That He Was Intoxicated in Minister Gummere's Smoking Room at Tangier—Had Only One Glass of Sherry—Medical Testimony for Him.

Special Cable Despatch to THE SUN.

GIBRALTAR, Feb. 3.—The taking of testimony in the case of Capt. Edward F. Qualtrough of the battleship Georgia, who is being tried by a court-martial on the charge that he was intoxicated at a dinner given at Tangier by Mr. Gummere, the American Minister, was concluded to-day. Rear Admiral Wainwright and other officers testified that Capt. Qualtrough was intoxicated in the smoking room of Mr. Gummere's residence.

The accused officer swore that he had taken only one glass of sherry and did not realize anything unusual in his condition. He said he had had only four hours sleep the night previous to the dinner and that he was ill. During the day he had been obliged to make official calls in place of the Admiral. He did not feel well at the dinner, and a cigar he smoked had upset his stomach.

Surgeon Rand P. Crandall of the Georgia testified that Capt. Qualtrough had suffered from gastric catarrh for a long time. He was in poor physical condition otherwise and was especially susceptible to even a small quantity of liquor.

The officer of the deck on the Georgia swore that Capt. Qualtrough seemed to be in a normal condition when he returned to the ship at midnight following the dinner.

Capt. Reginald F. Nicholson of the Nebraska testified that Capt. Qualtrough had been in poor physical condition during a trip they had made together to Paris a few days ago.

The testimony offered for the defence is considered strong. The summing up will take place to-morrow.

The members of the court are Rear Admiral Seaton Schroeder, Rear Admiral William P. Potter, Capt. Kossuth Niles, commanding the Louisiana; Capt. John Hubbard, commanding the Minnesota; Capt. Joseph B. Murdock, commanding the Rhode Island; Capt. Hugo Osterhaus, commanding the Connecticut, and Capt. Charles B. Vreeland, commanding the Kansas.

Major Dion Williams, fleet marine officer, acted as judge advocate, while Lieutenant-Commander William K. Harrison of the Minnesota and Lieutenant Commander John K. Robison of the Kentucky acted as counsel for the defence.

As Capt. Qualtrough was present at Mr. Gummere's reception officially the specifications charge him with "drunkenness on duty." The witnesses against him were Rear Admiral Wainwright, Lieutenant-Commander George W. Kline and Lieutenant Pope Washington of the Georgia, and Lieut. Stephen C. Rowan, flag lieutenant to Rear Admiral Wainwright, testified at the morning session.

Capt. Qualtrough was present in full uniform, but without his sword, which he surrendered to Lieutenant-Commander Kline when he was placed under arrest.

STEEL SIX TIMES HARDER.

New English Material Found Through Patent Litigation With Bethlehem Co.

Special Cable Despatch to THE SUN.

LONDON, Feb. 3.—The superior British steel which Prof. John Oliver Arnold, in a lecture before the Royal Institute a few days ago predicted would shortly put the present best high speed steel out of date is made by Jonas & Colver of Sheffield. The firm's manager says the discovery was practically the outcome of litigation instituted by the Bethlehem Steel Company of America regarding the patent rights of the latter's air hardened steel.

Experiments were made in Sheffield with a view to rendering the firm independent of the American process, which was in litigation, and these experiments led to the present discovery. A revolution has been made in the hardening process and the metal can be hardened in oil or paraffin equally as well as in water.

Mild steel, hardened by the new process, will do double and three times as much work as the present material and hard steel will do six or seven times the work. Experiments have shown, the manager says, that a tool made of the new steel could be worked on very hard material for a day and a half without regrinding, whereas tools made of old process steel needed regrinding at least five times a day.

He admitted that the new steel was more expensive than that at present used, but denied a report that it would necessitate drastic alterations in machinery.

GERMAN-VENEZUELAN PACT.

Treaty Provides for Most Favored Nation Relations Between the Countries.

Special Cable Despatch to THE SUN.

CARACAS, Feb. 3.—Germany and Venezuela have concluded a treaty of friendship, commerce and navigation.

It provides for "the most favored nation" treatment.

Iselins Ask for Lower Assessments.

WHITE PLAINS, N. Y., Feb. 3.—For the first time in several years members of the Iselin family began suits to-day to secure a reduction of assessments on their realty holdings in New Rochelle.

Through Judge John J. Crennan of New Rochelle the Helvetia Realty Company, of which Columbus O'Donnell Iselin, the banker is the head, has sued for a reduction of the assessment of $110,000 on water front at New Rochelle to $54,000. Another assessment of $30,000 Mr. Iselin wants reduced to $15,000. He says that his country house on Davenports Neck, which is assessed at $50,000, is also excessively rated to the extent of $20,000. The Adrian Iselin estate, which has an assessment of $50,000 against it, wants a reduction of $25,000.

Tilyou Realty Co. Raises $250,000.

A mortgage for $250,000, executed by the Tilyou Realty Company to the Title Guarantee and Trust Company, covering property owned and leased at Coney Island and Rockaway Beach, was yesterday filed in the Register's office in Brooklyn.

Saks & Company

Broadway at 34th Street

ANNOUNCE, BEGINNING THIS MORNING

An Important Sale of

$3.50 & $4.00 Flannel Shirts for Men, at $2.45

600 garments of fine quality French flannels, with or without collars; French cuffs, patch pockets with flaps that button. In striped or checked patterns, on light or dark grounds. The workmanship is of the highest character.

ALSO, BEGINNING THIS MORNING

An Extraordinary Sale of

$2.00 Madras Pajamas for Men, at $1.15

600 suits produced especially to our order, of madras, in white, tan, blue, gray or helio, with pearl buttons and silk frogs.

MAHANOY PLANE BOY FREE

JURORS SAY NOT GUILTY AND SHAKE HANDS WITH M'ATEE.

General Handshaking in Crowded Court Room and a Little Kissing in the Corridor—He Is Going Home to the Plane to See His Sick Mother.

Thomas McAtee, the young man from Mahanoy Plane, Pa., who has been on trial before Judge Rosalsky in the General Sessions on a charge of attempted burglary brought by Edward J. Reardon, the former process server in the District Attorney's office, was acquitted yesterday afternoon after the jury had been out forty-five minutes.

The court room was crowded with McAtee's friends, most of whom have made many journeys from Mahanoy Plane either to give testimony as to McAtee's good character or to let him know that they still believed in him. When the verdict was announced the court attendants were put to it to quell the demonstration which started. Every one in the place, strangers as well as McAtee's townsmen, crowded about him to shake his hand.

Father Hogan of Mahanoy Plane and McAtee's father, who have been at his side during the trial, were crowded aside by the handshakers and had to wait until the excitement had subsided before joining in the congratulations. McAtee shook hands with the jurors as they passed out of the box, and one of them said: "My lad, I believed your story from the start."

Outside the court room there was another demonstration, and McAtee was kissed very frequently by the four or five Mahoney Plane women who had been present during the trial. It was here that he was greeted by Miss Catherine McLaughlin, formerly a Mahoney Plane girl, but now teaching school in New Jersey. It has been said that McAtee is engaged to Miss McLaughlin. At any rate her interest in the case reached such a pitch that she could not bear to await the verdict in court, and so waited in the corridor. It was said that McAtee would return at once to his home town to see his mother, who has been too ill to attend the trial.

McAtee was accused by Reardon of trying to break into the Reardon apartment on the fourth floor of 146 Waverley place early in the morning of December 16. Reardon arrested the boy himself. McAtee testified that he had not been in the house at all and that Reardon had first accosted him at the corner of Sixth avenue and Waverley place and had assaulted and arrested him without provocation.

Before Judge Rosalsky began his charge it was the opinion in court that the best McAtee could expect would be a disagreement, but this opinion changed rapidly as the charge progressed. Judge Rosalsky pointed out that it has been decided in the Supreme Court that evidence as to good character might be sufficient in itself to cast a reasonable doubt on the guilt of a prisoner. One of Reardon's witnesses was a private detective, and the Court advised the jury that the testimony of a private detective had been held to be of little value in itself unless corroborated.

FOUND ANTIPATHY IN CUBA.

James C. Colgate Says Americans There Give Themselves Too Many Airs.

James C. Colgate of the banking firm of James B. Colgate & Co., 36 Wall street, arrived home yesterday on the Ward liner Saratoga after a three weeks trip in Cuba. Mr. Colgate's tour of the island closed last Saturday with a special audience granted his party by the new President, Gen. José Miguel Gomez.

"I found Gen. Gomez a man of capable appearance and few words," said Mr. Colgate. "He looked to me like a man who had already done things and who was going to do more."

Gen. Gomez assured the visitors that the administration realized the importance of attracting foreign capital to the island and intended to protect the interests of foreign investors in every way.

Mr. Colgate had gone down to Cuba, accompanied by Benjamin B. Lawrence, an engineer of 60 Wall street, and by J. B. Thomas, Jr., an assistant, to look over some mining claims. The party traversed a large section of the country in the three weeks and Mr. Colgate got into pretty close touch with the native population. He left the country, he said, with a feeling that there was a good deal of antipathy among the islanders toward the Americans. This was due, he thought, in some measure to the different ways the races have of regarding and doing things, but even more to the airs of omniscience and general superiority which most Americans adopt as soon as they get into the country.

Mr. Colgate says that the best labor on the island isn't Cuban, negro or American, but native Spanish. "They are short, stocky men of immense strength and great industry," he said. "If you put them to work by the job they think nothing of doing a twelve hour day in the broiling sun clad only in a pair of linen breeches, laboring at the heaviest kind of mine work."

To Inauguration With Mule Team.

COLUMBUS, Ohio, Feb. 3.—A unique journey to Washington to attend the Taft inaugural is planned by four Columbus business men. They will make the trip in the old Gov. Tod carriage, pulled by four mules which will be driven by George Crouthers, who formerly drove a forty horse team in a circus. The men who will make the trip are C. M. Kincaid, Ben H. Harmon, Simon Lazarus and John W. Moore.

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DUBUQUE'S COLOMBIAN NEWS.

Gunboat Reports All Quiet There—The Trent a Total Loss.

Special Cable Despatch to THE SUN.

KINGSTON, Jamaica, Feb. 3.—The United States gunboat Dubuque arrived here this morning from Bluefields to coal and will sail this evening for Guantanamo. She reports everything quiet in Honduras.

The Royal Mail Steam Packet Company's steamship Trent, which went on a reef outside the harbor of Cartagena, Colombia, on January 11, is reported to be a total loss. The Trent left New York on December 20 for Southampton, via West Indian ports.

NO FUNDS, NO PARKWAY.

Bronx Parkway Commission Reports Its Regrets to the Governor.

The Bronx Parkway Commission, consisting of Madison Grant, James G. Cannon and W. W. Niles, appointed by the Governor in 1907 to prepare an accurate survey and map of The Bronx as a preliminary to the planning of a new parkway for that borough, has reported to the Governor that the commission has been able to accomplish little in the last year for the reason that the Board of Estimate failed to provide funds for its work. The report adds that the commission has proceeded as far as it can upon its own resources and is obliged to regretfully report that unless funds are forthcoming the projected parkway must fail.

4,600 Applicants for Civil Service Job Not Yet Vacant.

Applications closed yesterday with the Municipal Civil Service Commission for the place of clerk, third grade. There were about 4,600 applications, breaking all the commission's records. A third grade clerk gets from $1,200 up to $1,800 a year. There are no vacancies at present.

Albert Lawrence Kills Himself.

Albert Lawrence, the twenty-three-year-old son of George R. Lawrence, a coal and grain dealer who has three places of business in Jersey City, committed suicide yesterday by inhaling gas in a room over his father's office, at 296 Fairmount avenue. The body was found by Robert Brown, a negro employee, stretched out on a couch with the right hand tightly clenching a rubber tube, one end of which was held between the young man's teeth.

Gates Not After Greene Copper Properties.

PORT ARTHUR, Tex., Feb. 3.—John W. Gates and a party of friends arrived here to-day from a trip to California. Mr. Gates denied that the Arizona Consolidated Copper Company, in which he is interested, contemplates acquiring any of the Greene properties in Mexico.

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