

HENRY H. ROGERS IS DEAD

STRICKEN WITH APOPLEXY IN HIS HOME HERE.

No Disturbance in the Business World as His Affairs Had Been Put in Good Order—He Had Been Planning a Rest—in Poor Health for Two Years.

Henry H. Rogers, vice-president of the Standard Oil Company and for nearly forty years the principal lieutenant of John D. Rockefeller in its upbuilding, was stricken with apoplexy yesterday morning in his home, 3 East Seventy-eighth street, and died in less than an hour.

When he awoke he called to his wife that his arms and the upper part of his body were numb. Mrs. Rogers telephoned to their family physician, Dr. Edward Prince Fowler, at his home in Pelham Manor, but when the doctor reached the Rogers home, at 7:30 o'clock, Mr. Rogers had died. The end came at 7:20 o'clock.

The funeral services will be held in the Unitarian Church of the Messiah, at the corner of Thirty-fourth street and Park avenue, at 10 o'clock to-morrow morning. The Rev. Robert Collyer, who was a close friend of Mr. Rogers, will officiate and the music will be by the Mendelssohn Quartet.

In the afternoon the body will be taken to Fairhaven and services will be held there in the Memorial Church on Saturday. The interment will be at Fairhaven.

Mr. Rogers suffered a slight stroke of paralysis about two years ago, and he was told at that time that he might be stricken again. John D. Rockefeller and others of his friends suggested to him that he retire and take it easy, but Mr. Rogers, then in the midst of his Virginia Railway project, continued to direct the building of that road and to oversee generally the affairs of the Standard Oil Company.

Mr. Rogers went to his office at 26 Broadway in the last few months pretty much as he had done in the most active years of his business career. Even with his unflagging attention to business he seemed to be improved in health in the last few weeks. John D. Ryan, president of the Anaconda Mining Company, went to Fairhaven, Mass., with Mr. Rogers over last Sunday. Mr. Ryan complimented him upon an improved appearance, saying he hadn't seen Mr. Rogers look so well in years.

On Monday and on Tuesday, as usual, Mr. Rogers was busy at 26 Broadway. On Tuesday he told a friend that he felt tired and believed he would go to Fairhaven for a good rest. Dr. Fowler, as well as John D. Rockefeller, William Rockefeller and others of his associates, had begged him to get away from business for a time at least.

Apparently Mr. Rogers had made up his mind to take their advice. The greatest of his care certainly was of his mind. The Virginia Railway at which he had labored energetically and single handed for years, was practically completed.

He seemed as usual to his friends in the Standard Oil Building on Tuesday. He spent some time at his desk, then went to luncheon with several of the officials of the company in the Standard Oil lunch room. M. S. Elliott, the general solicitor of the company, was one of those who lunched with Mr. Rogers. He observed that Mr. Rogers was in good spirits, had an excellent appetite and seemed to be as well as he had been in a long time.

Toward the middle of the afternoon Mr. Rogers rode home in his automobile. The last evening of his life he spent in his own home with Mrs. Rogers. She was the only member of the family present then and yesterday morning when the seizure came.

A little before 6:30 o'clock in the morning Mrs. Rogers was awakened by her husband's voice. He asked her to come to him, saying that he felt ill and weak. He complained of pains in his head and told her that he felt a numbness in his arms and in the chest.

Thoroughly alarmed, Mrs. Rogers got Dr. Fowler on the telephone and asked him to come to the house as quickly as he could. She told the doctor rapidly what Mr. Rogers had said, and Dr. Fowler started for Manhattan as fast as his automobile could go. In The Bronx a policeman stopped the machine, but Dr. Fowler explained the urgency of his speed and the policeman waived him on.

He arrived at the house in thirty minutes after he had been called from Pelham Manor that Dr. Fowler reached 3 East Seventy-eighth street, but Mr. Rogers had died ten minutes before he drew up at the door. The doctor made a careful examination of the body and declared that death had been caused by apoplexy.

SURPRISE FOR DR. ELIOT.

Harvard Students, 1,000 Strong, Cheer Him and Give Him a Clock.

CAMBRIDGE, Mass., May 19.—An enthusiastic demonstration was accorded to Dr. Charles W. Eliot this evening. He retired to-day from the presidency of the university, which he has filled for forty years.

A mass meeting in the Harvard Union, just across from the ex-president's house, was used as an excuse to get the students together without Dr. Eliot's knowledge, as the demonstration was intended as a surprise.

With 1,000 students lined up in front of his house, Dr. Eliot appeared in response to a long cheer with three "Eliots" on the end. Francis H. Burr, '09, captain of last year's football team and first marshal of the senior class, presented to him on behalf of the undergraduates a clock in a mahogany case bearing a small tablet with the inscription: "To President Eliot, from the undergraduates of Harvard University, May 19, 1909."

President Eliot spoke for ten minutes in a happy vein. As he retired to the house after saying good night the undergraduates gave him another cheer. Then the ex-president returned and suggested a cheer for President Lowell and joined in it himself. With the singing of "Fair Harvard," in which Dr. Eliot also joined, the students dispersed.

The change of administration which went into effect to-day was effected without incident. A retirement fund of \$100,000 is being raised by the alumni of the university. It will soon be presented to Dr. Eliot in appreciation of his services to Harvard in the fall and Mrs. Eliot will move to a comfortable old-fashioned house on Brattle street which is being remodelled for their use.

TRACY CREDITOR COLLECTS.

Italian Woman Carries Off Furniture Before Receiver Gets Around.

One satisfied creditor of Tracy & Co. there is—a lady, who collected her due by a process which may be all right by and by, when women get to vote, but which under the existing statutes is going to land her in jail if the receiver can put her there. As soon as this lady heard that the firm had gone into the hands of a receiver she did not stop to reason why, she simply drove up to the Thirty-third street office of the firm with a drag and lugged off all the office furniture. Upon the arrival of the receiver's agent at the uptown offices, which are at 22 West Thirty-third street, opposite the Waldorf, he found them empty as a drum. The receiver's counsel was at work all day yesterday finding out who had done this thing and last night the investigation had gone so well that Ralph Wolf of Hays, Hermsfield & Wolf, the counsel, was able to announce that they had struck the right trail.

An injunction had been obtained, he said, preventing the International Storage Warehouse, in which the furniture is stored, from allowing its removal, and to-day proceedings will be instituted to punish the woman for contempt of court. And the woman's name—oh, what that'll all come out. It's an Italian name, anyhow.

E. G. Benedict, the receiver, will have a preliminary statement ready in a few days. Yesterday after a conference with Mr. Tracy he expressed the opinion that the firm would not resume.

BREAD AT FAMINE PRICES.

East Side Has to Pay as High as 15 Cents a Loaf.

The bread famine continued on the East Side yesterday, with loaves selling as high as 15 cents. The union bakers were working with night and day shifts, but could not supply the demand.

There was one disturbance in the morning which promised to become serious, when the police of the Eldridge street station arrived. Wolf Cohen started out with a pushcart piled high with loaves. The last of a batch had been shut down in the bakery at 99 Norfolk street. A number of the strikers spied him, and finding that the loaves had not the union label, overturned the pushcart and trampled the bread in the street. They began to beat Cohen, who fought back with his fists and shouted for the police. The strikers fled when the police arrived, but the police pursued then to the strike headquarters, 127 Delancy street, and five men who Cohen said were among his assailants were arrested.

The five men were arraigned afterward in Essex Market court, but Cohen declined to appear against them and the prisoners were discharged. A formal reply was sent yesterday by D. H. Brayer, secretary of the East Side Bakers Association, to the letter from Industrial Arbitrator Michael J. Reagan of the State Board of Arbitration, suggesting arbitration of the trouble. The reply said that the employes offered arbitration to the bakers in February, but it was rejected. The boss bakers were ready to meet committees of the strikers provided they came as bakers and not as union men. Secretary Brayer said last evening that most of the strike leaders were not bakers.

As a means of arousing sympathy the strikers put on at a Broome street theatre a play entitled "The Bread Strike." It purported to show meetings of the strikers, police clubbings of strikers and other incidents of the strike. A few professional actors assisted strikers in presenting it.

MRS. RIDLEY PLEADS.

Held in \$1,000 Bail in the Matter of Mrs. Albright's Jewels.

Mrs. Frances J. Ridley of Atlanta, Ga., pleaded not guilty in a private room at the courthouse in Newark yesterday to an indictment charging her with having taken \$3,000 worth of jewels from Mrs. A. J. Albright of Newark on a Southern Express train en route to Newark on March 14 last. Her bail was fixed at \$1,500 and it was furnished by her son-in-law, Joseph A. Ensign of 13 Prospect terrace, East Orange. The proceedings were so quietly carried out that a person standing within two feet of the group could not hear how Mrs. Ridley pleaded.

Mrs. Ridley was on her way to the home of her daughter in East Orange when she was accused and arrested. She said that she found the jewels on the train floor and intended to advise and restore them to the owner after receiving a full description.

Over the district judge's bench, Judge Overton pronounced Mrs. Ridley guilty of larceny. He fixed her bail at \$1,500, covering all necessary expenses from Newark. Jurors of the case—Ad.

FARRELL'S BASEBALL PROFITS

GORDON, ONCE PRESIDENT OF NEW YORK ASSOCIATION, SUES.

Says He Was to Have Half the Stock and Hasn't Got It and Was to Have Half the Net Profits, for Which He Seeks an Accounting—Says They're Big Too.

A suit of Joseph Gordon, former president of the Greater New York Baseball Association, against the association and Frank J. Farrell, the present owner of the New York American League team, for a receiver of the association pending litigation and an accounting came before the Appellate Division of the Supreme Court yesterday on an appeal from a decision overruling Farrell's demurrer to the complaint.

Gordon's complaint alleges that he conceived the idea of having a team to represent New York city in the American League and entered into negotiations with various persons. Among them was Frank Farrell. Gordon says the agreement was that he should get suitable grounds, hire players and manage the club.

Gordon says that Farrell was to advance the money and that the business and profits of the enterprise were to be divided between them after the money Farrell had invested had been repaid to him. The association was stocked at \$200,000 and Gordon says he was to get half the stock. He says that after he had managed the team from 1908 to 1907 Farrell told him that he had been advised that it would be better for Gordon to be vice president and Farrell president, and that immediately thereafter Gordon's name was removed as president from the stationery. Gordon declares that Farrell has concealed from him all the facts in regard to the distribution of stock and has secretly issued it to himself.

"The business is of great value," says the complaint, "with large profits, and the approximate receipts for the season were about \$240,000. There have already been five seasons' exhibitions, with the annual cost of operation about \$90,000, and the net receipts over and above such costs have been very large, and far exceed the moneys put in by the defendant, Farrell."

Gordon accordingly asks for an accounting of the business and profits and for a discovery and inspection of the books, for a decree that he is the owner of one-half of the business, privileges, franchises, etc., for a receiver for the stock and business pending the action and for an injunction restraining Farrell from disposing of the business or of the stock and excluding Farrell from declaring or receiving any dividends.

Farrell contends that the judgment against him should be overruled because the complaint states two causes of action, one in equity for an accounting and one at law for services. Furthermore, while the suit is brought against both Farrell and the association the action for an accounting affects only Farrell, while the action for services rendered affects only the association. It is maintained that the Greater New York Baseball Association cannot be joined as a proper party in order that Gordon may obtain a complete adjudication of his rights.

Justice Dayton said that no facts had been presented to controvert the statements of O'Connor that the policeman had charged him with assault to escape the consequences of breaking O'Connor's leg. O'Connor, if he is to be tried, must now be indicted first, and it is proposed to lay the whole case before the Grand Jury.

UP-STATE RAILROAD BLAMED

For Not Protecting Hebrews Attacked by Christian Baseball Players.

A suit of Mrs. Etta Abramson and her son, Nathan, 19 years old, against the Ulster and Delaware Railroad for \$10,000 each was on trial before Supreme Court Justice Brady and a jury yesterday. The complainant, who has a summer hotel at Hunter, in the Catskills, declared that she and her son were on their way to New York on September 8 last in a shuttle train to Katonah Junction when they were assaulted by members of a baseball team belonging to a church organization in this city. The Christians, Mrs. Abramson said, attacked them because they were Hebrews, and finally threw her son through a window when the train stopped. She appealed to the conductor and brakeman for protection, but they refused to interfere.

THE CASE WAS NOT CONCLUDED.

THIEVES TOW AN AUTO AWAY

While a Friend of the Owners Looks On in Innocent Acquiescence.

Frank and James Quinn, brothers, who run an automobile tire business, drove a runabout they own to the Cathedral Club, in East Fifteenth street last night. While they were inside a man came along in another car and towed away the Quinn runabout. A friend of the Quinns who was watching thought the towing car must have been telephoned for because of a breakdown. He didn't try to interfere.

A general alarm was sent out by the police to look for car licensed 14,134 N. Y.

TO RELIEVE SUMMER EXHAUSTION

Take Horalton's Acid Phosphate—It's Refreshing, Invigorating. A delicious summer drink.

BIG STEAMER IN ICE PACK.

Mongolian With 500 Passengers in Danger of Going Ashore Near St. John's.

St. John's, N. F., May 19.—The Allan Line steamer Mongolian is tightly wedged in a thick ice pack a mile off this port to-night and there is danger of the craft being forced ashore by the tides. There are about 500 passengers on board. The Mongolian left Glasgow on May 5 for this place, Halifax and Philadelphia. She encountered the ice pack yesterday and forced her way, sixty miles through the great blocks, only to come to a complete standstill this afternoon within a mile of her dock.

Fishermen who have boarded the vessel by going over the ice report that her hull has not been damaged but that her engines are powerless to move her either ahead or astern. The passengers are not alarmed. It is believed that if the Mongolian is forced ashore her passengers can reach the dry land over the ice floes.

The small steamer Prospero, which was sent off by the agents of the Allan Line yesterday to convoy the Mongolian through the ice, is also wedged in. Her crew has been rescued.

St. John's Bay is entirely covered with ice. Water is nowhere visible on the horizon. The floes are being wedged closer together every hour as the wind and tide work the large mass of ice on in the coast.

Bodies of men, in preparation for any untoward contingency, are being stationed at convenient points to-night so as to afford help if occasion demand. If the worst does not happen, the ship may remain where she is for several days until the wind changes and drives the ice off the coast.

\$300,000 FOR PRINCETON.

To Be Put With an Equal Amount Toward the Graduate College.

PRINCETON, N. J., May 19.—Princeton University has just received an offer of a gift of \$500,000 for the proposed graduate college. Although not officially announced, it is known that the donor is William Cooper Proctor, '83, of Cincinnati, Ohio.

The gift, which is given on certain conditions, is the largest the university has received in a long time. The conditions are that an equal sum of \$500,000 be pledged by May 1, 1910, and that a site satisfactory to the donor be chosen instead of the proposed site. The prospectus referred to is that on which President Woodrow Wilson's home is located. There have been a great many objections to the location for the graduate college, and the alumni of Princeton generally will be glad to learn of the new plan. There is little doubt that the additional half million will be subscribed. Already \$100,000 is practically assured, and the remainder will probably be forthcoming in less than a year.

The university received some time ago \$200,000 from the estate of Mrs. Swan for the first building, to be called Thomson College. With \$1,000,000 added to this Princeton will be in a fair way to erect the first real graduate college in America to be conducted on the English lines.

Until his death Grover Cleveland was chairman of the trustees' committee on the graduate college, and Mr. Cleveland and Dean Andrew F. West were most ardent workers for the project. Dean West is said to have rejected the proffered presidency of the Boston Institute of Technology to remain in Princeton in the interest of the proposed new college.

SENATE AGAINST INCOME TAX.

Count of Necess Shows a Small Majority in Favor of Mr. Aldrich's Plan.

WASHINGTON, May 19.—One of the Senators most earnest in advocating an income tax today admitted to-day that a count of noses in the Senate showed a small majority in favor of Senator Aldrich's plan of referring the whole matter to the Judiciary Committee with instructions to report an income tax law at the first session of Congress in December, provided it is shown at that time that the revenues from the income tax law are needed to meet the Government expenditures.

The Senators who favor the income tax today decided otherwise and retired him on three-quarters pay.

The same day Mrs. Tucker started her suit and asked the court to enjoin Col. Tucker from leaving Chicago for a health resort. Her motion was overruled.

Then the daughter of Gen. Logan demanded a part of the Colonel's pay as temporary alimony. Affidavits presented declare that Mrs. Tucker has property worth \$100,000 and that she has a good income. In a counter affidavit Mrs. Tucker said that her income was only \$1,700 a year. This Judge Barnes decided was sufficient for the present.

SINNERS IN TRACT BUILDING.

"Commercial Paper Co.," Tenth Floor, Raided as a Poolroom.

Capt. Toole of the Oak street station thought he scented a poolroom in the neighborhood of the American Tract Society Building at 180 Nassau street yesterday afternoon and sent detectives McGowan and Walsh through the building. They picked out rooms 1037 and 1038 on the tenth floor, which bore the sign "Commercial Paper Company."

The detectives declared that only two men were in the room, but say that both were busy answering telephone calls. Walsh says that a man gave him the name as Frank A. Ginty accepted five \$1 bets on horse running at Jamesway. He immediately arrested Ginty. The second man, who said he was Michael L. Marks, was charged with aiding and abetting.

Detective McGowan said that after the men had been arrested the telephone rang and when he answered a voice at the other end of the wire said, "Hello, Frank, send me up seven rolls of paper."

The police haven't figured whether this was seven rolls of "commercial paper" or not. Marks had \$236 in his pocket when he was searched.

The detectives reported finding 5,000 poker chips, a lot of dice and the constitution and by-laws of the White Rose Pleasure Club of 21 Beaver street.

DEWEY'S CLARIBET OBSERVE THE PUNCH.

Ready to Serve for All Social Events.

H. T. Dewey & Sons Co., 136 Fulton St., New York.

FROM \$2 A SHARE TO 2 CENTS

ROTHENBERGER'S "R" STOCK EXPLODES ON HIS FAILURE.

Fritz Heinze and David Lamar Figure in Bankruptcy Petition as Debtors of the Firm, but Heinze Says It Owe Him \$27,000—Othe Copper Figures.

A petition in bankruptcy was filed yesterday by Moritz Rothenberger on behalf of the curb brokerage firm of M. Rothenberger & Co. of 43 Exchange place, in which he is a partner. Nominal assets are \$75,550 and liabilities are \$27,750, of which \$12,529 are secured. The petition was filed at 1:10 P. M. In an hour the stock of the "R. Exploration Company," one of Rothenberger's promotions, broke on the curb from \$2 a share to two cents on sales aggregating perhaps 500 shares.

Among the assets are listed \$9,326 cash, now in the hands of Fritz Augustus Heinze, and mining stock valued at \$32,732, of which Mr. Heinze, it is stated, has 1,800 shares of Ohio Copper, worth \$10,400. Certain stocks valued at \$14,271 are due from "Account No. 14," which the petition states was operated jointly by Heinze and by David Lamar.

Edwin P. Phillips of 130 Broadway, attorney for the bankrupts, said that Rothenberger had been acting as the agent of Lamar and Heinze in purchasing Ohio Copper, a \$10,000,000 enterprise of which Heinze is president. Heinze's accounts were numbered 15 and 28, while a joint account numbered 14 belonged to Heinze and Lamar. Rothenberger's understanding, Mr. Phillips said, was that Lamar and Heinze were forming a pool to hold the stock and that the proceedings were disastrous to the firm, which according to the petition is a creditor of Heinze.

Fritz Augustus Heinze said yesterday that there was no pool, that he has not been connected with Lamar and that so far from his owing the firm anything, it owes him about \$27,000. Mr. Heinze says that when Rothenberger & Co. got into difficulties he agreed to help them out, and that all one day he held the firm's stock, but that he sold it to the curb and that the proceeds were disastrous to the firm, which according to the petition is a creditor of Heinze.

However this controversy comes out, the failure which led up to it is bound to leave some aching hearts among mining investors. Rothenberger & Co. had at least three mining ventures—the R. Exploration of Colorado, the Mines Exploring Company of Wyoming and the Nevada Florence Mining, of which C. H. Seeley is president. Of these, Mr. Rothenberger said yesterday, R. Exploration was the only one that had been put out. This was a company incorporated on August 22, 1908, with \$100,000 stock, par value \$1, of which about 70,000 shares are outstanding. It was listed on the curb last November 19.

The opening quotation was \$1.25, rising from that price to \$2.12 1/2 early in March. At that time Mr. Rothenberger took occasion to proclaim in an advertisement that it was going to \$5 before the end of the year. After yesterday's showing the stock was taken off the quotation lists.

Moritz Rothenberger has been operating on the curb since September, 1907. Before that he used to work for Wolf Bros. & Co., a Stock Exchange firm. The present partnership was formed last January. The other partners are Charles Beach, W. B. McNeil and Carl Zuercher. They did not sign the petition in bankruptcy.

COL. TUCKER SCORES AGAIN.

Court Refuses to Allow Mrs. John A. Logan's Daughter Temporary Alimony.

CHICAGO, May 19.—Col. William F. Tucker scored a third point against Mrs. Mary Elizabeth Tucker, daughter of the late Gen. John A. Logan, to-day when Judge Barnes refused to allow Mrs. Tucker temporary alimony pending the hearing of her separate maintenance suit.

Two months ago Mrs. Tucker caused Col. Tucker to be brought before the army retiring board and both she and her mother testified that the Colonel's ill health was due to dissipation. The board decided otherwise and retired him on three-quarters pay.

The same day Mrs. Tucker started her suit and asked the court to enjoin Col. Tucker from leaving Chicago for a health resort. Her motion was overruled.

Then the daughter of Gen. Logan demanded a part of the Colonel's pay as temporary alimony. Affidavits presented declare that Mrs. Tucker has property worth \$100,000 and that she has a good income. In a counter affidavit Mrs. Tucker said that her income was only \$1,700 a year. This Judge Barnes decided was sufficient for the present.

BAIRS "MOULIN ROUGE" SHOW.

Boston's Mayor Saw It in New York and Thinks It is Indecent.

BOSTON, May 19.—Having seen the "Queen of the Moulin Rouge" Mayor Hibbard is not willing that other Bostonians shall have the same privilege. To-day he notified the management of the Boston Theatre that he will not allow the show to be put on. He gives as his reason that he considers it vulgar and indecent and entirely too suggestive to be allowed any stage in this city.

The show has been billed to make its first appearance here on May 26. The Mayor saw the show on the occasion of his visit to New York a fortnight ago with City Collector Brown.

PREDICTED HE'D BE DROWNED.

Chas. S. Parsons, Yale '08, Leases Life in the Ohio River.

PITTSBURGH, May 19.—Charles S. Parsons, Yale '08, 28 years old, until a short time ago connected with the Carnegie Technical School faculty, was drowned in the Ohio River here last night. That will be my next show day, said Parsons recently when he heard that twenty-four men had been drowned in the Ohio River.

"I know I'll be drowned, because I can't swim, and I love the water," he said when he went out in a motor launch last night he carried some pillows to be used as buoys in case he were thrown into the river and passing towboat hit his boat in midstream.

GATES TO HEAD DARTMOUTH.

Former President of Pomona Said to Have Decided to Accept Place.

LOS ANGELES, May 19.—Dr. George A. Gates, former head of Pomona College, who resigned soon after Christmas on account of failing health and is now on a six months trip to the antipodes, is slated for the presidency of Dartmouth College, it is said. The New Hampshire institution has several times offered the place to Dr. Gates, who has declined, but it is understood that he will be willing to take it when the next college year opens. He is now nearly well.

Dr. Gates is a graduate of Dartmouth and his son will be graduated there in June.

PHANTOM AIRSHIP.

England Worried Over Mysterious Nightly Invasions of Her Atmosphere.

Special Cable Dispatch to THE SUN.

LONDON, May 19.—The mysterious aeroplane or airship, the alleged performances of which in or over England have been mentioned by THE SUN, is becoming a perpetual nightmare. The newspapers for some time past have recorded daily the testimony of various persons who declare they have heard or seen it flying over the eastern counties and the North Sea.

Now this latest Flying Dutchman has turned up suddenly in the neighborhood of Cardiff, where a wayfarer, according to his own account, saw a cigar shaped airship ground on the summit of Carphilly Mountain a little after midnight this morning.

He relates how he watched the two men forming the crew apparently repairing the machine until they saw the watcher, when they hastily embarked and soared away.

A local newspaper reporter went to the scene and found the ground had been torn as though by a ploughshare. Various printed papers, one in French containing technical drawings, and numerous newspaper cuttings dealing with aeronautics were lying around.

While some newspapers profess scepticism all print the details. A large proportion of the public possessed with the anti-German mania are convinced that their arch-enemy is among them.

NO EXTRAS IN RECOUNT CASE.

Court Denies Motion of Mayor McClellan's Attorneys for Allowance.

BUFFALO, May 19.—Justice Lambert to-day denied the motion of the attorneys of Mayor George B. McClellan asking for extra allowances for their services in the recount case. The motion is denied solely because the court says it has no power to grant it.

"That the case was a difficult and extraordinary one within the meaning of the code provision is conceded," says Justice Lambert, "but the subject matter involved has no pecuniary value on which extra allowances can be computed. The title to the office of Mayor was the subject matter. The salary question was at most merely an incident."

GOV. JOHNSON WILL RETIRE.

Declares He Will Not Be a Candidate for the Fourth Term.

MINNEAPOLIS, May 19.—Gov. John A. Johnson will not be a candidate for a fourth term. He will retire from the Governorship in January, 1911, after six years of continuous service, and the 1910 contest is open for candidates. The Governor's declaration was made in the most unambiguous way when the question was submitted to him to-day.

SECY DICKINSON ILL IN BED.

Unable to Land in Cuba, He Starts for Home by Doctor's Advice.

Special Cable Dispatch to THE SUN.

HAVANA, May 19.—Owing to illness Secretary of War Dickinson, who arrived here last evening on the despatch boat Mayflower from Colon, curtailed his stay at this port and sailed at 10:30 to-night for home.

He has been confined to his bed for three days. His doctor advised against a longer stay in a hot climate, but says that Mr. Dickinson's condition is not serious.

Gen. Franklin Bell, chief of staff of the American army, and the other members of Secretary Dickinson's party paid a visit to President Gomez to-day.

T. F. RYAN SAILS.

Has No Candidate for Mayor—Says It Will Take a Good Man to Win.

THOMAS F. RYAN, a passenger by the Lusitania, sailing yesterday for Liverpool, said that he had been in the public eye long enough and that he was going to Europe so that the public would forget him. When asked whom he thought the Democrats would nominate for Mayor he answered: "God only knows." He added that he had proposed nobody for the office and that if the Democrats expect to win they will have to put up a good man.

BATONYI SUES AGAIN.

This Time He Wants \$150,000 From His Wife, Frank Work and Frank M. Sturgis.

NEWPORT, May 19.—Aurel Batonyi, who married Mrs. Burke-Roobe, has begun a new action in this State against Mrs. Batonyi, her father, Frank Work of New York, and Frank M. Sturgis, also of New York, to recover \$150,000 on personal property which he says was wrongfully kept from him, and damages.

To-day a writ of attachment was placed upon the goods, chattels and real estate of the three defendants, valued at nearly \$600,000.

The writ is returnable on July 12. Mr. Batonyi and his attorney declined to discuss the case.

BOY SHOTS PHYSICIAN DEAD.

Averages Alleged Eight Upon Sister, Then Surrenders at Court House.