The Sun.

FRIDAY, AUGUST 20, 1909.
Fair to-day and to-morrow; moderate westerly winds.

VOL. LXXVI.—NO. 354. NEW YORK, FRIDAY, AUGUST 20, 1909.—Copyright, 1909, by the Sun Printing and Publishing Association. PRICE TWO CENTS.

TWO DIE IN AUTO RACE SMASH

BOURQUE RUNS KNOX CAR INTO FENCE AT INDIANAPOLIS.

Ten Thousand Persons in Grand Stand Were Watching Car as It Swerved From Track for Fatal Plunge—Driver and Mechanician Are the Victims.

INDIANAPOLIS, Aug. 19.—The automobile races this afternoon were marred by the death of two men in the 250 mile race for the Prest-O-Lite trophy of $1,000.

The victims were William A. Bourque and Harry Holcomb of Springfield and Grandville, Mass., driver and mechanician, respectively, of a Knox racing car. The accident occurred in plain view of 10,000 spectators.

The Knox car was the nearest competitor of the Buick which was leading the race. One hundred and fifty miles of the 250 mile distance had been covered when the accident occurred. The two cars were coming toward the grand stand on the home stretch and were received with shouts of applause and waving handkerchiefs for it was conceded that the race would be between the Knox and the Buick.

Both cars appeared to be steady and neither was swaying more than at any other time in the race. Suddenly the Knox car swerved from the track and crashed into a fence on the west side of the speedway.

The machine was nearly demolished and Bourque and Holcombe were held beneath it. Not a sound escaped them and it was supposed that both were dead, but as Bourque was taken from the wrecked car he breathed once or twice and then expired. Both of his legs had been broken and there was a deep gash in his skull.

Holcomb's body was wedged in between parts of the car and it was several minutes before it could be extricated. When removed from the wreckage both arms were found broken, there were three deep gashes in his skull and his body was terribly bruised. He was hurried to the emergency hospital, but died just as he was being carried in. He had not regained consciousness.

Three women fainted and had to be carried from the grounds and hundreds that a few moments before had been urging the drivers on with shouts and the waving of hats and handkerchiefs left the grounds and did not witness the conclusion of the race.

Many theories were advanced as to how it happened, but the most plausible seems to be that Bourque turned his head slightly to look back at the racing machines, and at this instant the machine swerved and he was not able to bring it back to the track.

While the machine was so badly wrecked that examination could not show any defects that might have caused the accident, it is quite certain that it was not the result of a burst tire or of a broken axle, and it is thought that in turning his head for an instant to glance over the field Bourqe lost control of his machine and could not recover it in the short distance that lay between him and the fence.

Bourque had been in the employ of the Knox company for seven years and is said to have been one of the most careful drivers in the country. He gave his machine personal attention, took nothing for granted and always saw that every part was in perfect order before entering a race. He drove very successfully in the Crown Point races some weeks ago and though not a winner, he was second in the race for the Cobe trophy. The accident has cast a gloom over all of the drivers and much regret is expressed by the managers and those engaged in the racing.

While the automobiles were returning from the races this evening Elmer Campton, a six year old child, stopped to look at them at Illinois street and McLean place. As he turned away to cross the street he was run over by one of the machines and instantly killed. The machine was driven by Dr. C. C. Day and was moving slowly.

Cliffton Litterall of Dayton, Ohio, died at the Methodist Hospital to-day from the effects of injuries which he received Tuesday when he was run over by an automobile. Litterall was riding on the rear of the machine and was thrown off when it swerved. An automobile following ran over his chest, crushing him. Litterall's wife and father and several other relatives were with him at the time of his death.

William Bourque had been employed as a tester by the Knox Automobile Company for several years before he began driving Knox cars in contests. He drove a 50 horse-power Knox at Lowell last Labor Day in the 254 mile road race for the trophy offered by Col. Butler Ames and finished third. He drove a Knox in the Garden City class of the Motor Parkway Sweepstakes on Long Island on October 10 last year and finished second, receiving first prize later through the disqualification of the driver who finished ahead of him. He drove the same car two weeks later in the Vanderbilt cup race and had finished eight of the eleven laps of the race in seventh place when the race was stopped.

He has driven Knox cars with success in a great many hill climbing events this year. He was at the wheel of a Knox stock chassis in the Chicago Automobile Club's Cobe cup road race over the Crown Point-Lowell circuit in Indiana on June 19, this year. He finished second, 1 minute and 5 seconds behind the winner in the 395 mile contest. He had been named as driver for several of the Knox cars that have been entered in the national stock chassis road races at Lowell, Mass., on September 6, 7 and 8.

Training Ship Newport Delayed.

A. Emerson Palmer, secretary of the Board of Education, received yesterday a letter from Lieutenant-Commander Low H. Everhart, in charge of the training ship Newport, announcing that she probably will not arrive at this port until ten days later than scheduled. The delay is due to a stay at the Azores to enable the boys to complete their annual examinations. Commander Everhart writes that he hopes "no uneasiness will be felt by the boys' parents because of the late arrival." All the amateur navigators were instructed to write home and tell why they would not be in on time.

11 FISHERMEN DROWNED.

The Gloucester Schooner Orinoco Turns Turtle Off Halifax—Six Saved.

HALIFAX, N. S., Aug. 19.—Twenty miles southwest of Sanbro, off this harbor, the Gloucester fishing schooner Orinoco turned turtle yesterday and went to the bottom, drowning eleven men, nine of them Nova Scotians.

Capt. W. B. Larkin and five of the survivors arrived here at noon to-day from Tancook.

The vessel had been allowed to come to the wind to trim her jib sheets. She misstayed, came around, and was left dead in the wind. When she filled again she went over. In three minutes the waves rolled over the place where the vessel had been. Of the eleven men who went down with the ship several were caught in the cabin and the remainder in the forecastle.

The six men who were saved cut away the dories and rowed for the shore. After rowing fifty miles, one dory landed at Chester and the other at Little Tancook. Boats conveyed the men to Lunenburg, where they are waiting for Daniel J. Rudolf, the American Consul, to forward them to their destination.

The vessel left Gloucester several days ago for the fishing grounds. She called at Argyle. When lost, she was on her way from Argyle to Canso to obtain water and two more sailors before proceeding to the Grand Banks for codfishing.

The drowned were William and John Meuise of Elbrook, Stephen Delong of Tusket, Howard Whitehouse, William Van Emburg, Barnard Crowell, Willoughby Van Emburg, Charles Shaw and William Hatfield of Argyle, and Peter Walsh and John Walsh of Placentia, Newfoundland.

The saved are W. B. Larkin (Captain) of Pubnico, James Sabine of Elbrook, James Shaw of Argyle, Stillman Hubbard of Tusket, Ernest Stanley of Maine and James Van Emburg of Argyle.

HAMMERSLEY HEIR MOVES.

Through Guardian Asks for Accounting of $5,000,000 Estate.

Justice Crane in the Supreme Court in Brooklyn yesterday reserved decision on a motion for the accounting and settlement of the estate of Louis C. Hammersley, which is estimated at $5,000,000. The motion was made by Grenville Emmet, appearing for William Resquin, a municipal court Justice of Queens, who is guardian ad litem of Arthur Hammersley, son of J. Hooker Hammersley and heir of Louis C., according to the will probated by Surrogate Rollins on June 3, 1886.

Louis C. Hammersley died on May 2, 1883, leaving his entire fortune in trust for his widow, with the proviso that after her death it go to the children of his first cousin, J. Hooker Hammersley, should he have any. The will was contested by the relatives of the testator, but the Surrogate admitted it to probate and the Supreme Court affirmed his action on appeal. The matter was before the Appellate Division when the widow became the Duchess of Marlborough. It was then compromised, the relatives retaining the right to institute further proceedings at her death. More than seventy of them who wished to record their legal status yesterday were represented in court by counsel. They were mostly descendants of James Mason, a maternal uncle of the testator.

Arthur Hammersley is 14 years old. Under the provision of his kinsman's will be became entitled to the estate on the death of the widow, then Lady Beresford.

PUSHED BRIDEGROOM ALONG.

Trolley Passengers Took Pity on Him and He Arrived Only About Two Hours Late.

WHITE PLAINS, Aug. 19.—John Sonberg, son of August Sonberg a builder, set out last evening for New Rochelle, where he was to be married to Miss Laura Arabelle Randall, daughter of N. P. Randall, superintendent of construction work for the New York, New Haven & Hartford Railroad.

The bridegroom, with his best man, William Ford, took a trolley car and expected to be in New Rochelle at 6:30 o'clock. They were loaded down with suit cases, bouquets for the bride and bridesmaids and wedding gifts.

Between Tuckahoe and New Rochelle there was a flash and the car came to a stop. Another car, which came to the rescue of the disabled one, also stopped with a flash while going up a steep hill. After the cars had been stalled for about an hour word was passed among the passengers that Sonberg was due in New Rochelle to be married, and a man shouted:

"Here's a fellow that's going to be married and the people are all waiting for him in New Rochelle! Let's get out and push!"

The passengers, numbering about fifty, got off and pushed the car up the hill. Then it ran along pretty well until it came to a second hill and everybody had to get off and push again. The bridegroom and his best man did their share.

When Sonberg got to the home of the bride they found that the minister and guests had been waiting for nearly an hour. The bride was nervous and had been keeping the wires busy, but had been unable to get any trace of Sonberg. The bride's father was out with an automobile looking for the bridegroom.

The ceremony was performed at 9:15 by the Rev. Dean Leland, pastor of the Baptist church, after he had gone to the church to conduct a prayer meeting and had come back.

Man and Wife Killed and Baby Fatally Hurt in Auto.

SAN JOSE, Cal., Aug. 19.—Henry Lefranc and his wife were killed to-day and their baby was fatally hurt when their motor car collided with a trolley car. The big suburban car was travelling at high speed when Lefranc's auto approached the crossing. The driver of the motor did not see the trolley until there was no time to avoid disaster, and the two came together with great force. Lefranc was almost instantly killed, while Mrs. Lefranc received injuries from which she died in a short time. The baby is still alive but cannot recover.

Texas Now Claims 5,700,000 Inhabitants

DALLAS, TEX., Aug. 19.—Official figures given out to-day by the State authorities give Texas a population of approximately 5,700,000 inhabitants based on the annual scholastic census.

A Perfect Outing. Po'keepsie and back on Str. Albany, Day Line's second morning boat.—Adv.

WEST POINT HAZERS EXPELLED

SEVEN CADETS DISMISSED BY PRESIDENT TAFT'S ORDER.

Attacked Roland Sutton, a Plebe, on Post and Beat Him Up So That He Was in Hospital Twenty-five Days—Dismissals Read Before Corps at Parade.

WEST POINT, Aug. 19.—Seven cadets were dismissed to-day from the United States Military Academy for participating in the hazing on the night of June 25 last of Rolando Sutton, a fourth classman, and a brother of the late Lieut. James N. Sutton of the Marine Corps, a second investigation of whose death at Annapolis has just been completed.

The cadets went into camp on June 25, and that night Sutton was on post. He with another fourth class man were attacked by several cadets disguised in masks; some of them wore sheets wrapped about them. They demanded the guns of the sentries. The other victim got off with a few scratches and bruises, but Sutton was beaten, it was charged, with a tent peg and hurt so seriously that he was in the hospital for twenty-three days.

The cadets dismissed to-day are: John H. Booker, Jr., of West Point, Ga., a first classman, and the following third classmen: Richard W. Hocker, Kansas City; Ear. W. Dunmore, Utica, N. Y.; Chauncey C. Devore, Wheeling, W. Va.; Gordon Lefevre, Richmond, Va.; Albert E. Crane, Hawarden, Iowa; Jacob S. Fortner, Dothan, Ala. The dismissals were made by President Taft on the recommendation of Secretary of War Dickinson and Supt. Hugh L. Scott of the academy, after an investigation by a board of inquiry composed of Lieut.-Col. Sibley, commandant of cadets; Capt. Oscar J. Charles of the Seventeenth Infantry, and Cant. M. F. Smith of the Twentieth Infantry. The inquiry began on June 30 and was concluded ten days ago. More than 130 witnesses were examined.

The cadets were paraded at noon to-day and when they had been drawn up the Adjutant read President Taft's order of dismissal. After the parade was over the cadets hustled their arrangements for departure and all got away to-night.

The hazing of Sutton, so far as can be learned, was not based on any particular unpopularity of the young man but merely because he was a fourth class man. The upper class men swooped down on the two plebes and demanded the surrender of their guns. Neither Sutton nor his companion, Cadet Crittenden, obeyed this order, and when their assailants attempted to get the guns by force they fought back.

After the attack, Sutton was found on the ground and was taken to the hospital, where the surgeons tried in vain to get from him the story of what had happened. Major Gaudy, the chief surgeon, reported Sutton's injuries and the investigation resulted. While in the hospital, Sutton took advantage of his enforced absence from duty to have a slight operation, but this was in no wise made necessary by the hazing.

When the report of the Board of Inquiry was turned over to Col. Scott, he had a personal conference with the Secretary of War. Twice he sent it back to the Investigating Board for recommendations. Finally he recommended that the seven accused men be dismissed and sent it on to the President. President Taft's approval was waiting on Col. Scott's desk when he returned this morning from a leave of absence.

Particulars of the proceedings of the court of inquiry have not been given out, but it is understood that Sutton said that he was unable to identify any of his assailants. It is said that he was popular among his classmates before the attack and his conduct during the inquiry is declared to have endeared him to the student body.

The charge on which the seven cadets were found guilty was the violation of paragraph 143 of the Regulations of the Military Academy, in which Congress decreed:

"That any cadet who shall strike, lay hands upon, treat with violence, disturb in his room or tent or offer bodily harm to a new cadet or candidate with the intent to punish, injure, annoy, molest or harass the same, or who shall with the same intent invite, order, compel or permit a new cadet or candidate to sweep his room or tent, make his bed, bring water, clean his arms or equipments or perform any other menial service for him or to assume any constrained position or any form of physical exercise, shall be dismissed from the academy."

Cadet Booker was away with his class at Fort Hancock, Sandy Hook, taking instructions in the handling of the big guns, and he will be dismissed as soon as he returns. He stands 63 in a class of 83 members.

The cadet corps took no steps to show their sympathy with the expelled men. It was impossible under military discipline. There was no outward sign of feeling except unusually warm handclasps The expelled men here immediately settled their accounts and left for New York to-night.

TO SEARCH FOR THE WARATAH.

Australian Liner With 300 People on Board Passed Through Fearful Storm.

Special Cable Despatch to THE SUN.

LONDON, Aug. 19.—The owners of the steamer Waratah, with 300 persons on board, bound from Sydney to London and now overdue several weeks at Durban, Natal, have secured the cooperation of several ships bound from South Africa to Australia in an effort to find some trace of the missing vessel. The owners profess confidence that the liner will turn up all right.

The steamship Bannockburn, which has arrived at Albany, Western Australia, from London, reports that she experienced unprecedented gales on July 26. The deck cargo of coal shifted and threw the vessel on her beam ends. She only escaped foundering through the sea sweeping the coal overboard.

Her captain feels sure that the Waratah was lost in the same storm. Other arrivals at Australian ports confirm the report of the unequalled violence of the gale at the time the Waratah is supposed to have been lost.

ULTIMATUM FROM PERU.

Bolivia Challenged to Accept or Reject Boundary Award To-day.

WASHINGTON, Aug. 19.—The State Department has received from three sources information that Peru has served an ultimatum on Bolivia concerning the award made by the President of the Argentine Republic in the arbitration for the settlement of the boundary dispute between Bolivia and Peru. Peru gives Bolivia until to-morrow either to accept or refuse the decision. What Peru intends to do if Bolivia refuses is not known here.

A severance of diplomatic relations would naturally be the first step. There is no news to indicate definitely what course will be followed by Bolivia. The decision in the arbitration is very distasteful to many Bolivians and there is a strong organization in that country violently opposed to its acceptance.

It has been understood here that President Villazon, who took office at La Paz last week, is in favor of peace and conciliation, and for this reason it is thought likely that some adjustment will be reached. But it is further believed that if Villazon accepts the decision, which gives to Peru a vast area of territory, there will be serious internal troubles in Bolivia.

The opposition in Bolivia is headed by ex-President Montes, whom Villazon succeeded. He is so strong that it was feared for a time that he might refuse to turn over the Government to the President-elect. Villazon, however, was inaugurated without trouble.

BOGUS MEXICAN MONEY.

Counterfeiter With Million Dollars of That Currency Caught in Kentucky.

WASHINGTON, Aug. 19.—An important capture of a counterfeiter was made to-day by S. A. Donnellay, United States secret service agent at Louisville, Ky. John Roberts, who formerly operated in New York city, was arrested. He delivered to the secret service officers nearly a million dollars in counterfeit Mexican bank notes. He is reported to have made a full confession to the officer that he made the bills in New York last spring, leaving New York in May. He was captured near Louisville.

The first information the secret service officers had of the counterfeits was when W. C. Roberts, a brother of John, was arrested in Louisville and forty-two $100 Mexican bank notes, counterfeit, were found on him. He confessed that his brother John in New York had made a million dollars worth of them. The secret service agents were set at work to find John Roberts. A search of New York revealed that he had fled the city last May. To-night Acting Chief Moren of the secret service received a message from Donnellay announcing that John had been captured at a small town near Louisville and had confessed. He said that he had destroyed the plate from which the notes were made.

NIGHT COURT NOT A BANK.

Magistrate Corrigan Declines to Cash Check for Taxicab Patron.

A man who described himself as Edward E. Cullen, 48 years, a Philadelphia real estate dealer, staying at the Hoffman House, was in the night court last night charged with failing to pay a taxicab bill of $26.90 run up during a day of sightseeing in the Tenderloin and Coney Island.

The complainant, William Allenberg, told Magistrate Corrigan that he picked Cullen up at the Holland House at 11 o'clock yesterday morning and brought him back there last night. When he asked for the fare the chauffeur said Cullen offered him a check because he had only $3 in cash.

Cullen said he was not trying to cheat the chauffeur, but had just arrived in New York from Philadelphia and was short of cash.

"Will you cash a check for me, Judge?" he asked.

Magistrate Corrigan declined and fined him $1.

CONVICTS IN KNIFE FIGHT.

One Nearly Killed and Another Badly Hurt in Pittsburg Prison.

PITTSBURG, Aug. 19.—As a result of the discovery of a tunnel plot inside the Riverside penitentiary there has come out the story of a bloody battle with knives between two convicts, each accusing the other of having "squealed" in the tunnel plot.

It is understood that Convict A4977, whose real name is being carefully suppressed by the prison authorities, is so badly cut that his life is despaired of, while Convict A5642 was also very badly cut. The battle took place last Monday afternoon after six more convicts had been sent to the dungeon for supposed complicity in the tunnel plot, but nothing was given out about it until to-day, when it was necessary to send outside for something in connection with the effort to save the life of A4977.

The convicts both work in the mat room, and on Monday each managed to secret a knife when going to dinner. After the meal, before the lockstep line could be formed, the convicts clinched, and it was some time before they could be separated, because the guards had to keep their attention on the 700 other convicts who were in the room, having just finished their meal. Finally the fighting convicts were pulled apart, each more dead than alive.

WERE BUYING MORE BOOKS.

Binding Trade One of the Last to Benefit by Better Times.

National Secretary Dougherty of the International Brotherhood of Bookbinders, who is in this city, said yesterday that for the first time there were signs of a revival in this trade. Books being a luxury, he said, any sign of improvement in the trade means that other trades are improving, and that more money is in circulation. In the past year many book firms had large quantities of books printed and kept them stored with the printers at the expense of the latter, until they chose to bind them. Now they are taking them out to get them bound. One firm, Dougherty said, had $100,000 worth of printed matter stored up.

The five year contract for the books of the public schools will expire soon. A good deal of competition for the next contract is expected.

Taft's Golf Course Is Laid Out.

TAFT, Tex., Aug. 19.—The work of laying off the golf course on the ranch of Charles P. Taft was finished to-day. The course is for the special use of President Taft when he visits here in October.

HAMMERSTEIN TO SUE RIVALS

WANTS $25,000 FOR THE LOAN OF A TENOR.

Let Metropolitan Co. Have Zenatello to Save Western Trip When Caruso Failed Them—They "Reciprocate," He Says, by Shutting Him Out of Chicago.

Oscar Hammerstein has declared war on the Metropolitan Opera House and in the future will regard its directors as business rivals who are keen to take any advantage possible in their competition.

"I am only awaiting the return from Europe of my attorney," Mr. Hammerstein said yesterday, "to begin suit for $25,000 against the Metropolitan Opera Company. The claim arose from my dealings with Mr. Kahn and Mr. Dippel last season in reference to their use of Signor Zenatello's services during the road tour of the company.

"When Caruso suddenly was found to be too ill to go to Chicago the company was compelled to obtain the services of a tenor. Mr. Kahn and Mr. Dippel came to me and asked if I would allow Zenatello, who was in my employ, to go with the company to Chicago. Under ordinary circumstances an impresario would have demanded compensation for the use of his artists. It is customary to demand in many cases double the amount of the regular salary for the services of a singer who has been loaned to the opposition.

"I did nothing of the kind. Realizing the predicament of the Metropolitan Opera Company I allowed Zenatello, my tenor, to go to Chicago and Pittsburg to save the season for the Metropolitan Opera Company. Out of gratitude for my kindness Mr. Kahn wrote me a letter assuring me that the company would be happy at the first opportunity to reciprocate my kindness.

"This is the way in which the company took advantage of the first opportunity at reciprocation: I wanted to take my 'educational' company out there in November at the close of the New York season. The Metropolitan Opera Company goes there in April. In its contract is a clause that no opera may be performed there before April.

"Taking advantage of this clause the Metropolitan Opera Company has refused to allow me to take my educational company there five months before the date of its opening. It was not my regular company that they thus barred out, as I did not mean to take Garden, Renaud and my other stars.

"My compensation for giving the Metropolitan Opera Company the services of Zenatello and thus making possible their Chicago season should have been at least $25,000, and I will sue to recover that amount as soon as my lawyer returns from Europe."

Mr. Hammerstein said that he had been prevented from finishing the plans for his Brooklyn opera house by the work of removing the boxes from the Manhattan, which had proved to be a more difficult task than he had expected. The Manhattan will be in readiness for the opening of the preliminary season next week, however.

TREASURY CLERKS ALARMED.

Opinions They Gave of Their Bureau Chiefs Not Strictly Confidential.

WASHINGTON, Aug. 19.—Clerks in the Treasury Department are excited over the circumstances which have arisen as a result of the recent efficiency blanks which were sent to every employee asking for detailed information regarding his or her service in the Department.

One of the questions asked was what they thought of their work and of their superiors. They had wide latitude to make any comments they wished. They believed that this information would be confidential and would be read only by the officials of the Secretary's office. Gossip says, however, that some of the comments made by employees in criticism of their bureau chiefs have fallen into the hands of the immediate superiors and developments are expected.

Another rumor which has stirred up the women employees of the Department is that Secretary MacVeagh will soon send out an additional blank asking whether or not the female employees of the Department are married. These inquiries, it is said, will be to ascertain whether their husbands are also in the Government service.

STOCK IN A DREAM HOTEL.

Woman Says She Bought Some and Has Alleged President Arrested.

Charles W. Fuess, 49 years old, a real estate man of 1039 Forest avenue, The Bronx, was held in the Tombs court yesterday in $1,500 bail for examination on a charge of grand larceny upon the complaint of Anna H. Prentice, 70 years old of Eighty-sixth street and Twentieth avenue, Brooklyn, who said that on November 9, 1908, she gave the defendant $1,500 for the purchase of fifteen shares of the Park Gate Hotel Company, at $100 a share.

Mrs. Prentice said the defendant represented that the hotel company was an existing corporation and that he was its president. The shares were to be delivered before December 5, 1908. She said that the stock had not been delivered nor her money returned. Andrew F. Murray, a lawyer of 45 Broadway, testified that the hotel company was not an existing corporation at the time of the order for the stock.

LIGHTNING SETS SHIP ON FIRE.

Mexican Coaster Tabasco Struck Entering the Harbor at Vera Cruz.

VERA CRUZ, Aug. 19.—The steamship Tabasco, plying in the Mexican coast trade, was struck by lightning as it arrived close to port yesterday and had its mast carried away and the vessel was set on fire. After a hard fight the flames were subdued.

A peculiar coincidence is that its sister ship had the same experience on its first trip into this port.

Pitched Ball Causes Death.

WILKESBARRE, Aug. 19.—Catching without a mask, Andrew Roskie, a ball player of Plains, was struck on the jaw by a foul tip on Sunday and died to-day from his injuries. The blow fractured his skull and he never regained consciousness.

FROM 17TH FLOOR BY A ROPE.

Maustie, in a Hurry to Quit When 5 o'Clock Whistle Blew, Gets Broken Leg.

Amiel Maustie, a laborer, of 10 Fort place, Brooklyn, employed in the construction of a building at Fifth avenue and Seventeenth street, started to descend from the seventeenth floor by a rope swinging on the Seventeenth street side when the 5 o'clock whistle blew yesterday. He lowered himself hand over hand to the thirteenth floor. He became tired and tried to land on a scaffolding there. He swung into the scaffolding with such force that his left leg was broken.

Maustie managed to get a firm hold on the plank as he swung back to it the second time and in spite of the pain in his leg pulled himself up safely. Dr. Thompson of New York Hospital took him to Bellevue.

PROVINCES MAY CONFEDERATE.

Union of Nova Scotia, New Brunswick and Prince Edward Island Urged.

MONTREAL, Aug. 19.—Representatives of the boards of trade of the maritime provinces, in session at Charlottetown, P. E. I., passed resolutions to-day favoring the amalgamation under one government of the provinces of Nova Scotia, New Brunswick and Prince Edward Island.

POSTAL TELEGRAPH DARKNESS.

Electric Light Fuse Blows Out—Service Suspended Eight Minutes.

A street fuse in the Edison service supplying light to the Postal Telegraph Building blew out last night a few minutes after 7 o'clock and the green lights on the twelfth floor where the telegraphers work snuffed out along with every other flicker of electricity in the building. Work was suspended completely and telegraph service was tied up for about eight minutes.

Then the dynamos of the auxiliary service in the basement got to work and the lights glowed on again. The rest of the building remained dark until the Edison men rigged a temporary connection with a street plug.

OUTERBRIDGE HEADS THE 100.

Made Chairman of Committee Which Will Work for Fusion.

The sub-committee appointed by the committee of 100 to arrange for a fusion ticket met yesterday and organized. E. H. Outerbridge was made chairman and Joseph M. Price secretary.

At the close of the meeting, which was executive, it was announced that no plans had been formed by the committee. It was added that the committee had done nothing except to organize and that another meeting would be held again next Monday when the committee would begin to consider means for the carrying out of its fusion scheme.

AN OCTOPUS GOT HIM.

Tale of a Baltimore Man Who's Been Fishing Up Newfoundland Way.

William H. Bucholz of Baltimore, who arrived yesterday by the Red Cross liner Rosalind with his friend James V. Lorber from a fishing trip in Newfoundland waters, told a yarn of a battle with an octopus that seized him when he fell overboard after a tussle with a big horse mackerel which he got on his line.

Mr. Bucholz said he still had the marks of the suckers of the giant squid's tentacles and that he might have fared ill if his friends had not jumped over after him and cut several of the tentacles. The squid then let go and dropped bottomward. It was not big or powerful enough to drag the swimmer under.

$100,000 FOR SHACKLETON.

Government Announces That Grant Will Be Asked for South Pole Seeker.

Special Cable Despatch to THE SUN.

LONDON, Aug. 19.—In the House of Commons to-day Prime Minister Asquith announced that the Government would recommend that Parliament grant to Lieut. E. H. Shackleton, the Antarctic explorer, the sum of $100,000 toward the expenses of his recent expedition.

The proposal is equivalent to a grant, and the Lieutenant now finds himself out of the woods financially. When he returned from his expedition he was $215,000 in debt, and when his friends had done all they could for him he was still out of pocket $70,000.

As it was supposed the Government would decline to make him a grant, the only way, apparently, he could make up the deficit was by writing a book and making an American lecture tour.

Public opinion made itself very plainly felt on his behalf in Great Britain, and if the Government ever intended to ignore him it has changed its mind.

100,000,000 BUSHELS IN CANADA.

Estimate of the Crop in the Northwest—Small Drop in Price Expected.

WINNIPEG, Aug. 19.—The grain of the Canadian Northwest is being harvested and the farmers are speculating as to possible prices, particularly of wheat. According to opinions of local grain men another decline is in prospect, but it will be slight, and a fairly good and steady price will be maintained.

Satisfaction with existing crop conditions is general, and if frost and hail keep off until the cutting is completed the crop will be a large one. The average estimate of the wheat output is over 100,000,000 bushels.

BREAKS SAMARITAN'S ARM.

Blind Negro Assaults Boy Helping Him Over Crossing—Sent to Workhouse.

Lemuel Graham, a blind negro, 45 years old, of 335 West Fifty-ninth street, was sentenced in Special Sessions yesterday to ninety days in the workhouse for assaulting Howard Enius, an eleven-year-old school boy who lives with his parents at the Times Square Hotel.

On August 15 the boy attempted to help the blind man over the crossing at Forty-third street and Broadway. Graham did not understand the child's offer, for he swung out viciously with his fist and broke the boy's arm.

Dallas Temperature Down to 105.

DALLAS, Tex., Aug. 19.—The thermometer registered 105 in Dallas to-day, which was ten degrees cooler weather than yesterday. Charles C. Crary of Goshen, Ind., who was overcome by heat in this city yesterday, died to-day. Dr. J. A. Hilliard of Waco also died to-day of heat prostration.

FOR STOMACH TROUBLES take Horsford's Acid Phosphate. Produces healthy activity of weak and disordered stomachs.—Adv.

WRIGHTS SUE AERO SOCIETY

CURTISS FLYER BASED ON THEIR PATENTS, THEY SAY.

They Want the Society to Stop Using Its Aeroplane and Give Up Whatever Money It Has Made—Patents Are Old and Are Free to All, the Reply.

The Wright brothers began a suit in the United States Circuit Court yesterday against the Aeronautic Society for infringement of patents. They seek to restrain the society from exhibiting the machine it bought from Glenn H. Curtiss and the Herring-Curtiss Company of Hammondsport, N. Y., and also seek to recover damages.

The bill of complaint was signed by Wilbur Wright on behalf of himself and his brother Orville at Washington on August 16. The attorneys for the Wrights are H. A. Toulmin of Springfield, Ohio, and Arthur C. Fraser of 170 Broadway. A subpœna was issued for the society yesterday and was turned over to Marshal Henkel. It asks the defendant to appear in court on the first Monday in October.

The Wrights say in their complaint that they are the "true, original, first and joint inventors of new and useful improvements in flying machines." They received their patent on May 22, 1906, to run for the customary seventeen years. The invention, the complaint continues, "is of great value and utility and constitutes the first instance in the history of the countless attempts to produce flying machines wherein a heavier than air machine ever made aerial flights and wherein the machine was within the control and will of the operator."

The Wrights say they have given the world "the first machine to actually and successfully fly * * * being in this sense a creation or embodiment of a new art, and an epoch in aerial endeavor, human flight having for ages been the synonym of failure and impossibility."

The public and the Government, the inventors say, have acknowledged the validity of the patent, and they cite the purchase by the Government of one of their flying machines as proof of this recognition. The complaint further says that several foreign governments have similarly recognized the rights of the Daytonians.

The Wrights say they "have expended large sums of money and have been to great trouble and expense in the development, production and promotion" of the invention. The Aeronautical Society, the complaint continues, knowing the rights of the brothers, has exhibited certain flying machines violating the patent. They specify the Curtiss aeroplane and say the society has exhibited its machine, "receiving large sums of gate or ticket money."

The Dayton inventors allege that unless the society is restrained from further flights it will practically destroy a large source of revenue which the Wrights otherwise would receive by preceding the Wrights "at points over the country and making public flights or exhibitions until the public interest in this radical novlety shall have been satisfied."

The Wrights say they notified Curtiss that his machine violated their patents and that Curtiss informed them that he did not expect to make flights. Besides asking that the society be enjoined from using machines made in accordance with their invention they ask that "the defendant be compelled to account for and to turn over to the Wrights any money made by use of the invention," and further ask for damages in an amount not stated, "and that the offending machines be turned over to the Wrights for destruction."

The machine in question is presumably the Golden Flier, built by the Herring-Curtiss Company for the Aeronautic Society and at present leased by the society to the Aeronautic Exhibition Company. Leo F. Burridge of the society said last night that the machine had been bought from Mr. Curtiss under a guarantee that it should be free from the Wright patents and that in the suit Mr. Curtiss would assume the real defence.

"We are very glad indeed that the suit has been brought," said Mr. Burridge. "There are some 368 American patents on flying machines and each inventor appears to be under the impression that his patents cover the entire field. I do not mean to suggest that the majority of these inventors are in any way in a class with the Wright brothers, but there is such confusion in the matter of patents that it is necessary for the good of aerial experimentation that the tangle be straightened out.

"When the Wrights returned from Europe in May—both are honorary members of the Aeronautic Society—they expressed friendly interest in the work the society was doing, but said that they thought the Curtiss machine violated their patents. I told them that the society would be glad to have the matter settled in any way they should suggest and that we would accept service of suit at any time. We shall turn the papers over to Mr. Curtiss and he will prepare the answer and will defend his machine.

"My reason for believing that the Wrights will find no infringement in the Curtiss machine is that about a year ago Dr. Alexander Graham Bell, head of the Aerial Experiment Association, of which Mr. Curtiss was a member, had a Washington attorney go to Hammondsport and examine the June Bug. Then a search was made in the patent offices and it was reported that no infringements had been made on the patents of the Wrights. The Curtiss aeroplane purchased by the Aeronautic Society is only a modification of the June Bug.

"No process of law can prevent the continuation of exhibitions of the machine. If the Wrights should win the suit they could only recover damages and loss of profit, and that would be very small as Mr. Curtiss has sold only the one machine."

A. M. Herring, who is associated with Curtiss in the manufacture of aeroplanes, said last night that the machine as made by them for the Aeronautic Society violated nothing in the Wrights' patent. "In fact," he said, "they have very little in their machine that is not already public property. In the matter of warping the wings, for which I believe they claim