GOV. DIX'S LEGAL ADVISER

THE POST OFFERED TO WILLIAM CHURCH OSBORN.

Charles F. Freman of Ithaca May Be Named for State Superintendent of Public Works and Thomas E. Lee of Haverstraw for State Tax Board.

Governor-elect Dix's friends in this city said last night that their best information was to the effect that William Church Osborn of Garrison had been asked to become legal adviser to the Governor, and if Charles F. Freman of Ithaca can find it convenient and agreeable he will be made Superintendent of Public Works to succeed Frederick G. Stevens of Attica.

Democrats who are believed to be acquainted with what is going on say that the friends of various Democrats mentioned for the United States Senatorship have urged Governor-elect Dix to change his recent attitude and express a preference, but that the Governor-elect has declined to do so.

It was announced for the Governor-elect, however, that his well known attitude on this subject will not preclude the visits of any and all Democrats interested in the United States Senatorship and other matters considered to be of vital importance to the future of the Democratic party of the State. Nevertheless it was insisted for Governor-elect Dix that he will not depart a hair's breadth from the course he mapped out when he said that he is to be Governor and the Legislature is to be the Legislature. It was made known that the Governor-elect while in this city is to meet William Church Osborn and Mr. Freman to discuss with them their prospective appointments.

The Governor-elect, it was added, is to appoint on January 1 Thomas H. Lee of Haverstraw, Rockland county, to be a State Tax Commissioner to succeed Frank E. Perley, whose term expires on December 31. Mr. Perley was formerly secretary to the late Gov. Higgins and has purchased a Republican newspaper in White Plains. Mr. Lee was formerly District Attorney of Rockland county and is a brother of Duncan Campbell Lee of Ithaca, a well known Democrat in the southern tier.

Governor-elect Dix while in town is to have a number of talks with Charles F. Murphy. The Governor-elect has made it known to Democrats that any efforts to create friction between himself and Mr. Murphy will be futile, for the reason that the Democratic party must be kept together for the national battle of 1912. The Democrats who were aware of the Governor-elect's policy in this matter said that this did not indicate that the Governor-elect had agreed or would agree altogether with Mr. Murphy, but that they would reason together, each assuming that the other was equally interested in the future success of the Democratic party.

While Governor-elect Dix is perhaps not partial to the selection of Senator Thomas F. Grady to be leader of the Senate, he holds that that is a matter for the Democratic Legislature to decide.

Charles F. Murphy was overrun with visitors in the afternoon at Delmonico's. Among them were William J. Conners, formerly State Chairman, and Henry P. Burgard, State committeemen respectively for the Forty-eighth and Fifteenth Senate districts. The Erie county Democrats, under the leadership of County Chairman William H. Fitzpatrick, have rejoiced in sweeping Democratic victories, electing two Senators, one Congressman and half a dozen Assemblymen. Mr. Conners was chiefly interested in having his former secretary, John Maher of Albany, appointed to a nice place, and Mr. Murphy readily acquiesced. Mr. Maher will probably be included in the staff of Senate or Assembly clerks at Albany. It was stated that County Chairman Fitzpatrick, if he desires, will receive a good post. Mr. Conners said that so far as he knew the Democratic legislators of Erie county were committed for United States Senator, although other Democrats from Erie county believed that their legislators were very partial to Edward M. Shepard. Other visitors to Mr. Murphy included State Committeeman Thomas W. Finnegan of Rochester and Mayor Douglas of Niagara Falls.

There was more or less interest expressed in the Democrats to be named for Senate and Assembly clerks, but nothing definite has transpired concerning the appointees. All of these Senate and Assembly clerks and their subordinates, numbering all told in both the Senate and the Assembly nearly 50, appointments will be made by the Senate and Assembly caucuses held in Albany.

It was figured up that there are at least fifty Democrats in the State who would like to be Superintendent of Public Works. This post is second only in importance to that of the Governorship and the Comptrollership. The Superintendent of Public Works has the appointment of about 1,000 annual employees. He is also charged with the expenditure of moneys appropriated by the Legislature for public improvements, authorized by special laws. He has the appointment of a deputy and three assistant superintendents as well. The Superintendent of Public Works is further named a member of the Canal Board and the Canal Terminal Commission.

A number of the important Democratic Senators and Assemblymen elect who called on Mr. Murphy seemed inclined to believe that the coming session of the Legislature would extend into the summer months of 1911, and various State committeemen coincided with this opinion. Such statements were frowned upon by other Democrats close to Mr. Murphy, and it was their judgment that the Democratic Legislature should not pass special legislation and should after accepting or rejecting Governor-elect Dix's recommendations as to measures for the State and the important features of the Democratic platform adopted at Rochester retire from Albany as quickly as possible.

An interesting bit of personal information was handed out to the effect that Governor-elect Dix and Mr. Murphy are to have no gentlemen's agreement concerning matters of Home affairs, but that the same policy which exists between Mayor Gaynor and Mr. Murphy is to be continued. Mayor Gaynor has made Mr. Murphy always welcome at the City Hall, and Mr. Murphy is to be always welcome at the Executive Chamber in Albany. It was said that most of the friction and many of the serious misunderstandings in the Democratic party in the State within the last dozen or more years has come about by either the misrepresentations or the misunderstandings of what are known in politics as gubernatorial moods.

The only news Mr. Murphy and his friends heard yesterday was that the proposed amendment to the Constitution creating two additional Associate Judges of the Court of Appeals, with increased salaries for all the Associate Judges of the court, had been defeated by a little less than 100,000 votes.

DIX'S APPOINTMENTS

Names John A. Mason as His Secretary and E. C. De Kay as Military Secretary.

ALBANY, Dec. 9. The only appointments announced to-night by Governor-elect John A. Dix were those of John A. Mason to be secretary to the Governor and Edward C. De Kay of New York city to be his military secretary. Mr. De Kay's father was military secretary to Gen. John A. Dix in 1872.

The Governor-elect and Mrs. Dix will go to New York city on the 8:05 o'clock train in the morning, where they will stay until a week from Sunday. On returning to Albany Mr. Dix will take his deferred business trip to Ohuatchonian, Canada, returning to Albany on Dec. 23.

Mr. Dix will meet in New York city the men he proposes to appoint as his legal adviser and as State Superintendent of Public Works, and these appointments together with the appointment of an Adjutant-General and the members of the Governor's military staff will be announced in New York city in a day or two. The military staff has been selected with the exception of three aids.

Mr. Dix is to have many political conferences in New York city next week and he is to attend many social functions, though he has no dinner engagements for Monday night. His social engagements are:

Dec. 10. Merchants' Democratic Association dinner, Hotel Astor; Society of the Genesee dinner, Plaza Hotel.

Dec. 13. Dinner given by Andrew C. Zabriskie, Manhattan Club.

Dec. 14. Southern Society of New York dinner, Waldorf-Astoria; dinner given by Mr. John A. Sleicher.

Dec. 15. Dinner to Governors-elect, National Democratic Club, Waldorf-Astoria; dinner given by Hungarian National Democratic Club.

Dec. 16. Dinner given by Theta Delta Chi fraternity, Hotel Astor; dinner to Corbett Trustees, Waldorf-Astoria; luncheon given by Charles H. Sabin.

Dec. 17. College Men's Democratic League dinner, Waldorf; Tammany speakers' bureau dinner, Knickerbocker Hotel; Tier County Society dinner, Twilight Club dinner, National Arts Club.

Assemblyman Daniel D. Frisbee of Schoharie was among Governor-elect Dix's callers to-day. Mr. Frisbee takes it for granted that he is going to be elected Speaker.

Eckford C. de Kay is a broker, a son of the late Sidney de Kay. He was graduated from Lehigh in the class of '94.

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NEW JERSEY'S POPULATION.

Census Bureau Gives It as 2,537,167, an Increase of 34.7 Per Cent.

WASHINGTON, Dec. 9. According to the official count of the returns of the thirteenth census, the population of the State of New Jersey is 2,537,167, as compared with 1,883,669 in 1900 and 1,444,933 in 1890. The increase from 1900 to 1910 is 653,498, or 34.7 per cent., as compared with an increase for the preceding decade of 438,73[illegible], or 30.4 per cent.

This insures New Jersey an addition of two and possibly three members in the lower house of Congress. The population of counties follows:

[illegible]	[illegible]	[illegible]

Utah has a population of 373,351, as compared with 276,749 in 1900, a gain of 34.9 per cent.

Alaska's present population is 64,356, in 1900 it was 63,592, the gain being 1 per cent.

The population of the Hawaiian Islands is 191,909, as against 154,001 in 1900, a gain of 24.6 per cent. Honolulu, the capital of the islands, has a population of 82,168 this year, as against 39,306 in 1900.

The population of Wyoming is 154,126, as against 92,531 in 1900, a gain of 66.6 per cent.

The Census Bureau will announce at noon to-morrow the population of the United States. The population of the United States in 1900 was 75,994,575, and it is expected that the figures of the census will show that it is now between 90,000,000 and 91,000,000. The population in 1890 was 62,979,766.

Bill Providing for Panama Canal Tolls

WASHINGTON, Dec. 9. A bill was introduced to-day by Representative Fordney of Michigan providing for the payment of tolls and transit charges by public and merchant vessels passing through the Panama Canal.

Army and Navy Orders

WASHINGTON, Dec. 9. These orders were issued to-day:

[illegible]

Lieutenant Commander C. S. Williams, from the Pensacola to the Minnesota.

Lieutenant Commander C. E. Smith, from the Minnesota to the Pensacola.

Lieutenant Commander C. E. Smith, from the New Orleans to the naval station, Cavite, Philippine Islands.

Lieutenant Commander L. A. Mitchell, to the Pensacola.

Ensigns L. L. Arnold and Ensign C. M. Steer, to the Cleveland.

Ensign [illegible], to the Windsor.

Ensigns [illegible] Washburn and R. [illegible], to the [illegible].

[illegible]

FORTIFY THE PANAMA CANAL

SECRETARY DICKINSON URGES IT IN HIS ANNUAL REPORT.

He Recommends an Expenditure of $19,546,813 and to Make $7,000,000 Immediately Available. Would Have Army Aeroplanes and Balloons.

WASHINGTON, Dec. 9. The fortification of the Panama Canal is urgently recommended in the annual report of Secretary of War Dickinson, which was transmitted to President Taft to-day. An appropriation of $[illegible] is requested at the present session of Congress to begin work on these defences, which will cost about $19,546,813.

"Pursuant to this recommendation," Secretary Dickinson adds, "Congress has been asked in the estimates for the next fiscal year for continuing the construction of the Isthmian Canal to authorize an expenditure of $19,546,813 for the fortification of the termini of the canal, including the construction of posts for the permanent garrison, and of this amount to appropriate and make immediately available $7,000,000 toward the execution of the project of fortification with a view to the completion of the entire project within three years, and also to appropriate and make immediately available the additional sum of $2,000,000 toward the creation of naval establishments in the Canal Zone as a necessary part of the defences of the canal."

The Secretary says that the services of some six or seven hundred army officers are necessary for duty other than those with troops, and that this necessity is a permanent one that cannot be avoided. He adds:

"Every effort has been made to reduce the number of officers on detached service, but the duties upon which they are engaged are such that it has been found impossible to reduce the number without seriously interfering with the performance of regulations. The Department always endeavors to employ suitable retired officers on every duty for which they are fitted, and before an officer on the active list is detached for any duty a careful study is made of all available retired officers with a view to detailing a retired officer, if possible, instead of one on the active list. But the number of retired officers available is necessarily limited under the present law, which makes active service optional with retired officers. On June 30, 1910, eighty-nine retired officers were on active duty, an increase of four during the year.

"The only satisfactory way to prevent the very bad effects of this necessary condition upon the discipline and instruction of troops is by the enactment of legislation providing a sufficient number of officers for the performance of all the various duties which the army is required by law to perform.

"I renew the suggestion contained in my last annual report for the modification of the present law relating to the assignment of retired officers to active duty, so as to authorize the Secretary of War, in his discretion, when the necessities of the public service require it, to assign certain classes of retired officers of active duty, temporarily, provided their health and physical condition will permit of efficient performance of duty.

On the subject of military aeronautics Mr. Dickinson says:

"It is contended by some that dirigible balloons and airships will at best prove to be of doubtful utility in warfare. Others hold that the United States would better postpone expenditures until the art has reached a more advanced stage. The fact remains that all European first-class Powers are devoting a great deal of attention to the subject of military aeronautics and are displaying marked activity in the development and supply of both the dirigible and the aeroplane for war purposes, while the United States is practically at a standstill in this matter. In my judgment the time has come when it would be wise to make appropriations adequate for providing the signal corps with a reasonable number of the latest types of machines for instruction purposes and for field use."

TO MOVE ON THE TREASURY

Congressmen Will Try to Induce the Secretary to Recommend Public Buildings.

WASHINGTON, Dec. 9. The act of House of Representatives [illegible] authorizing the Secretary of the Treasury within the next five years to expend $[illegible] in the purchase of sites and the erection of new public buildings throughout the country.

Although the Senate passed a bill [illegible] the Treasury [illegible] the country [illegible] passing on public buildings [illegible] and requiring the Department's official approval of those selected, the Secretary of the Treasury completely ignored the action of Congress in authorizing the expenditure of public building appropriations.

Chairman Lowrey of the House Appropriations Committee, who has been charged by many members of the House demanding to know what he was going to do to secure the action of Congress, has flatly announced that his committee will not appropriate a dollar for public building purposes unless on the recommendation of Secretary MacVeagh. And members of Congress who have asked the Secretary for the reason for the apparent opposition have left his office with the firm impression that he is going to stand on and that he will not estimate for any expenditures authorized by Congress. He has told the three Congressmen that the Treasury is in any shape that now to stand an additional drain of almost $[illegible].

Consequently the members to whom these public building appropriations mean a great deal, and this comprises a large majority of the House, are planning a demonstration to bring the Secretary to his senses.

C. P. Anderson of This City Offered the Post of Counsellor of State Department.

WASHINGTON, Dec. 9. Secretary of State Knox has asked Chandler P. Anderson of New York to accept the post of Counsellor of the State Department, which became vacant through the death of Henry M. Hoyt several weeks ago. Mr. Anderson is a New York attorney and has been special counsel for the Department for several cases in connection with British and Canadian questions. The offer was made by Secretary Knox several days ago, and it is understood that Mr. Anderson has it under consideration.

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TRIED TO KILL DAVILA

Near a Crisis in Honduras Americans Seeking Safety.

TEGUCIGALPA, Honduras, Dec. 9. Conditions in Honduras have apparently reached a crisis. On Wednesday an attempt to kill President Davila was frustrated by a palace guard.

It became known to-day that a man posing as a messenger from the Pacific coast went to the palace and demanded an interview with Davila. As the President stood upon his private office he received the messenger, the latter drew a revolver but before he could fire guards fell upon him. He has been spirited away. Few persons in the capital knew of the incident.

Americans are leaving the republic sending their families home. Across the line into Guatemala Policarpo Bonilla is said to be one of the prime movers in the disturbance. The revolutionists are mustering in all parts of the republic and hostilities cannot be long delayed.

Rumors here say that bad conditions also prevail in Guatemala. Residents here say that President Cabrera refuses the people their constitutional rights. General unrest prevails throughout the republic.

$50,000 LIBEL SUIT DISMISSED.

C. M. Eaton of Hotel Ampersand Can't Recover for Charges of Arson Conspiracy.

A suit brought by Charles M. Eaton against the Orient Fire Insurance Company for $50,000 damages for libel was dismissed by the Appellate Division of the Supreme Court yesterday. The case arose out of the burning of the Hotel Ampersand, at Saranac Lake, on Sept. 21, 1907. The hotel was insured for $96,000, and one of the companies on the policy was the Orient.

The company refused to pay its share of the loss on the ground that the fire was of suspicious origin, and when the hotel company sued an answer was put in by the insurance company containing the alleged libel. The answer charged that Eaton entered into a conspiracy with one Herman Van de Wall to burn the hotel.

Eaton sued on the ground that the charge of alleged conspiracy was not pertinent to the issues of the action, and did not constitute a defence, and that the allegations were wholly false and injured his reputation to the extent of $50,000. In the insurance company's answer to the libel suit it was alleged that confessions had been obtained from persons implicated in the alleged conspiracy, which were signed in the presence of an Assistant District Attorney of New York county.

The court decides that the defendant is not liable for damages unless its defence was frivolous, and since the Appellate Division and three Judges of the Court of Appeals decided that the defence was relevant the suit must be dismissed.

Virginians Give Watson a Dinner

Corporation Counsel Archibald R. Watson was the guest of honor of the New York alumni of the University of Virginia at a dinner at the Waldorf last night. Other guests were Charles E. Moore, W. W. Fuller, Martin W. Littleton, Prof. Thomas W. Page of Virginia, Aime E. Jenks, DeLance Nicollatte, George Gordon Battle. Dr. John B. Moore was toastmaster. Dr. Page and Messrs. Littleton, Watson, Nicoll and Charles E. Moore were the speakers.

OPPOSE CUMMINS RESOLUTION

The Democratic Senators Practically Unanimous Against It.

WASHINGTON, Dec. 9. The Democrats of the Senate are practically unanimous in their opposition to the resolution introduced by Senator Cummins of Iowa, providing a change in the rules of the Senate so as to limit tariff discussion to one schedule at a time.

I would not be in any support to any resolution that limits the freedom of the Senate," said Senator Overman of North Carolina in speaking of the proposed change in the rules. "I understand the only thing the insurgents in the House fought besides for was the right to offer amendments which they rightly contended was being denied them as the result of the Speaker's policy.

A few Democrats in the Senate are reported to have made the statement, coupled with a reference to events in the recent campaign, that they are glad to see the Republicans in a predicament for the best Democratic reason in the world. There is a disposition among many Senators to have the Lake Senator elaborate this remark when he makes his speech in the Senate on Monday on the Cummins resolution.

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