

GAS IN TANK CARS DANGEROUS

RAILROAD IS ASKED TO DO ITS CHARGING ELSEWHERE.

Explosives Board Suggests Mott Haven—Haven't Found Cause of Explosion—City to Have New Rules Regarding Some Combustibles, Waide Says.

The Municipal Explosives Commission, which has been investigating the gas explosion in the transformer house in the Grand Central yards that killed ten persons last Monday, made its report yesterday. It decided that the danger did not lie in storing gas in tanks in the city, but rather in bringing the gas in tank cars through tunnels to the Grand Central yards. It recommended that hereafter the New York Central officials arrange to charge all their cars with gas at Mott Haven, where they have a plant, or somewhere out of the city.

The commission's report sent to Fire Commissioner Waldo follows: In compliance with your request the Municipal Explosives Commission begs to report that its further examination into the explosion has disclosed no facts which cause it to modify or alter the opinion expressed in its preliminary report, to the effect that the damage was entirely due to an explosion of Pintsch gas that had escaped from a broken pipe under high pressure.

As to the manner in which this gas was ignited the commission has been unable to discover the specific cause. After an inspection of the gasing system of the New York Central Railroad at the Grand Central station and at Mott Haven, as well as of the plant at which the gas is manufactured at Port Morris, this commission indicated to the officials of the railroad that it will be necessary for them to arrange to gas all their cars at Mott Haven or some other point outside the Borough of Manhattan. The danger in this gasing situation does not lie in the fact that Pintsch gas is any more inflammable or explosive than ordinary illuminating gas, but in the possibility of accumulating one of the tanks used in transporting the gas through the Park avenue tunnel and the subsequent explosion of the volume of gas thus released.

The explosion of such a mass of gas could readily take place in the tunnel, either from lights or from the scraping of the contact shoes on the third rail. The commission has for some time past been considering the question of the transportation, storage, sale and use of gases in the present situation in New York, and the new regulations covering this subject will be immediately completed and sent to the Mayor for his approval.

In regard to the last part of the report, Fire Commissioner Waldo said he expects to be found in the office of the city engineer that the regulations in respect to combustibles and gases under pressure and the like were inadequate and out of date. The sprinkling of coal mines and all over the city had not been revised and there was no regulation covering the handling of the newest combustibles. So the commission has a new commission of explosives appointed to draw up such regulations, and apparently Monday's explosion has hurried them a little.

The commission said that Pintsch gas has never been used in this city and that no special permit for its use had been required. He said that the railroad had permits for storing gas that they use to make the gas at Mott Haven.

Little progress was made in the investigation as to the cause of the explosion yesterday. The railroad folks are sitting up nights and the city engineers are having an inquiry of his own as to the cause of the explosion. The coroner is waiting for the reports before he holds an inquest.

The experts were wondering yesterday whether or not the accident could have been averted by shutting off the valve on the main that led from the three tanks on the main to the transformer house. One of the investigators said it could have been reached in the time that 14,700 cubic feet of gas was escaping. The experts in the case of the explosion would not indicate in which of the three tanks the leakage was, but an engineer said yesterday that this could have been determined by shutting off the secondary valves one by one until the dropping pressure ceased.

James Lacombe, chief engineer for the Department of Water Supply, Gas and Electricity, said that although he had made no official investigation from what he had learned by personal investigation that 14,000 feet of escaped gas had spread like a blanket over the surrounding territory and that when it was set off at the transformer house it had the effect of fire damp.

IF FIRE WASTE WERE CUT OFF

We Would Have the World by the Tail, Says Evans of the Continental. Insurance matters again took up yesterday's hearing of the legislative committee. The examination of witnesses, all insurance experts, is assigned to get their views on State control of insurance rates, agents' commissions, and building codes in respect to fire hazards. The consensus of the experts is that fire waste would be greatly reduced if the State could legislate in a way to insure better and uniform building construction in congested districts where large "values" in merchandise exist.

"If," said Henry Evans, president of the Continental Fire Insurance Company, "the fire waste in this country were only \$75,000,000 a year instead of from \$200,000,000 to \$250,000,000 a year, as it is, this country would improve its condition economically that it would have the world by the tail."

Mr. Evans testified that in his opinion many fire insurance companies are at present carrying such large risks in what is known as the conflagration district between Twenty-third and Chambers streets, that they would be able to pay no more than 10 cents on the dollar if there was a great conflagration. In illustration he mentioned the Fleet company, since reorganized, that under its old management carried \$21,000,000 between Fourteenth and Chambers streets, with a loss paying ability of about \$2,000,000.

Most of the witnesses opposed State regulation of insurance agents and brokers' commissions, and the latter said it would only make a lot of lawbreakers. "As it is the commission on residence risks scarcely pays the agent for his trouble, much of the commission on large mercantile risks goes back to the insurer as a 'rebate'—and there you are."

As to State control of rates, none of the experts seemed to think that it is feasible. Competition, even under the restraint of a compact, is certain to regulate rates, say the witnesses, and any way rates must change—owing to changes in conditions—too suddenly at times for a slow moving State machine properly to adjust them.

The hearing goes on this morning at half-past 10 o'clock.

Died in Brooklyn Trolley Car.

James A. Rooney, assistant accountant in the Surrogate's Court in Brooklyn, died yesterday morning of heart failure in a trolley car while on his way to his home, 618 Eastern park way, Tuesday night. He had long been active in Democratic politics. He is survived by a son and three daughters.

Duffy's Sparkling Apple Juice

An exhilarating, healthful, non-alcoholic beverage—looks like champagne and tastes better.

A Christmas Gift Worth While

It should be on every Christmas dinner table—good for the whole family.

Case of 12 quarts, \$4.00
Case of 24 pints, 4.50
Or singly in pint and quart bottles.

Sold and recommended by all high grade grocers and well known department stores. Write for Book of Recipes. AMERICAN FRUIT PRODUCT CO., Rochester, N. Y., Makers.

BLAMES DEFEAT ON LODGE.

Massachusetts' Committeeman Says but for the Senator Draper Might Have Won. Boston, Dec. 21.—At the meeting of the Republican State committee held at headquarters this afternoon Committeeman Raymond P. Delano of Suffolk offered a resolution which regretted the defeat of Gov. Draper and intimated that but for Senator Lodge the Governor's chances for reelection would have been better than they were.

In offering his resolution Mr. Delano delivered an address in which he condemned and criticized Senator Lodge for his control of the State committee. He also said: "The Republican State committee does not represent the Republican party or the people of the State, but is a mere tool of the party machine, and its only object is to keep the party in power by any means possible."

Mr. Delano's speech stirred much feeling among the members, but he found no supporter of his claim that the committee chairman takes his orders from Senator Lodge. The resolution it failed after Chairman Hatfield, Committeemen Peterson, Moran, Innes and others replied denying somewhat tartly the accusations of Mr. Delano.

MONTREAL WELCOMES DIX.

New York's Governor-Elect Congratulated and Entertained. Montreal, Quebec, Dec. 21.—Governor-elect Dix of New York arrived here this morning on his way back from a combined business and pleasure trip over the Canadian Northern Railway to the Lake St. John district. He paid a visit at noon to the Board of Trade, where he was received by a large number of business men, including Lieut.-Col. Jeffrey H. Burland, the vice-president.

The evening they were the guests of Lionel Guest, whose wife was Mrs. Bigelow Dodge of New York, at a dinner at the Mount Royal club, covering being laid for thirty-two guests. Mr. Dix addressed a large gathering of Montreal's business men at the Board of Trade, but avoided politics, as he expressed the hope that a macadamized road would be constructed in the near future between Montreal and the New York boundary to connect with the road now in the process of constructing. He remarked that New York State had too many laws, and the result was that not many of them were enforced. As Governor he intended to see that there were fewer laws, but that all of them would be enforced.

WHITNEY WILL ACCEPT.

To Resign as Supreme Court Justice and Be Reappointed. Supreme Court Justice Edward B. Whitney accepted yesterday the offer of Gov. White to appoint him to succeed the late Charles W. Day. The appointment dates from January 1 and expires December 31, 1911. Justice Whitney said: "I will resign the place I now hold on the bench within a few days, as soon as I close up the matters now pending before me."

Upon receiving Justice Whitney's resignation Gov. White will immediately reappoint him, the new commission to date from January 1. Gov. White can appoint a Justice of the Supreme Court for the few remaining days of this year. He did not seem last night to be inclined to do so.

Justice Whitney directed yesterday that all papers requiring his signature must be submitted on or before Friday. He has decided that it will be improper for him to sign papers in cases he has heard during his present term of office after he is serving under the new appointment.

DELAWARE ELECTION INQUIRY.

Attorney-General Quizzing All the Committeemen in the State. Dover, Del., Dec. 21.—With a view to ascertaining where money was corruptly used at and prior to the last general election in Delaware Attorney-General Andrew C. Gray to-day came to this city, the State capital, and began examining State and county Democratic and Republican committeemen who had been summoned to appear here to-day for the purpose.

The examination is not public. The witnesses are being called one at a time. It is the intention of the Attorney-General to examine all members of the Democratic and Republican State committees and also the members of the Democratic and Republican county committees. Ever since the election Attorney-General Gray has been hearing reports of the corrupt use of money at the election.

INAUGURAL CEREMONIES.

Gov. Elect Dix's Secretary Finds that the Preliminary Work is Well in Hand. ALBANY, Dec. 21.—John A. Mason, secretary to Governor-elect Dix, was in Albany to-day in conference most of the afternoon with Secretary of State Koenig regarding the forwarding of invitations to the inaugural ceremonies to friends of the Governor-elect and the other Democratic State officers who had given Mr. Mason their lists of names and addresses. Mr. Mason was greatly pleased because Secretary of State Koenig had the preliminary work of the inauguration so well in hand, and on behalf of himself and Governor-elect Dix he said he desired to express thanks for the courtesies extended them.

Mr. Mason returned to New York to-night, but announced his intention of coming to Albany again on Tuesday next. He said that Governor-elect Dix would return from his Canadian trip to-morrow night or early Friday morning.

ROSEY THE LAWYER IS BACK

AFTER FLIER IN THE CLOAK AND SUIT BUSINESS.

Essex Market Bar Welcomes Its Former Member, Who Says Since He's a Lawyer He Might as Well Work at It, at Least Until the Court Moves.

Hyman Rosenschein, known in the annals of the Essex bar as Rosey the Lawyer, who quit his law practice just before the last cloakmakers' strike to go into the cloak manufacturing business, then quit the cloak and suit business during the strike to resume the law business, and after the strike was over went back into the manufacturing business, has again changed his method of providing food for his family and returned to Essex Market court.

"Rosey's business affairs is like St. Yassol's coat and funny colors," said Joe Levy, the Duke of that well-known Essex street. "He changes it like little Saltzman, the Beau Brummel of the street, changes his shirts, every time a puff the don't hide them."

Alek Lang, the phantomweight champion boxfighter of the street, said that it was the cold weather that brought Rosey back. "In the summer time," said Alek, "it's fine bananas; it don't cost a manufacturer nothing for heat, nor for light, because the sun stays up until dark, but in the winter he got to burn gas, so the people that work for him can't burn it. He's back into the court because it don't cost him, only the city, for heat and light in his business."

Rosey had foreseen the effect of his return to the court, and had taken the trouble to stage it properly. No simple handshaking for him; he decided to come as a thunderclap. So just before the court adjourned for the morning yesterday, when he figured there would be no bustle in the court room, Rosey stepped in. He stood there with one chamois case hand tucked in the front of his coat and the other with the diamond lightly pressing his derby hat against his side. He stood still.

Not a soul in the court paid a bit of attention to him. They were all listening to a schmier case that was going on, all but the court attendants, who are a recent instalment in the court and who consequently didn't recognize Rosey. At length, after a tedious and embarrassing wait for several minutes, he turned his head. He gave an opera clap.

Then the ovation came strong for Rosey. The Magistrate's gavel interrupted the greeting so much that finally Louis Zeltner, hastily computing what the papers would pay for news of Rosey's return, asked several of the elite down to Koppelman's to discuss things over a beer. He accepted the word "beer" strongly, but the Essex Market Bar Association assented eagerly.

Rosey told them how poor the cloak and suit business was. He said he had not quit the business, but he had left his nephew in charge while he tries to get his law practice. He said, "I'll take it a certificate. Sentimental I'll keep an eye on the business. Sentimental got something to do with it. They are going to move the court to the new building on the corner of the first of the month, and I don't think they will ever come back. I want to stick around here until the Board of Trade, where he was received by a large number of business men, including Lieut.-Col. Jeffrey H. Burland, the vice-president.

Col. Burland made a short address of welcome and congratulation to Mr. Dix upon his election. Subsequently Mr. Dix and his party were entertained at luncheon at the Mount Royal Club by Col. Burland.

The evening they were the guests of Lionel Guest, whose wife was Mrs. Bigelow Dodge of New York, at a dinner at the Mount Royal club, covering being laid for thirty-two guests. Mr. Dix addressed a large gathering of Montreal's business men at the Board of Trade, but avoided politics, as he expressed the hope that a macadamized road would be constructed in the near future between Montreal and the New York boundary to connect with the road now in the process of constructing. He remarked that New York State had too many laws, and the result was that not many of them were enforced. As Governor he intended to see that there were fewer laws, but that all of them would be enforced.

He will leave for home in the morning.

ROBBERY MISS MURPHY'S HOME.

Negro Caught With Loot From House of Sister of Ex-Governor of New Jersey. A negro carrying a suit case that seemed very heavy, passed Detective Hawkins and Kenny at the corner of Third and Sixth streets yesterday. He was followed by a man who had been trying to sell silverware in the neighborhood and who collared the negro. He said he was Arthur Middleton, an elevator man, and that his home was in Yonkers. He admitted, the detectives say, that the silverware with which the suit case was packed had been stolen, but said that a man from Buffalo had met him in Harlem and asked him to sell it.

At Police Headquarters a Newark car transfer stamped at 4 A. M. was found on the prisoner. Chief Carroll of Newark was called on the telephone and he said that the 120 pieces of silverware, marked with an M or with T. E. M. in monogram found in the suit case probably belonged to Miss Florence D. Murphy of New York street, Newark. The robbery had been discovered by one of the servants in Miss Murphy's home at about 7 o'clock yesterday morning. The glass in a rear door had been smashed by the thief.

The loot included a coffee set valued at \$400, knives, forks, spoons, trays, shears, paper cutters, a cigar cutter and toilet articles. Their prisoner admitted later, the police say, that he entered Miss Murphy's house between 2 and 3 o'clock yesterday morning and stole the silver. He also said, according to the police, that he had served a term in prison and was released three years ago. His name was not found in the rogues' gallery. A ticket for a watch pawned in Newark was found on him. He will be arraigned in Jefferson Market court this morning.

Middleton was confined for about a week at the home of Miss Murphy last fall. The value of the articles stolen is about \$750.

Woodruff Prefers to Forgive.

The followers of Timothy L. Woodruff in the Twenty-third Assembly district in Brooklyn have started a fight to oust Reuben L. Haskell from the Republican leadership in the district in retaliation for his lining up with Col. Roosevelt at the late State convention. As the first step in the movement the Woodruff men have secured the support of the League of Brownsville. Mr. Woodruff is opposed to continuing the factional strife and he has given no encouragement to Haskell's political foes.

Truman Appoints His Private Secretary.

ALBANY, Dec. 21.—Charles E. Treman, who will be Superintendent of Public Works under Gov. Dix, has appointed Peter J. Manwiler of Albany as his private secretary. Mr. Treman said he regarded himself as singularly fortunate to obtain Mr. Manwiler's services. Mr. Manwiler was private secretary of David B. Hill for eighteen years. He was bequeathed a large part of the late Senator's estate.

ESTABLISHED 1862 THEODORE B. STARR Jeweler and Silversmith CLOCK SETS IN A GREAT VARIETY OF PERIOD STYLES BOTH ANTIQUE AND COPIES MADISON SQUARE

NBODY LEGALLY TO BLAME.

Coroner's Jury Verdict on Newark Fire That Cost 25 Lives. A Coroner's jury decided yesterday that nobody was to blame for the loss of twenty-five lives at the High street factory fire in Newark on November 28 last. The jury made the death of Carrie Robrecht, one of the victims, the basis of the inquiry and said she became her death by misadventure and accident caused by a fall.

The jurors found that the girl did not meet her death as the result of the criminal act, either of omission or commission, on the part of any individual or individuals, whether as private citizens or public officials. "Strictly speaking," the verdict says, "our duty under the law ends with this finding, but this disaster was so appalling and the situation as it exists in many other like buildings in our community is so serious that we feel justified on moral grounds in stating that it is our deliberate judgment, based on the evidence adduced before us, that there are many other factories in this county as dangerously situated with respect to protection of employees against loss of life from fire as was the building in question, and we have the statement of the chief of the fire department, an experienced, and in our judgment efficient, fireman, that if a fire were to occur in many of these buildings, the loss of life would be as great as that which occurred from this building is necessarily to be expected."

That such a situation demands immediate and drastic treatment by the legislature seems to us self-evident. What the remedy should be for such a situation we do not undertake to say. We feel that our duty ends with our finding on the facts and the finding the attorney of the community to the seriousness of the situation. Prosecutor Mott concurred in the verdict and did not see why he should take the matter before the Grand Jury. He said that the Grand Jury had received instructions from the State Justice and that was all that was necessary.

FOR USING MAILS TO DEFRAUD. Officers of the Redeemable Investment Company of Boston Arrested. WASHINGTON, Dec. 21. Information was received at the Post Office Department to-night of the arrest at Boston to-day of John I. Triphagan and other officers of the Redeemable Investment Company, a corporation capitalized at \$10,000,000. Triphagan and his associates were indicted on a charge of using the mails to defraud. The Redeemable Investment Company, according to postal officials, was the holding concern of the Okanagan Development Company, the Boston and Canada Lumber Company, the Norman Plaza Lumber Company and the Santo Domingo Mining Company, and operated on a large scale.

This arrest is another step in the Postmaster-General's crusade against get rich quick concerns. The Department issued this statement late to-night: Postmaster-General Hitchcock's telegraphic advice this afternoon announced the arrest and indictment in Boston to-day of John I. Triphagan, treasurer of the Redeemable Investment Company of \$10,000,000, for the fraudulent use of the mails. Among the companies being exploited were the Okanagan Development Company, Boston and Canada Lumber Company, Norman Plaza Lumber Company and Santo Domingo Mining Company.

The Okanagan Development Company claimed to have enormous assets in the State of Washington and represented its property there to be worth millions. An investigation it was found that it was purchased for \$3,000, of which \$1,500 was payable in six months and \$1,500 in one year, and that the payments had never been completed.

The Boston and Canada Lumber Company claimed to own about 23,000 acres of land in the province of Saskatchewan, Canada. At the time this representation was made the company simply held a contract to purchase these lands, payment on which contract had not been made. The company's equity in the land was practically worthless.

The Norman Plaza Lumber Company claimed to hold an extensive tract of land in British Columbia which was reputed to be worth millions. On investigation it was found that the property was practically worthless.

The Santo Domingo Mining Company was a stock selling scheme, and although dividends had been paid it was evidently for the purpose of deceiving the stockholders, as the company had made no earnings.

The Redeemable Investment Company also claimed to own iron and coal properties in New Mexico worth millions of dollars. As a matter of fact it had never acquired such properties. The company had defrauded the public out of large sums of money.

State Engineer Bessel Sworn In. ALBANY, Dec. 21.—John A. Bessel, State Engineer and Surveyor-elect, took his oath of office before Deputy Secretary of State Thomas F. Fennell to-day. Mr. Bessel is the first of the newly elected State officers to swear in.

B. Altman & Co. IN THE FANCY NEEDLEWORK DEPARTMENT ARE ATTRACTIVE DESIGNS IN LINGERIE SCARFS, PILLOWS, PILLOW SLIPS; SACHET, GLOVE AND HANDKERCHIEF CASES; LEATHER SCARFS, MATS AND PILLOWS; SATIN-LINED AND LEATHER WORK BASKETS; TAPESTRY PILLOWS AND MANY NOVELTY ARTICLES.

ADDITIONAL REDUCTIONS IN PRICES HAVE BEEN MADE ON A NUMBER OF ARTICLES. FOR THIS DAY (THURSDAY), HAND-EMBROIDERED LINGERIE PILLOW SLIPS, IN VARIOUS DESIGNS, WILL BE ON SALE AT THE ESPECIALLY LOW PRICES OF 75c., \$1.00 & \$1.50

5th Avenue, 34th and 35th Streets, New York.

Smith Gray & Co. Foremost Clothiers Since 1845. These February reductions now mean a season's wear at a season's end price. Every Smith Gray & Co. mixture suit and every winter overcoat is included—nearly 13,000 garments—all in the newest, most popular and most exclusive fabrics, in sizes and models for men, young men and boys. This is your fine clothes opportunity. Suits and overcoats, regularly \$20.00 to \$25.00 (your choice of over 2,000) 15.00 Suits and overcoats, regularly \$22.50 to \$30.00 (nearly 2,000 from which to select) 17.50 Suits and overcoats, regularly \$27.50 to \$32.50 (nearly all are exclusive styles) 21.00 Suits and overcoats, regularly \$35.00 and \$40.00 (including many of our famous motor coats) 26.00 Suits and overcoats, regularly \$40.00 to \$50.00 32.50 Overcoats, regularly \$55.00, \$60.00 and \$65.00 42.50 Overcoats, regularly \$75.00 50.00 Suits and Overcoats, regularly \$18.00 to \$20.00 (broken sizes) 12.50

Motor Clothes for Owners and Chauffeurs. Smith Gray & Co. Two Brooklyn Stores: Fulton St. at Flatbush Av. Broadway at Bedford Av. Two New York Stores: Broadway at Warren St. Avenue of the City 5th Av., bet. 27th & 28th Sts.

THIRD TRIAL FOR MURDER, Man Who Pleads Mistaken Identity Charged With Crime of 24 Years Ago. Rusk, Tex., Dec. 21.—A remarkable criminal case is on trial here on change of venue from Shelby county. For a third time within as many years William Mitchell is being tried for the murder of James Truitt, which he is alleged to have committed twenty-four years ago. On the two previous trials there were hung juries. Truitt was the husband of Mrs. Julia Truitt Bishop, a well known Southern winner of short stories.

Mitchell escaped and no trace of him was obtained until three years ago, when the man who is now alleged to be the murderer was arrested in New Mexico and brought back to Texas to answer for the crime. The names of the two men are the same, but the one who is now being tried says it is a case of mistaken identity, that he never was acquainted with Truitt and was not in Texas at the time the crime was committed.

He presented strong proof at the two previous trials to show that he is not the Mitchell who is wanted for the murder. GONE TO STING DAVILA. Central American Frontiers Seekers' View of the Hornet's Nest. NEW ORLEANS, La., Dec. 21.—Despite the protest of the Honduran Minister the yacht "Hornet" sailed on a mission to Central America at noon to-day. A final inspection was made by the customs officers before she weighed anchor. In Central America circles it is suspected that the Hornet may pick up men and supplies for a new Honduran expedition against President Davila before she reaches Cape Gracias, for which point she is bound.

For He's A Jolly Good Fellow. America's Favorite Champagne for fitting observance and the making of Real Christmas Cheer. Gold Seal Champagne has the character that adds class to any occasion. Made in America by the French process from luscious grapes. Equal to any imported champagne without paying the duty. Served at all clubs and cafes, and sold by all leading grocers and wine merchants. SPECIAL DRY—BRUT. ORDER A CASE FOR XMAS URBANA WINE COMPANY, Urbana, N. Y. (Sole Makers).

BRANCH OFFICES The Sun Daily :: Sunday :: Evening. ADVERTISEMENTS and subscriptions may be left at these offices, where the rates are the same as those charged at main office. New York City—Wall Street Men may have subscriptions and advertising terms at the Wall Street office, 15 Broad Street. Telephone 220. Best man 100 West 11th Street, near 23d St. West 12th Street. George H. Alcorn, Eastern Representative, 60 Tribune Building, Tel. 304 Beckman. Brooklyn—106 Livingston Street, near Court Street. Boston, Mass.—Room 20, Globe Bldg., 100 State Street. Chicago, Ill.—1023-1024 Tribune Bldg. —Soy S. Olson. Atlantic City, N. J.—Walker E. Edge, London, England—Dorland Special Agency, Regent Street.