

WICKERSHAM IS NOT HOSTILE

LAWYERS OBJECT TO HIS TOBACCO PROTECTION TERM.

Doubt Court's Power - He Says a Receiver Would Be a Disaster - Court May Announce Conclusions This Week - Brandeis Wants a Proclamation.

Attorney-General Wickersham assured the Judges of the United States Circuit Court at the public hearing yesterday on the American Tobacco Company's plan of disintegration that the Government was satisfied with the plan subject to the modifications outlined in yesterday's SENY, the chief features of which were a trial of the adopted plan for five years - Mr. Wickersham yesterday reduced the period to three years - that none of the corporations into which the combination may be divided shall have more than 40 per cent. of any line of the tobacco business and that the stock of the United Cigar Stores Company held by the American Tobacco Company should be sold to others than the common stockholders of the tobacco company.

Not only did Lewis Cass Ledward, representing the American Tobacco Company, make a spirited objection to the court incorporating in the plan a provision for a three or five year trial period, which Mr. Wickersham explained could be carried out by injunction, but Joseph H. Choate, representing the 4 per cent. bondholders who are not a party to the litigation, got leave from the court to protest, which he did most vigorously. Mr. Choate said that the bondholders who under the plan are to exchange their bonds for securities in other companies to be created, would be robbed of securities of value over \$100,000,000 and in return get bonds which would have any market value under an arrangement whereby the Government could step in at any time and break up the companies on the ground that they were not in harmony with the law.

It is likely that it will be three or four days before the Judges - Laocomb, Noyes, Cote and Ward - are ready to announce that they have agreed to a plan or formulated a decree. Then the parties to the suit, the Government, the American Tobacco Company and the twenty-nine individual defendants, will be called in conference to scrutinize the plan for the purpose of determining if it meets with the ideas of those concerned.

The situation, as the lawyers understand it, is that the Judges may adopt any plan that pleases them and put it into effect, provided it subscribes to the mandate of the United States Supreme Court, in that it dissolves the Tobacco Company, restores real competition and protects the interests of the public and the security holders. If, however, the Judges should decide that the plan as proposed or with modifications is not feasible and that no suitable arrangement can be made to break up the Tobacco Company, then the only alternative for the court is to appoint a receiver and have the properties knocked down at public auction.

This would suit the independents to the ground, as they have made manifest at the public hearings, and Louis D. Brandeis, the chief legal representative of the objectors to the plan, said yesterday that the modifications proposed by Mr. Wickersham, especially the one relating to the trial term, were good as far as they went, but did not go far enough. J. C. McReynolds, who as a special assistant employed by the Government has been in the Tobacco case with Mr. Wickersham, was asked if Mr. Wickersham had voiced his views. Mr. McReynolds having been against the Tobacco company's plan since it was filed.

"Mr. Wickersham spoke for the Government, not for me," said Mr. McReynolds. When court opened yesterday DeLoe Noyes replied for the American Tobacco Company to the objections made by the independents. He said that the United States Supreme Court in the Tobacco decision had given no intimation that it was possible to return to original business conditions or restore them. Nor did the court say that a receiver should be appointed. It proposed a middle ground, the formulation of the combination which had been declared illegal. The court, he said, had formed a plan to comply with the spirit and letter of the law and in harmony with and not repugnant to the law.

"The Attorney-General," he said, "was kind enough to say that we were proceeding along the right line, but he insisted upon the drastic if not radical measures which are in the plan. Who are the objectors to this plan? They are the common stockholders of the American Tobacco Company assembled here to cripple and to crush the company. The only plan they propose is fanciful and visionary - a plan for the appointment of a receiver, so that they can pick up some of the good things of the American Tobacco Company at the auction block. Mr. Hunter, who represents one set of independents, wants three receivers, one from the North, one from the East and one from the South, so that this receivership business can be handled with neatness and dispatch."

Louis D. Brandeis and his legal associates represented more than \$350,000,000 worth of tobacco properties. Mr. Nicol said, "and they are the downtrodden poor about whom Mr. Brandeis spoke so pathetically yesterday afternoon." Mr. Nicol took a fling at the Southern Attorneys-General present at the hearing. So far as he could find out there was no statute that justifies their attendance. He thought the Attorney-General of the United States ought to be competent to represent the people in the proceeding.

"But perhaps," said Mr. Nicol, "they are in the game of fooling the people all of the time and building up trust busting material for future campaigns."

Some of the proposals of Mr. Brandeis and his associates were innocuous. Mr. Nicol said, he and his associates were convinced and designed to build up the business of the independents at the expense of the American Tobacco Company. These provisions dealt with the propositions that the corporations to be created should be enjoined from doing things which the independents would be free to do, such as paying commissions to jobbers and other trade customs. "Give these things to Mr. Brandeis," said Mr. Nicol, "and he will justify their attendance. There was the demand of John W. Yerkes, representing the Independent Manufacturers Association, that certain subsidiary companies of the American Tobacco Company should be sold and that the common stockholders of the American Tobacco Company should be enjoined from buying them in. It was plain to Mr. Nicol that the independents wanted to get control of these companies without any interference.

HARRY HAYES AUTO VICTIM

KILLED IN WRECK RETURNING FROM HUNTING TRIP.

Newark and Middletown Tanning Men Thrown From Car in the Dark at Oakland, N. Y. - Was Coming Home From a Stay at the Gunther Preserve.

MIDDLETOWN, N. Y., Oct. 31. - Harry Hayes, the vice-president and treasurer of the Howell-Hinchman Tanning Company of Middletown and Newark, of which he and his brother were large owners, was killed instantly at Oakland, N. Y., near here, to-night when an automobile in which he and two friends were returning from a deer hunting expedition was overturned in the darkness and the three men were thrown out. Mr. Hayes was thrown against a rock and landed on his head. The two men with him were thrown down a soft dirt embankment and escaped with cuts and bruises.

The party had been out since Sunday the guests of Edward Gunther and his brother Roy, also of Middletown, at the Gunther preserves at St. Joseph, Sullivan county. The two Gunthers, Mr. Hayes and County Superintendent Charles H. Smith formed the hunting party, and in the Gunther automobile, a high-powered steam car, they motored to St. Joseph. The last day of the open season was today and the party spent all day in the woods hunting deer.

They got several deer and returned to the Gunther lodge at dark. The weather was threatening, and although they had planned to return to Middletown tomorrow a fear that the bad roads that would follow rain caused them to change their minds and start for home to-night. Roy Gunther stayed at the lodge to close it up for the winter.

County Superintendent Smith, Mr. Hayes and Edward Gunther were in the automobile. On leaving St. Joseph they took a road which leads through the woods and the machine travelled slowly through this. They left the woods and the bad roads at Hartwood about 10 o'clock and reached Oakland, which is only a church and three or four houses, they were making about twenty-five miles an hour. In front of the Oakland house they were right from wheel of the automobile ran into a bad hole in the road, a rut left by the wheels of many farmers' wagons. The car twisted over and down an embankment about six feet high.

Smith and Gunther landed in the soft dirt of the embankment and were stunned for a minute or two. Hayes, who was himself up there, looked for Mr. Hayes. They found him beside a heavy boiler fifteen feet ahead of where the car had upset. He was dead.

A telephone was found in Oakland and a physician was summoned from Port Jervis. He said death had been caused by a stroke of the heart which led to the body is still lying in the road.

The nearest doctor to Oakland is at Oakland, forty miles away. He will have to inspect the body before it can be removed, and it will not be until the body is still lying in the road.

The Gunther boys are the sons of Jacob Gunther, who has a large hotel in Middletown, and is well known in the State. Mr. Hayes was 50 years old, and was married to his wife, Liza, and a brother, T. Edward Hayes, the president of the Howell-Hinchman Tanning Company. He was the son of Ural T. Hayes, who died here two years ago, and was one of the pioneers in the State in the leather trade.

A SALMAGUNDI HALLOWEEN. Artists Back From the Country Show Sketches on the Walls. The get together dinner of the Salmagundi Club marks the time of the return to town of the artists. It is something of an event in the calendar. Last night of Halloween and the dinner tables at the club dinner were decked with oak leaves and pumpkins. Sketches of the season's work of a lot of the men in the club were hung on the walls. Carlton Wiegman, the president of the club, presided at the dinner, and among those who added to the evening's entertainment were Hy George, Charles Yarnall, Gordon Grant, George Fleming, George H. Hart, Thomas Nast Fairbanks, H. S. Greims and Walter Burdette.

The Rev. Dr. Stires, rector of St. Thomas church, will deliver a sermon on the subject of "The Salmagundi Dinner" and there will be elaborate choral services. The services will be open to the public. After the funeral services the train and taken to Woodlawn Cemetery for interment.

WOULD ENFORCE TREATY. Senator Lodge Tells Jews He Favors Equality of Treatment. BOSTON, Oct. 31. - A delegation composed of prominent Jews waited upon Senator Lodge yesterday relative to the treaty of 1862 between the United States and Russia, wherein the Russian Government refused to recognize passports issued to Jews, Catholics and several other denominations.

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The Wholesomeness of

Good Whiskey

Every day more people discover the superiority of pure whiskey and a good mineral water to wine and other beverages. And especially is this true since the birth of "Watchman" - a wonderfully wholesome, exceedingly palatable whiskey, whose purity is well safeguarded by a Non-refillable bottle.

Ye Olde Watchman Whiskey

(In Non-refillable Bottles)

At Leading Clubs, Hotels, Cafes, Restaurants, and Dealers

ONE OF THE FIGHTING MCCOOKS.

Henry, a Clergyman for More Than 40 Years, Dies in Philadelphia.

The Rev. Dr. Henry C. McCook, one of the famous family of "fighting McCooks" of Ohio and for thirty-three years pastor of the Presbyterian Tabernacle Church in Philadelphia, died yesterday at his home in Devon, a suburb of Philadelphia. His death followed by a little over a month that of his brother Col. John J. McCook.

Dr. McCook, third son of Dr. John McCook, was born in New Lisbon, Ohio, July 3, 1837. After a brief time at the public schools he was apprenticed to a printer. Later he taught a crossroads school and then in the New Lisbon high school. He was a student at the Western Theological Seminary at Allegheny when the civil war began, and, true to the blood that was in him, McCook raised a company of volunteers, of which he became lieutenant. Subsequently he became chaplain of the Forty-first Illinois. His father was in the army as a volunteer surgeon, his uncle, Daniel McCook, was a Major in an Ohio regiment and was killed later at Bullington's Island, and his three brothers, Edward, Anson and John, were all in the service.

Henry McCook resigned from the army before the close of the war and took the pastorate of a church in St. Louis. In 1876 he accepted a call to the Western Presbyterian Church in Philadelphia, which later was united with the Sixth Church to form the Tabernacle church. He became pastor emeritus of the Tabernacle church in 1902.

Dr. McCook's hobby was a study of the habits of ants and spiders. Two of his books, "Ants and Spiders" and "The Spinning Worms," have found place as authorities among American works on entomology and arachnology. He was vice-president of the Academy of Natural Sciences and an honorary member of the British Museum for the Advancement of Science.

PULITZER FUNERAL TO-DAY.

Public Services at St. Thomas's Church on Fifth Avenue.

The body of Joseph Pulitzer arrived in New York from Charleston at 2:15 o'clock yesterday afternoon and was taken to Mr. Pulitzer's home, 7 East Thirty-third street. On the same train were Mrs. Pulitzer, Joseph Pulitzer, Jr., and the youngest son.

A large number of friends and members of the staff of the World called during the afternoon and evening. The funeral services will be held this afternoon at St. Thomas's Church, Fifty-third street. Those attending the funeral are Frederick M. Judson, the president of the Pulitzer Publishing Company; St. Louis; J. Angus Shaw, president of the Press and Publishing Company; Lewis L. Clarke, president of the American Exchange National Bank; George L. Rives, executive vice-president of the American Corporation; Gen. John B. Henderson, president of the American Railway Clearing House; Seth Low, Nicholas Murray Butler and James McLane.

The Rev. Dr. Stires, rector of St. Thomas church, will deliver a sermon on the subject of "The Pulitzer Dinner" and there will be elaborate choral services. The services will be open to the public. After the funeral services the train and taken to Woodlawn Cemetery for interment.

FALLS NINE STORIES, UNHURT.

Workman Plunges Down Elevator Shaft and Eats Supper at Home.

Stanislaus Schmiegel, known on the job in the Cuyler Building, under construction in Thirty-first street west of sixth avenue, as Frank Smith, ate supper at home last night in spite of the fact that at 6 o'clock in the morning he had fallen nine stories in the new building, landing on top of the elevator. His body was sore, he said at 434 East Seventy-fourth street, where he lives, but he liked much better sitting at home than reclining in the hospital, where they had taken him earlier in the day.

It was his duty on the job to look after the elevator shafts and things out of its way, such as projecting beams and boards that hadn't yet been sawed off. He was trying to yank one of these out of the prospective lift shaft yesterday morning when suddenly gave way and he went tumbling down nine stories onto the elevator. Some workmen on the ninth floor heard the noise and when they got down stairs they found Smith unconscious. But he had revived by the time an ambulance from the New York Hospital arrived, and the surgeon couldn't find anything but a few lacerations on him, so he was taken to the hospital to be looked into by an X-ray machine. They couldn't even find that he was wrong inside, so they let him go home.

FIRE LADDER WAS WIRED.

Tenants Found They Couldn't Get Down When They Were in Peril.

Somebody wired the drop ladder on the second floor fire escape of a six story, twenty-four family tenement at 515 and 517 Bushwick avenue, Williamsburg, which retarded the escape yesterday of many of the occupants when a fire was burning in the apartment of Mrs. Sadie Cohen on the first floor. Mrs. Cohen was absent and the blaze had made considerable headway before it was discovered.

The tenants above the first floor found escape by the stairs cut off by smoke, and while many rushed to the roof others went down the front fire escapes to the second floor. It was discovered that somebody had securely fastened the drop ladder with wire to the fire escape. The platform became packed and as the smoke poured in there it was discovered some of the excited mothers dropped their children and they were caught by persons on the sidewalk.

B. Altman & Co.

WILL HAVE ON SPECIAL SALE THIS DAY (WEDNESDAY)

WOMEN'S AFTERNOON DRESSES

COMPRISING FASHIONABLE MODELS IN SERGE, CLOTH, VELVETEEN AND CREPE METEOR, HERETOFORE \$38.00 TO \$75.00.

AT \$25.00, \$37.00 & \$45.00

B. Altman & Co.

LACE DRAPERIES & DECORATIVE LACE PIECES

MADE UP OR PREPARED ON SPECIAL ORDER AFTER SELECTED DESIGNS.

A REPRESENTATIVE STOCK OF LACES, MANY IN EXCLUSIVE PATTERNS, IS SHOWN AND FACILITIES ARE MAINTAINED ABROAD FOR THE EXECUTION OF INDIVIDUAL DESIGNS.

SKETCHES AND ESTIMATES SUBMITTED ON REQUEST.

FUR NECKPIECES, MUFFS

AND OTHER FUR ARTICLES MADE TO ORDER

A FINE SELECTION OF MATCHED SKINS BEING SHOWN FOR THE PURPOSE, INCLUDING RUSSIAN AND HUDSON BAY SABLE, SILVER FOX, CHINCHILLA AND BROADTAIL.

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

THOUSANDS IN FIRE PERIL.

Blazes in Two Factories Started by Littered Paper.

There were two fire scares yesterday caused by burning paper. In one, at 45 West Twenty-fifth street, a big loft building, about 2,000 employees fled down the stairs without confusion, although smoke was pouring in the windows of the building. The fire started in the courtyard in a pile of paper which the janitors had gathered up. It swirled smoke and blazes in the papers in his furnace and the chimney of the various floors, however, ordered those under them to the stairs and in a few minutes all were in the street. The fire was extinguished in a few minutes by the firemen.

The other fire was at 250 Mercer street, the factory of Freeman Bros., hat manufacturers. The janitor there put a lot of papers in his furnace and the chimney spotted sparks and burning paper. Capt. Dominick Henry of the Mercer street police station sent in an alarm, but there was nothing for the firemen to do, as the sparks had not caught anywhere. Then Capt. Henry went looking for the janitor but he had disappeared.

DOCTOR'S AUTO HITS BOY.

Nine-Year-Old Sustains Concussion of the Brain.

An automobile owned by Dr. Loomis of the Aqueduct Board and driven by John Harrison through Worth street yesterday ran into and knocked down in front of 155 Louis DeLacade, a nine-year-old schoolboy of 44 Mulberry street. The doctor was in the machine at the time, and after the boy had been felled he was placed in the auto by Policeman Trick of the Elizabeth street station and rushed to the Hudson street hospital. Dr. Weason at the hospital found the boy suffering from a slight concussion of the brain. Dr. Loomis was allowed to go after leaving his name and address.

Suit Settled After Order of Arrest.

The Old Dominion Development Company got an order for the arrest of Albert E. Turner on the ground that Turner had appropriated to his own use \$4,807 entrusted to him as agent to be expended if necessary in the sale of Paris of a \$2,000,000 bond issue last summer. Turner settled the case yesterday and was released.

Policeman Who Killed Boy Acquitted.

HACKENSACK, N. J., Oct. 31. - Policeman Michael J. O'Neil of Englewood was acquitted this afternoon of manslaughter in fatal shooting John Rudock, a High School student, on the night of May 25 last. The jury cast a unanimous vote for acquittal on the first ballot. O'Neil was restored to the force.

SPY-ROYAL ALL SCOTCH WHISKY. It's ALL Scotch and ALL 10 years old. Gilbey's

See the Northern Pacific Exhibit of Products at Madison Square Garden. Am. Land and Irrigation Expo., Nov. 3 to 12. (An elaborate exhibit of products and resources from the states of Minnesota, North Dakota, Montana, Idaho, Washington and Oregon. Magnificent displays of grains, grasses, fruits and vegetables. In charge of representatives who will gladly answer questions and give full information and free literature about the territory along the Northern Pacific Ry. The Road to Success. We Have Brought the Northwest to New York to SHOW YOU AT FIRST HAND This Great Land of Supply Which You Have Read About. (If unable to visit the exhibit, write for illustrated literature about Northern Pacific country to W. F. MERSHON, Gen'l Agent Pass'r Dept. 319 Broadway, Phone Worh 835. L. J. BRICKER, General Immigration Agent St. Paul or A. M. CLELAND, General Pass'r Agent, St. Paul.