

PATRICK HINTS AT FIGHT ON WILL

Pardoned Man May Insist on Gaining Trusteeship of Millions.

CHARGES BIG PLOT SAYS ENEMIES SPENT \$3,500,000 OF RICE ESTATE TO IMPRISON HIM.

"OUTRAGE," SAYS GARVAN

Condemns Dix's Action—Lawyer Refuses to Discuss Alleged Confession.

After a two hour conference with W. M. K. Olcott, his attorney, Albert T. Patrick added impetus to the belief yesterday that he will fight to probate the second William Marsh Rice will.

Patrick had been talking to newspaper men about his case. He had said that the forgery indictment found against him before the murder indictment had been dismissed.

"What is there to prevent you from probating the will?" he was asked.

"That," said Patrick, slowly and carefully, as if he did not want to say too much, yet did not want to deny too hastily, "is a legal question to be considered carefully."

"Yes," chimed in Mr. Olcott, "that is a matter to be considered and acted upon after careful consideration."

Insisted Will Was Genuine.

Patrick insisted that the will was genuine, and said that he had been sent to prison as the result of a tremendous conspiracy, in which the heirs of Mr. Rice had spent \$3,500,000 to convict him.

Patrick went down to his lawyer's office early in the morning. He was dressed in the suit which he had worn before when he left Sing Sing. The day before, but had changed a pair of steel-rimmed glasses he had worn to a pair of gold ones.

The conference with Mr. Olcott followed and then the waiting newspapermen were asked in Patrick sat on a chair at one end of the office while the scores of questioners hovered close.

Patrick's manner was hostile and he was never at a loss for some reply, although occasionally his answers seemed to evade.

Former Assistant District Attorney Francis P. Garvan earlier in the day had said that Patrick had admitted to his trial lawyer, Frederick B. House, that he had signed a check for \$250,000 and deposited it in securities jointly in his name and that of the man who had been arrested against him.

"I see no need for special explanation at this time about that matter," said Patrick. "My brother-in-law, Mr. Miliken, has already answered that fully. The statement that I had admitted to House is part of the general case against me."

Denies He Ever Claimed Millions.

"I have never made any claim to the Rice millions," he answered. "I was simply made, under the will, the executor of a trust which was to give me \$10,000,000. Reports that I said I was entitled to the Rice millions are simply part of the conspiracy against me. I was appointed Mr. Rice's agent, the trustee of a trust which was to resemble the Sage Foundation. Before anything could have been done a corporation would have been formed to handle the estate. These things were all provided for in the last will of Mr. Rice, which was a true and lawful will, as will be shown in due course of time."

It was here that he stated that whether or not he will attempt to have the second will probated will be considered carefully.

"When we get ready to act alone that line," said Mr. Olcott, "we will file our suits in the proper manner and will not make any announcement of it. When the papers are ready for the court action they will be filed."

This will, said Patrick, is now on file in the Surrogate's court of New York county, having been rejected at the time the charges were brought against him.

Recites History of Case.

"A charge of forgery was made against me at that time," he said, "but these charges were not sustained. They were so flimsy that the Magistrate in the preliminary hearing, after hearing the testimony presented by James W. Osborne, asked, 'Where is the evidence?' Then the conspirators against me trumped up the poison charges, and in the hue and cry of the newspapers I was held on the forgery charge, although no more evidence was presented. Jones and I were held on the forgery charge for five months."

"Finally I offered \$10,000 bail, which was accepted, and then I was arrested again on the murder charge, Jones having made an affidavit.

against them and the indictments were dismissed.

"These men were Morris Meyers, who to-day is a practicing attorney in this city, and David L. Short, a prosperous traveling salesman, now living in Philadelphia. They were continually ready for me, and Jerome was District Attorney, but he never tried them. These men are men of repute, and not even the charges brought against them have succeeded in breaking down their position."

Says Rice Feared Conspiracy.

"I sent them to Mr. Rice, Meyers was in my office, and Short was a client of mine. They were my friends, and I sent them to Mr. Rice as a precaution. The fraud which he feared found fruit in my arrest and conviction. He feared that there was a conspiracy on the part of the disappointed trustees under the first will. I also believed that there was a conspiracy."

It was second will. They were scared, and I told them the facts and let a judge for yourself," he answered, and his voice grew in volume. "James A. Baker of Houston, Tex., was president of the paper corporation known as the Rice Institute, which was founded to receive \$200,000 on the death of Rice. It was established as an institution for the education of whites living in Houston."

"This money was to be invested, only the interest was to be used. The trustees were to receive no compensation. During his life Mr. Rice conveyed a site for the institution. Later this involved claims by his wife, who, under the community laws of Texas, claimed the residue of the Rice estate. This letter was written to her on her death, and she died, leaving \$2,000,000."

"After her death the will was probated. Rice returned to New York and acted under an agreement with Baker to institute litigation between his and her estate. Rice wrote a letter to Baker instructing him to draw a will leaving \$100,000 to relatives, and the residue to the Rice estate. This letter was concluded with the statement, 'This will need not be long, for if I live I will make another will.'"

"Another letter from Rice to an attorney of this city was introduced as evidence at my trial. It asked the attorney to draw up the form of a codicil, as he wished to make some changes."

Employed to Get Evidence.

"I had come to New York a few years before that from Texas, and I was employed by Col. Holt, who was the executor of Rice's will, to get evidence. It was necessary to prove that Rice and his wife had been residents of Texas at the time she made her will."

During the course of the litigation I was arrested by Col. Holt to effect a settlement. I met Mr. Baker and offered to settle for \$250,000. He refused to put the offer up to his client."

"I had advertised for persons who know the Rice case, and Mr. Rice sent me. He had heard that I had offered to settle for \$250,000 and he got the idea that an effort was being made to swindle him. He asked me to prepare the new will, which I did, and he signed it. My name was on it."

After the death of Mr. Rice, Baker came to New York, and I told him of the facts, and showed him a copy of the residue to the Rice estate. He was angry, and he asked me to get the will from his apartment in the Normandie Hotel."

Says He Refused Agreement.

"He met me and examined the writing of the Rice will. He asked me to sign it, and I refused. He said that if I would suppress the secret trust under the second will and would transfer the Rice estate to him as attorney for the heirs, he would accept a sum of money to be agreed on, he would probate the second will but I would be eliminated from the administration of the will. In other words, I would betray my trust."

I told him I could not think of accepting such a proposal, involving his dishonor. He told me that I had betrayed him, and he agreed to let the estate under a joint trust and then go to Texas to preserve the estate. I took out \$250,000 and deposited it in securities jointly in our names. If the money was anything had been arranged against me, and I departed from the safety vault. I was arrested, charged with being suspected of having committed a crime, and the proceedings which kept me in prison until yesterday."

Says \$3,500,000 Was Spent.

"That scheme to defraud the Rice estate had cost \$3,500,000. It cost \$3,500,000 of the Rice estate has been dissipated on the pretext of paying the legal expenses of my conviction, although I had never been convicted of the legitimate expenses, and then some."

"Where do you get your knowledge that money has been spent so?" he was asked.

"I get it direct from Texas," he said. "My wife went to Texas two years ago and hired a lawyer there. A few hours after she had been arrested, she was shot down on the streets and killed. His name was Brockman, and a public official of Houston shot him down as he was preparing to go to the witness stand. I have been railroaded to prison by a gigantic conspiracy, in which a trial judge wouldn't say that," interrupted Mr. Olcott.

"But it was a conspiracy, a wicked conspiracy," protested Patrick. "My conviction was engineered by enemies of mine, enemies who made me through my fidelity to the will of Mr. Rice. The Court of Appeals in its dissenting opinion said that murder had never been proved in my case."

Mr. Olcott said the foregoing is the last interview which Patrick will make before proceeding with such legal action as may be deemed upon.

Osborne Says Case Was Plain.

James W. Osborne, the Assistant District Attorney who prosecuted Patrick, said there never has been a plainer case of second degree murder than the death of Rice.

"Give me half an hour and I'll convince anybody of Patrick's guilt," he volunteered. "Osborne is a man who made a name for himself in the case of the Sage Foundation. Before anything could have been done a corporation would have been formed to handle the estate. These things were all provided for in the last will of Mr. Rice, which was a true and lawful will, as will be shown in due course of time."

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a convict without first sending the papers to the District Attorney he said.

The price did has always been for a Governor to ask the advice of the District Attorney of the State before he signed the case was tried. Beginning with Gov. Higgins all the Governors have had this part in application before them. Each of them except Dix has followed the precedent by asking the opinion of Justice Goff and ex-District Attorney Jerome. When Gov. Dix took up the work it would have been a question for him to have asked those opinions.

"They were on file and unalterable, in spite of them Gov. Dix decided to use them and to do essential justice in this case."

"I note Mr. Garvan's quaint objections. It is analogous to the only course we have for the same case. It is a case. We may then always adjourn to the nearest tavern and cuss the court."

Could Not Get Warden.

Patrick would have been released earlier Thursday morning if it had not been for the fact that the warden of the telephone could not be convinced that the Governor wanted to talk with Warden Kennedy over the phone. Commander DeKay and the Governor remembered on Wednesday evening that the pardon being in the mails might not be delivered on Thursday, a legal holiday, and De Kay telephoned to ask the warden to get the post office open Thursday morning.

For three hours DeKay attempted periodically to get the warden to the phone, but the guard who answered said that the warden was asleep, that the voice on the phone was not that of an authority and that he wouldn't awake the warden on a charge that DeKay was on the level. It was midnight before DeKay got Kennedy.

An investigation of the records of the Court of General Sessions yesterday showed that there are now indictments against Patrick. Nine indictments have been found against him, one for murder and eight for forgery. Judge Swain dismissed all the forgery indictments on June 13, 1910, at the request of Attorney W. L. McDonald. The indictments bear the name "Dismissed on motion of counsel, District Attorney not opposing."

Gov. Dix got into town last night for a stopover on his way to the Army and Navy football game at the Madison Square Garden. He arrived at the Grand Central after 10 o'clock, refused to comment further on the pardon he gave to Patrick and was driven to the Waldorf-Astoria. Mrs. Dix and Commander De Kay accompanied him.

DIX GIVES LIST OF PARDONS.

Says Patrick Case Was Treated the Same as Others.

ALBANY, Nov. 29.—Gov. Dix declined to comment further upon the Patrick case to-day except to say that this case was treated the same as any other and that all the merits and demerits had been carefully weighed during the year past when the Governor from time to time gave this case particular consideration.

"It is now a closed incident," said the Governor. "There is no reason why confidential comment should be made on this case any more than in the other capital cases. I have not seen since I have been Governor. The Patrick case was considered and disposed of exactly in the same manner as the others."

With a view of justifying his position in the Patrick case, Gov. Dix has a pardon clerk to make public a list of cases in which he has exercised Executive clemency where the victim was killed, without regard to the degree of conviction for murder.

The list shows that the Governor pardoned ten men, committed twenty to the State Prison and in seven capital cases commuted the sentence to life imprisonment.

BUCKNER SEES ROOSEVELT.

Curran Committee Counsel Lunched With Colonel in Town.

Theodore Roosevelt came to town yesterday to do a little editing and to see friends. Emory R. Buckner, counsel in the Curran police inquiry, went up to the Outlook office to see the Colonel and went out to lunch with him. Mr. Buckner's presence there started rumors that the Colonel would be a witness before the committee.

Neither Mr. Buckner nor Henry H. Curran denied that perhaps Col. Roosevelt would be asked to appear before the committee some time, but Mr. Buckner denied that he had gone to see the Colonel about that.

They were 791 passengers on the steamer Urumum, which arrived yesterday from Rotterdam, ran into a heavy northeast gale when she was off Nantuxet lightship Thursday night. Capt. Ince said that the wind reached at a velocity of seventy miles an hour. The bulwarks on the starboard side were washed away.

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MRS. ELIAS SWEARS OFF TAX.

Negroes Whom Platt Endowed Gets \$25,000 Assessment Redded.

Hannah Elias, the negroes whom John R. Platt endowed, appeared yesterday at the Tax Office to swear off part of her personal assessment, which stood at \$25,000. That was the sum upon which she had paid taxes last year. She said that she had only \$5,000 in personal property and \$200 in the bank. Furthermore there was a \$100,000 mortgage on her real estate.

The assessment was reduced to her own figures.

SPARKS FROM THE TELEGRAPH.

While two bank examiners were working on the books of F. H. Bagby, a prominent banker of the City National Bank of Philadelphia, who found dead in the basement of the institution.

LITTLE BIG "MISS KATE" MADE A CONSTITUTION

She Is the Diminutive Woman Who Put the O. K. in Oklahoma.

VISITING NEW YORK NOW "We Raised Human Lives to the Level of Dollars and Cents."

Miss Kate Barnard, Oklahoma's pride and joy, is right here with us. She almost wished yesterday that she was back in her own State where everybody calls her just "Miss Kate" and where she occasionally gets a chance to take a long breath.

Here in New York reporters trod on each other's heels at the door of Miss Kate's apartment. The SUN representative happened along just after the doctors at the Neurological Institute had barked the lady from Oklahoma in a hot box so that she wouldn't have pneumonia. If the pneumococci were sufficiently roasted Miss Kate will talk this morning at the Hudson Theatre on "Society's Responsibility for Crime."

Even swathed in layers and layers of blankets, Miss Kate looked as big as a mammoth. She tried to pretend that she weighed ninety pounds, but it must have been with the blankets on. She isn't nearly as long as her official title, which is "Commissioner of Charities and Correction for the State of Oklahoma," and how she ever escaped being called "Kitty" must remain an unsolved problem.

Miss Kate first really dawned in Oklahoma about ten years ago, when the State was in the making. They had a new constitution then and all the people that could help themselves were doing it with might and main. But the children and the women workers were being left in the lurch and nobody seemed to care about it either.

Nobody, that is, except this young girl, with the big dark eyes who walked the long "galleries" of her father's house far into the night and thought a whole lot and as she tells you quite simply, prayed not a little. She decided that somebody had got to help the helpless and do it then.

"The first thing I did," she said yesterday, "was to go to St. Louis and study factory inspection there. Then I went to Chicago and spent sixty days examining into the work of women and children in factories and mines. I wrote to all the great men and women of the country who knew about such things and begged them to send me articles to be used in the campaign."

When we raised human lives to the level of dollars and cents, and a correction State department and the people left the commission. They gave me that office because I had done the work. Six years ago I was elected to the State Senate. I had received two years ago I had 8,000 more than the present Governor.

"I introduced what I call scientific statecraft. When we raised human lives to the level of dollars and cents, and a correction State department and the people left the commission. They gave me that office because I had done the work. Six years ago I was elected to the State Senate. I had received two years ago I had 8,000 more than the present Governor."

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I want to write books and to travel. But I shall keep on working just the same. "Why are they fighting you?" "Because they don't like my graft. You see, I have in my department what we call a public defender. And mind you, I appoint him and I can remove him. I don't care a cent for the man I wish to remove the present one. He has never lost a case. With his help I have restored about \$2,000,000 in cash and lands to the Indian children from whom it had been stolen. Two of these grafters are in the penitentiary. That's why they are fighting me."

"This girl is the secret of your success?" "Well, I suppose it is partly because I am little and frail and that appeals to our Southern men. There are two Southern men on the Northern in Oklahoma. The first reason is because the whole thing is the biggest thing in life to me. I can't see how it isn't that to everybody. And there is something more. I've succeeded because I've gripped me. You can't do anything without God."

LOAN SHARKS GET JAIL TERMS.

Two loan sharks were sent to prison from Special Sessions yesterday. Max Katzman, manager for the Cooperative Business Men's Association at 130 Second avenue, got three months in the penitentiary for exacting \$21 interest on a loan of \$50 for six months. Louis Totans, clerk for Stewart & Co., of 12 East Forty-second street, got sixty days in the Tombs for exacting \$19.50 on a six months loan of \$50.

"The practice of usury in this State has got to stop," said Justice Salmon. "We intend to make an example of the defendant in every conviction of this kind."

May Quinn, a young woman of Elmhurst, L. I., was convicted of exacting \$6 for a loan of \$25 for one month. Refusing to answer questions as to her employer, she was remanded for sentence.

Said Justice Salmon, "The court is convinced. Certain parties are hiding behind her and from mistaken loyalty or bad advice, she is shielding them. She is a dummy, the District Attorney on Tuesday all the evidence and information she had. Bail was continued and the case will be appealed."

AUSTIN, NICHOLS & CO. A \$6,000,000 COMPANY

Other Grocery Concerns Deny Rumor of Big Merger Here.

The firm of Austin, Nichols & Co., importers, manufacturers and distributors of wholesale groceries, was incorporated at Albany yesterday with an authorized capital of \$6,000,000.

The firm, which has been in existence for sixty years, will hereafter be known as Austin, Nichols & Co., Inc. At the same time that the company was incorporated the announcement was made that the company will move its Manhattan warehouses to the Brooklyn waterfront, where it will operate piers, terminals and warehouses.

Lewis E. Pierson of 93 Eighth avenue, Brooklyn, the former president of the Irving National Exchange Bank, who recently resigned from the bank presidency to enter the grocery trade, is the president of the new corporation. The other officers are Harry Baile, vice-president and general manager, and Thomas M. McCarthy, treasurer. The directors include the officers and James E. Nichols, Thomas W. Ormsworth, W. R. Timms, John C. Mahlan and Lewis E. Pierson.

With the exception of Mr. Pierson the other directors have all been connected with the firm for years.

The announcement of the company made yesterday said that the firm was moving its piers to Brooklyn to avoid the present congestion on its Manhattan piers and to secure "the most modern and economical method of handling and shipping merchandise, thereby revolutionizing the New York warehousing methods of handling grocery merchandise."

The announcement says that no definite statement as to the exact site on the Brooklyn waterfront can be made at the present.

The most probable site for the new warehouses and piers is the recently abandoned site of the East River Terminal Company between Kent and Wythe avenues, which has a franchise for a freight railroad.

The grocery firm, which employs over a thousand men and which has its offices at 61 Hudson street, announces that no public offerings of the stock of the new corporation have been made. Two millions of the \$6,000,000 at which it was incorporated, at 7 per cent, preferred, have been issued at par and purchased by the stockholders of the firm, who will take additional stock whenever the company's finances warrant it.

No sooner had the news of the incorporation been given than the story that there was to be a merger went around grocery circles yesterday. This story, which was first current early July, was moved to Brooklyn R. C. Williams & Co., Seaman Bros. and Francis H. Leggett would merge with the Nichols people in a big wholesale grocery combination. The Brooklyn and New York branches, according to this rumor, the combination financed by a downtown bank and with a central office in New York City. The terminal would have practical control of the wholesale grocery business.

The members of the new corporation would discuss the question of a merger with the East River Terminal, president of Francis H. Leggett & Co., was very emphatic in his denial that his firm was in any such merger or for the purpose of establishing a chain of retail stores.

Edwin H. Sayre of R. C. Williams & Co. was fully as emphatic in his statement that his company was not in any merger as were representatives of Seaman Bros.

HELD FOR ROBBING MAIL AT SEA.

Sailor of Liner St. Louis Is Mysteriously Held for Robbing Mail at Sea.

A wireless message received by the Department of Justice here sent Post Office Inspector Robert J. Pollitt packing down the bay in a revenue cutter to board the incoming American liner St. Louis at Quarantine and to bring back with him John Stockman Gould, a sailor charged with having looted the mails on the high seas.

Inspector Pollitt says that this, to his knowledge, is the second case of its kind to come within the jurisdiction of the Federal courts here.

Gould was arraigned before United States Commissioner Shields and sent to the Tombs in default of a \$500 bail bond.

The witnesses against Gould were Chief Officer Hartley, Steward Charles Ball and Clerk Adams, Knox and Dawson of the St. Louis, who swear that the prisoner took a package from a mail pouch in the post office on board the American liner on November 25 last. The prisoner is somewhat of a puzzle to the post office inspectors. He will not talk about himself further than to say that he shipped on the St. Louis in order to get back to America from England, where he was stranded. He is not a sailor.

ELIJAH ORATORIO SOCIETY OF NEW YORK

Conductor: Louis Koemmenich President: Andrew Carnegie

With Miss Florence Hinke, Soloists. Miss Margaret Keyes, Solo Chorus of twenty professional female singers. Mr. Paul Altohouse, Chorus of 200 trained voices. E. M. Clarence Whitehill, Chorus of 200 trained voices.

This most dramatic and inspiring of choral works, composed by Mendelssohn about 1846, will be given for the first time by the Oratorio Society of New York, founded by Dr. Leopold Damrosch in 1872. The performance, involving an outlay of several thousand dollars, will be unique in many respects, and made notable by the first appearance of Mr. Koemmenich as conductor. Clarence Whitehill was proclaimed "Elijah" by the English press after the great October Birmingham festival.

CARNEGIE HALL TUESDAY, DEC. 3 8:15 P. M. Reserved Seats, 75 cents to \$2.00, on Sale at Box Office.

HICKEY CONFESSES HE MURDERED TWO BOYS

New York Newsboy and Josephs Lad of Buffalo His Victims.

BLAMES CRIMES ON DRINK

Tells Police of Torture Suffered When Remorse Followed Acts.

Thirteen-year-old Michael Hickey, a newsboy, was convicted yesterday to death on the night of December 19, 1912, in an excavation at Eighty-sixth street and Central Park West. The body was taken to the morgue, and an autopsy performed by Dr. Coroner's assistant, Dr. Higinis, now a police surgeon, showed that strangulation was the cause of death.

Dr. Coroner's jury so reported in its verdict and the police began an investigation. Many suspects were arrested, among them Hickey. He was let go, however, because of a mental defect. "Did you examine him as to his mental state?" was asked.

"Of course I made many observations," replied Dr. Putnam, "but I will make no report as to his mental state until I have made a more thorough and exhaustive examination of the man."

MOOSETTES LOSE BY ROW.

Fear Leader's Office is Abolished, but Hope Plan is Saved.

The little bunch of militant moosettes who formed the rock ribbed opposition to the choice of Miss Anne Rhodes as woman leader of the Progressives in New York State have accomplished something they did not set out to do.

It looks now like a case of "there ain't going to be no core." The talk around headquarters is that no successor will be appointed to Miss Alice Carpenter, State Chairman. Hottelbick said yesterday that he was going to pass the matter on to the State committee, which will meet about the middle of December. While he would not predict the committee's action, other prophets said the office of woman leader will probably be abolished. Moosettes' party organizers will have to take their own course.

The women workers hope the row precipitated by Miss Mary Donnelly won't shut them out of the control of the disarranged National Committee. They intended to turn over to them. According to a plan drawn up by the committee here to be submitted to the meeting in Chicago, women will have educational campaigns as their special work. It will be divided into three branches, each under a division chief, with a volunteer staff. The divisions are education and publicity, legislation and social and industrial justice.