

WITNESSES GO FAR AT FACTORY PROBE

Tim Healy Would Throw Out U. S. Supreme Court — Maybe.

SENATOR IS BLAMED

Witness Says He "Has Many Lives to His Credit," but Won't Name Him.

HARD LINES FOR WORKERS

Contractors Get 60 Cents for What Home Workers Do for Them for 25.

Timothy P. Healy, president of the International Brotherhood of Stationary Firemen, did not hesitate to say yesterday at the meeting of the Wagner-Smith State Factory Investigating Commission that if the United States Supreme Court threw out laws providing for the regulation of the hours of labor "we will throw it out." When Chairman Wagner suggested that perhaps Mr. Healy did not care to have such a statement go on the record Mr. Healy reiterated it, adding that he didn't care how strong it was made and he did not wish to have it removed from the record.

This was not the only testimony which made the session of the commission lively. One witness said that a law providing for safety appliances for elevators was not on the statutes because it had been killed by a State Senator who "has many lives to his credit." The witness declined to give the Senator's name, saying that he had not been re-elected.

Mr. Healy testified after Miss Gertrude Heeks, who is connected with the Civic Federation, had told the commission that there was one matter which had not been touched on at the hearings.

"Do you know," she said, "that there are thousands of lives in danger every night in this city in hotels, offices and other buildings because of the long hours which firemen have to work? They work twelve hours a day every day. We hear much talk about the future of the race, but doesn't the future of the race depend too upon the men?"

"Take these firemen. They must work in superheated places and because of the hours of their work they cannot attend to it. Many of these buildings might as well be over a powder magazine."

Mr. Healy began with an attack on the Standard Oil Company. He said there were firemen who work in the plants of that company in Greenpoint and Long Island City who put in "fourteen hours a day 365 days a year."

"Haven't they got a welfare department in the Standard Oil?" Mr. Healy was asked.

"They have not," he replied. "They have nothing but hard working drudgery. They care nothing about welfare."

Mr. Healy said that there were firemen working for the Standard Oil up to a few months ago who went to work at 7 o'clock on Sunday morning and worked without a break until 7 o'clock Monday morning and then returned at 4 o'clock that afternoon.

"They went home and had a can of beer," he said, "and threw themselves on a bed. They came back to work at 4 o'clock without having changed their clothes, without having washed their hands. The only reason they stopped the work for four hours was because a strike was threatened and I would have brought the strike about if I could."

Children," said the witness. "We have no control over them whatever."

"I have seen conditions in tenements," said Mr. O'Leary, "which I would violate any law to relieve. I have seen a mother and four children starving, the only thing in sight being some work which might come in to them."

Mr. O'Leary said that in the last year he had prosecuted only two manufacturers who had sent clothes to houses which had not received a license from the State Labor Department.

It was J. T. Clark, who is interested in safety appliances for elevators, who made the comment about the Senator. He had made several recommendations to the commission for new laws, when he said that "many accidents could have been avoided had a bill not been killed through the activity of a State Senator."

"Name him," said Mr. Elkus promptly. "No, I will not do that," the witness answered. "He has too many lives to his credit and he is no longer in the Senate."

Afterward Mr. Clark refused to tell the name of the Senator to reporters. He said that it was a matter which he would not go into at the time, but anybody could find out by looking up the bill.

Miss Elizabeth D. Watson, who testified on factory conditions on Thursday, continued her testimony yesterday. She said that the contractors actually extorted money from the tenement workers and made enormous profits. Manufacturers, she said, paid the contractors 60 cents for the tenement workers' only 25 cents. In the hairbrush business the work often went through the hands of two or three contractors, who made a good profit, while the tenement worker got practically nothing. Even hairbrushes supposed to be the most hygienic were made by tenement workers.

Taking up the subject of tenement workers' "dainties," cigarettes, cigarettes made for hotels and clubs, cigarettes with monograms—she referred to the testimony of cigarette manufacturers who said that paste was supplied for the tubes. That might be true, Miss Watson said, but the paste frequently became dry and the tenement workers missed the cigarette paper with their lips.

Miss Maud E. Miner, a probation officer, urged that labor should be abolished in tenements. She said she had seen children working on paper flowers at 10:30 o'clock at night.

Dr. Charles T. Graham-Rogers, medical inspector of the Department of Labor, said he had seen a typhoid convalescent working in a factory. Dr. Rogers said that he was against all night work for women.

Marcus M. Marks, a clothing manufacturer, said that he had given the question of outside factory work much attention and he believed it should be abolished, but not at once. He had seen thousands of tenement house workers who worked under sanitary conditions and earned their rents. He also knew of very bad conditions.

There was considerable testimony on the question of whether the Court of Special Sessions should have jurisdiction over the child labor law and the compulsory education law, as is now the case, or whether jurisdiction should be transferred to the Children's court. Those who testified, including representatives of the courts and the Board of Education, were divided on the subject.

The next session of the commission will be held in Buffalo next week.

ROUNDUP OF PROGRESSIVES.

Col. Roosevelt and 150 Others Go to Chicago Sunday on Special.

Col. Roosevelt and 150 other Progressives will go to Chicago Sunday on a special train for the National Committee meeting to be held in the La Salle Hotel. The train will leave Grand Central Terminal at 1 o'clock and will reach Chicago at noon the next day.

Among those who will be in the party are Douglas Robinson, the Colonel's brother-in-law; Theodore Roosevelt, Jr.; Senator J. W. Alden of Avon, Conn.; Mr. Robinson's son-in-law, Frank A. Munsey; Oscar S. Straus, Timothy L. Woodruff, Mark Reardon, secretary of the Kings county organization; Francis W. Bird, chairman of the New York county committee; and Huntington Hooker, treasurer of the National Committee, and Dr. Henry Moskowitz.

ROBINSON SMILES AT ONE MAN PARTY GHOST

T. R.'s Nephew Unanimously Elected State Chairman by the Progressives.

ONE OPPOSING SPEECH

Kings County Gets Its Representative on the Enlarged Legislative Committee.

"I happen to have some unfortunate relationships," said Theodore Douglas Robinson, smiling at the Progressive State committee men who had just elected him chairman, "and I can't get over them. I hope you will take me as I am and forget my relationships."

Mr. Robinson, who is a son of Douglas Robinson and nephew of Col. Roosevelt, was elected with scarcely any opposition. A fight had been made upon him when his name was first mentioned ten days ago but it subsided as the time approached for the meeting of the State committee. Only one speech was made against him yesterday, this was by Ernest G. Gardner of the Thirtieth Assembly district in Kings.

"I have a disagreeable duty to perform," said Mr. Gardner when he got to his feet. "I know nothing of Mr. Robinson's personal qualifications, but I believe that if he were elected the public would feel that this is a personally conducted party more so than ever. I share in that belief."

"What we need is a man exceeding in political acumen a Murphy or a Barnes." At the mention of the two names William H. Hotchkiss, the retiring State chairman, rapped loudly for order. He told Mr. Gardner that he would have to raise a point of order or else make a nomination.

Mr. Gardner dropped his proposed speech and nominated Judge Virgil K. Kellogg of Watertown. No sooner had he mentioned Judge Kellogg's name than the judge jumped to his feet and asked that his name be withdrawn.

Frederick M. Davenport, who is this year's Progressive candidate for Lieutenant-Governor, made the speech nominating Mr. Robinson.

He is a man of sound and sober common sense," said Mr. Davenport. "He knows how to get along with men. He is familiar with the rural counties. Moreover, he is a man of leisure and talent and will be able to undertake the great work of organization that still confronts us. He has the time and means to travel, and travelling is one of the important duties of the man who is to be State chairman."

Chauncey M. Hamlin of Erie, who with Judge Kellogg had been spoken of as a likely leader of the party in this State, seconded Mr. Robinson's name. H. C. Tuckerman and Regis H. Post followed suit, and then Judge Kellogg and Timothy L. Woodruff said a few words for him.

The election of Mr. Robinson was unanimous. "I have just one thing to say in favor of Mr. Robinson," said Oscar S. Straus after the meeting. "That is that he is the best man for the job."

Mr. Robinson was asked after adjournment how he stood on the matter of fusion in the municipal campaign next fall.

"Oh," said he, throwing up his hands. "I can't talk about that. The first job I have on my hands is to organize the up-State caucus."

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MAJOR MALLERY KILLED IN NINE STORY PLUNGE

Retired Army Officer Falls From Window of Hotel Manhattan.

POLICE CALL IT SUICIDE

Relatives Say It Was Accident — Had Been Ill Many Years.

Major John C. Mallery, U. S. A., retired, who was well known in the social life of several cities, was killed yesterday morning by a fall from a window of his apartment on the ninth floor of the Hotel Manhattan. Forty-second street and Madison avenue.

His body landed on the Madison avenue side. The hotel authorities say that the fall was accidental, but the police report and Coroner Holtzhauser says that it was a suicide.

Major Mallery had been in ill health which caused his retirement in 1895, and the result had been a constant melancholia. He and Mrs. Mallery, who was Miss Jeanne Turnure, daughter of Lawrence Turnure of New York, have spent years in travelling in an attempt to regain his health.

Two weeks ago he returned from Europe, where he had been undergoing treatment. He and his wife took the apartment at the Manhattan. Dr. Percy L. Turnure of 55 West Forty-ninth street in Mrs. Mallery's brother, and he advised against the Major going to Aiken, S. C., where the Malleries have a house. At his persuasion the Major decided to remain in New York for a few weeks.

Dr. Turnure instructed Major Mallery's valet to keep his master under constant supervision. The doctor slept on a couch in the apartment on Thursday night to be close at hand.

Yesterday morning the Major entered the bathroom of the apartment after telling his valet to lay out his clothes. A few minutes later his death came. The fall was just after eight o'clock, when that section of Forty-second street is crowded with pedestrians on their way to work. The body fell on a brass railing a few feet from the building and about 100 feet from Forty-second street.

A woman was a few feet from where it fell when it landed. She screamed and a crowd gathered, many of whom were hysterical women. It was several minutes before the hotel authorities were notified and then a clerk was sent out.

Windows directly above the scene on the ninth, tenth and eleventh floors were open. There was no quick way of identifying the body. It was clad only in pajamas and was unrecognizable. Manager Boden of the hotel went to the apartments with the opened windows.

This awakened Mrs. Mallery with a shock and Dr. Turnure was also aroused. They gave directions later that the body be sent to an undertaker's shop in the neighborhood. Manager Boden later gave out a statement in which he said that Major Mallery had lived at the Hotel Manhattan for years. The Major arose shortly before 9 o'clock and told his valet to get his clothes.

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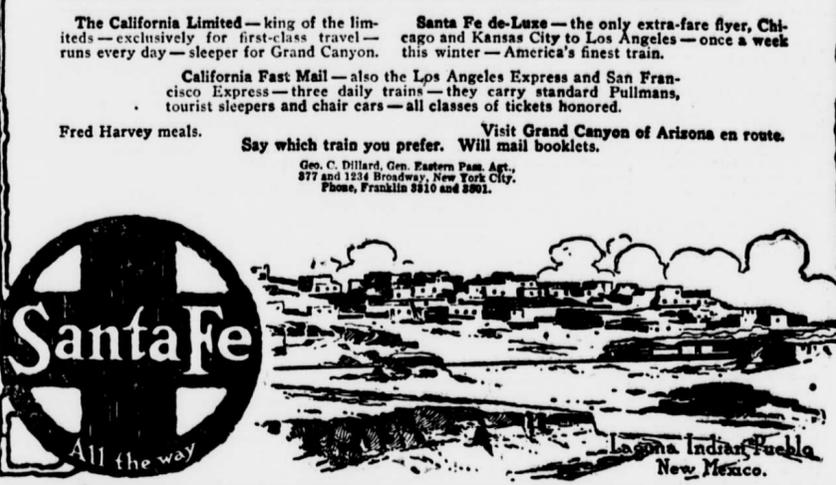
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OLD FRIEND NOT A THIEF.

Retired Policeman Arrested Through Misunderstanding.

After hearing testimony in the case of Martin Fay, a retired detective sergeant, who was accused by his friend John Doyle with the theft of \$75, Magistrate Harris in the West Side court yesterday permitted Doyle to withdraw his complaint and discharged Fay. Thereby the severance of a thirty year friendship was prevented.

On Wednesday last Fay went to Doyle's livery stable at 138 West Fifty-fourth street and in a few moments the two old cronies were having a sociable drink at the corner saloon on Sixth avenue. Fay had about \$80 in his pocket and Doyle had a like amount. The latter's roll fell from his pocket as the two sat at a table.

Fay saw it on the floor, picked it up and as the amount corresponded to what he had been carrying shoved it into his pocket. John Spratley, who had joined the pair,

HALT IN FIREMEN'S CASE.

Conference Committee Adjourns Until Next Week.

The conference committees of the Eastern railroads and the firemen, which have been meeting at the Engineering Building to consider the demands of the firemen, adjourned yesterday until next Tuesday, when they will meet at 10 A. M.

The testimony and arguments when finished will be submitted to statisticians and a recess will be taken until they are ready to report, which may not be for two or three weeks. The conference committee of the railroads will then prepare a reply which will be submitted at another joint conference.

GIRL HOSTAGES DEMANDED.

Zapatistas Then Force Town's Inhabitants to Flee to the Hills.

MEXICO CITY, Dec. 6.—Zapata rebels burned the town of Valle del Bravo in the State of Mexico to-day because its inhabitants refused to yield to their demand that nineteen of its most beautiful young women be delivered to them. The inhabitants, who fled the town when the rebels entered, are suffering from cold and hunger on the surrounding hills to-night.

The rebels came before the city with a demand for the delivery of the girls to the civil prefect, saying they would sack the town in case of refusal. The leading citizens told the prefect to refuse to accede to the rebel's demands. Among the nineteen girls named by the outlaws was the prefect's own daughter.

As soon as they sent word of their decision the inhabitants fled, few of them taking more than a blanket and a limited supply of food with them.

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MRS. HAUBOLD GETS DIVORCE.

Surgeon Admits a Fancy for Kissing Women's Hands.

A decree of divorce obtained by Mrs. Ann Elizabeth Haubold from Dr. Herman Arthur Haubold of 265 Central Park West, clinical professor of surgery at New York University, author of a number of books on surgery and staff officer of the Eighth New York Infantry in the war with Spain, was affirmed yesterday by the Appellate Division of the Supreme Court. Mrs. Haubold named Mrs. Marie Webb as co-defendant.

The court awarded Mrs. Haubold custody of her son, Bryant Nicholas Haubold. Dr. Haubold, who was a witness in the case, testified that he had separated from his wife in 1905, and that he had treated Mrs. Webb professionally on the occasions when his wife's witnesses said he was with her.

One of Mrs. Haubold's witnesses said that her husband kissed and hugged Mrs. Webb while they were automobile riding, but Dr. Haubold testified that he did nothing but kiss her hand. He said: "In the last two years I have kissed 100 women's hands, at a centenary estimate. I have kissed ladies' hands more than taken ladies' hands. It is a greeting not indulged in much in this country, but it is a thing I have done very frequently."

TURKEY TROT TO BE BARRED.

Owners of Halls in Williamsburg Say They Won't Permit It.

Ten proprietors of dance halls in Williamsburg and Brooklyn met in the Palm Garden, Hamburg and Greene avenues, in Williamsburg, yesterday afternoon, to talk about the turkey trot. They say the highly danced has been done to death and that their respectable patrons won't stand for it any more.

BOLD DAYLIGHT ROBBERY.

Two Negroes Hold Up Passaic Saloon Keeper and Empty Till.

PASSAIC, N. J., Dec. 6.—Two well dressed young negroes committed a daring robbery and holdup in a saloon at 63 Parker avenue this afternoon.

They entered the place in daylight and flourishing revolvers frightened Mrs. Louisa Schneider, who in the absence of her husband was behind the bar. Stephen Miller, the bartender, was in the rear room when the negroes entered the place and when he heard Mrs. Schneider's screams he rushed out, only to be confronted with revolvers in the hands of the negroes.

He was told to "hold up" his hands and he obeyed. The negroes then ordered the woman and bartender into the rear room, and after locking the door they went through the cash drawer, taking about \$20. Then they made their escape.

NO SUNDAY MOVIES IN NEWARK.

Sheriff Tells the Proprietors They Must Close on Sabbath.

There will be no Sunday moving picture shows in Newark, at least for the present. Sheriff Monahan told a delegation of moving picture proprietors who called on him yesterday that he would not sanction Sunday "movies" and if necessary he would invoke the law to keep the places closed on the Sabbath.

Mayor Haring, when the owners appealed to him to aid them, said he could not permit them to open on Sundays and he made it plain that he would back up the sheriff in keeping the places closed.

"We have nothing to do with the children," said the witness.