

REAL ESTATE AT AUCTION. REAL ESTATE AT AUCTION. REAL ESTATE AT AUCTION.

BOARD OF ESTIMATE SHORN OF ITS POWER

Home Rule Law Lets Aldermen Give Franchises and Sell Land.

CHANGES CITY'S CHARTER

Fight Begins to Test Its Validity by the Citizens Union.

Many lawyers made a study yesterday of the home rule law passed by the Legislature after they learned that in an argument before Supreme Court Justice Greenbaum on Friday the Corporation Counsel, who believes the law unconstitutional, practically conceded that it gives the Board of Aldermen power to grant franchises and to buy and sell land.

That the bill had such a far reaching influence on the city government was not even hinted at during the discussion prior to its passage.

The home rule bill had the support of the Citizens Union, whose secretary and legislative agent, Joseph O. Hammett, is at Albany to draw attention to jokers in bills affecting the city of New York.

That the law increases the powers of the Board of Aldermen at the expense of the Board of Estimate was first brought out by Alfred De Roodie, counsel for the Citizens Union, in asking Justice Greenbaum for an injunction restraining the Board of Estimate from retiring superannuated city employees on pensions on the ground that all such powers are now delegated to the Board of Aldermen under the home rule bill.

The constitutionality of the new law is to be tested in this suit because of the belief of the Corporation Counsel that the law is too vague, but Lawyer De Roodie, in behalf of the Citizens Union, insists that the principle of self-government involved in the law is so much greater than any question of construction of the law that the courts should find a way to uphold it, even if the Board of Aldermen gains increased power through its operation.

Calls It Real Home Rule.

In discussing it yesterday Mr. De Roodie referred to his argument before Supreme Court Justice Greenbaum in upholding the constitutionality of the law, in which he said:

"It is a real Home Rule law. It is not merely a law increasing the present powers of officers, but a law granting to the citizenry power which is lodged in existing authorities, subject to the control of that power by the local legislative authorities, that is, practically the citizens themselves. The law is a charter of liberty to the citizen, leaving the local legislative authorities to determine to what extent that liberty shall be availed of. Whether the local legislative authority in a particular city is of good or bad character is a matter for which the citizens themselves are responsible.

The law is sweeping. It is a tremendously important step in municipal government. It may be revolutionary or radical, it may upset a smug and well established order of municipal administration, but this does not make it unconstitutional.

Mr. De Roodie said his study of the home rule law convinced him that it takes all legislative power away from the Board of Estimate and makes the board, the administrative and executive body to exercise such power as the Board of Aldermen shall determine.

The provision of the bill which is believed to transfer the franchise giving power from the Board of Estimate to the Board of Aldermen is the following subdivision from section 23:

"No sale or lease of real estate or of any franchise belonging to or under the control of the city shall be made or authorized except by vote of three-fourths of all the members of the common council or corresponding legislative body of the city, in case of a proposed sale or lease of real estate or of a franchise, the ordinance must provide for a disposition of the same at public auction to the highest bidder, under proper regulations as to the giving of security and after public notice to be published at least once each week for three weeks in the official paper or papers.

Check on Aldermen.

"A sale or lease of real estate or a franchise shall not be valid or take effect unless made as aforesaid and subsequently approved by a resolution of the Board of Estimate and Apportionment in any city having such a board, and also approved by the Mayor. No franchise shall be granted or operated for a period longer than fifty years.

"The common council or corresponding legislative body of the city may, however, grant to the owner or lessee of an existing franchise, under which operations are being actually carried on, such additional rights or extensions in the street or streets in which the said franchise is being exercised, upon such terms as the interests of the city may require, with or without any advertisement, provided, however, that no such grant shall be operative unless approved by the Board of Estimate and Apportionment in any city having such a board, and also by the Mayor.

Mr. De Roodie said that undoubtedly for the city of New York "the law enlarges and changes nearly all the powers of the city under the charter. The frame of local government and the charter mechanism are unchanged, but the powers of the city are increased, and are to be exercised subject to the conditions prescribed by the Board of Aldermen. Assistant Corporation Counsel MacNulty, who argued that the bill must be declared invalid if it disturbs any of the governmental functions laid down in the New York city charter, is preparing a brief on this point. Mr. De Roodie will also hand in a brief, and Justice Greenbaum will then decide whether the provisions of the home rule bill which conflict with the city charter can be upheld.

LYON NEW PHYSICAL DIRECTOR.

John Hall Memorial Picks Y. M. C. A. Man From Memphis.

The board of management of the John Hall Memorial of the Fifth Avenue Presbyterian Church have offered the physical directorship of the memorial gymnasium to Harold D. Lyon, physical director of the Young Men's Christian Association at Memphis, Tenn. Mr. Lyon's acceptance of the New York offer is understood to be on the way and his name will be proposed at the next board of management meeting. It is appointed Mr. Lyon will take up his work here on October 1 at the Chapel and Church House, in East Sixty-sixth street near First avenue. Mr. Lyon is 29 years old and has been in full charge at the Memphis Y. M. C. A. for three years.

COHALAN PREPARING ANSWER.

Will Appear Before Bar Association in a Week or Ten Days.

Justice Daniel F. Cohalan is preparing a detailed answer that he will make before the grievance committee of the Bar Association to the charges against him. He has accepted an invitation to appear before the committee and explain his relations with Contractor John A. Connolly. No date has been set for the appearance of the Justice, and it is likely that he will not be called upon for ten days or two weeks.

For the present Einar J. Christy, the counsel for the grievance committee, is studying Connolly's side of the graft charges. This week Mr. Christy will question Alfred B. Cruikshank, who acted as Connolly's lawyer when Cohalan returned cash to Connolly in 1909 and when he received from Connolly a note in 1911.

Among other witnesses will be, probably, P. J. McNulty, who was chairman of the committee that went to Charles F. Murphy in March, 1909, to complain to Murphy that Cohalan was taking graft from "one of our own race and religion," and who, with the other members of the committee heard Murphy's explanation of the matter. There is some speculation as to whether the grievance committee will ask Mr. Murphy to testify.

POLICE PENSIONS TO BE ATTACKED JULY 15

Tammany Will Try to End Curran Committee's Existence Before Then.

Although the bulk of the Curran Aldermanic committee's report will be presented to the committee for a vote tomorrow, the section dealing with police pensions will not be ready until about July 15. Because of this the committee will ask the Board of Aldermen to continue its existence until July 15.

It was pointed out yesterday that the Tammany minority will oppose a continuation of the committee. The Board of Aldermen adjourns from July 1 to September. If the committee is continued until July 15, the minority members of the board say, it will have to be continued until September, which would bring the final section of its report into the Mayorality campaign.

This the members of the minority will try to prevent, although it probably will not be possible to muster enough votes to win.

The delayed report on pensions will characterize the present system as an unjustifiable expenditure of the city's money. It will point out that last year the city paid \$1,000,000 for pensions, while the policemen themselves paid \$270,000.

The report will criticize the present system of retiring policemen who are considered undesirable by the Commissioner, but against whom no charges can be brought, as a waste of pension money. It will say that it has been easy for some policemen to be declared unfit for police duty by a police surgeon and will recommend that a policeman retired for physical disability be reexamined once every year, and that if he is found fit for duty he be restored to the service.

The fourth section of the report will be made public tomorrow morning. It was said yesterday that it will recommend that the term of Police Commissioner be eight years with a salary of \$10,000 and that he be removed only after a public hearing.

Other recommendations expected are an amendment to the Charter permitting the local authorities to provide for more Deputy Commissioners whenever the occasion requires, that the salary of first-year patrolmen be raised from \$90 to \$100 and that a yearly raise of \$10 be made until \$140, the present maximum, is reached; and that the present inspection districts be abolished and the precincts taken as the police unit.

Chairman Henry H. Curran said yesterday that he would not allow the adoption or rejection of the committee's report to be made a party matter if he could help it. He said that it was merely a question of good government, in which politics had no concern.

Alderman Esterbrook is still very ill at his Brooklyn home with tonsillitis. He will sign the report to-day at his home, as he will be unable to attend the meeting to-morrow. In accordance with ancient customs of the Board of Aldermen the signature of a member of a committee on a report is counted as a vote.

TRAIN STRIKES TREE; 24 HURT.

Side of Car Crushed on Harlem Railroad Near Wingdale.

POUGHKEEPSIE, June 7.—A fallen tree on a curve on the Harlem Railroad south of Wingdale crushed the side of a passenger coach on the Chatham express as it passed at high speed this afternoon, injuring twenty-four passengers, who were struck by flying splinters and pieces of glass.

The train was not derailed and the engineer stopped and ran the express back to Wingdale, where telegrams were sent for the injured passengers to be treated.

Father Groggin, a Catholic priest of Pawling, was cut badly about the head. The physicians said that the prospects for the recovery of all the injured are good. The injured passengers with one or two exceptions continued on to New York.

DEMANDED \$5,000 OF WILSON.

All President Had to Do Was to Put Cash in a Bank.

CLEVELAND, June 7.—Giuseppe Pomaro, a laborer, was arrested at Youngstown today on a charge of sending to President Wilson a letter demanding \$5,000. Pomaro was arraigned and brought to Cleveland by Secret Service Agent Washer under close guard.

Pomaro, who is 35 years old, is said to have confessed. He has lived in Youngstown eleven years. His wife is in Italy. In the letter President Wilson was instructed to place the \$5,000 to Pomaro's credit in a Youngstown bank.

WORE DRESSES ALL HIS LIFE.

Concert Singer's Deception Revealed and Arrest Follows.

SYRACUSE, June 7.—After having impersonated a woman all his life, Harry Thompson, 27 years old, better known as May Belmont, was arrested to-day. He is being held on a charge of appearing in public in disguise.

Under the name of May Belmont he had sung in Syracuse and other cities at concert halls. Thompson told the police he had been impersonating the opposite sex all his life. He says his parents clothed him in dresses during his childhood and always referred to him as their daughter. He was born in a Western city and about ten years ago came East and started in as a concert hall singer.

During the ten years of Thompson's stage career no one ever suspected the deception till to-day, when he was arrested.

NEW RULES ON EGGS FOR FOOD PURPOSES

First Important Regulations City Has Had Go Into Effect July 1.

ADULTERATION IS DEFINED

Orders Operative on Bakeries and Places Where Many Eggs Are Used.

The Health Department has just promulgated a set of regulations for the breaking out of eggs for food purposes. These are the first important regulations of the kind that the city has had, although a few ordinances on the subject existed some years ago. They were ineffective, however, and the Board of Health has been working out a new set. The new orders will take effect on July 1 and will be operative on restaurants, bakeries and all places where eggs are broken from the shell in large quantities. The regulations in full are:

1. The floor of the room in which this business of breaking out eggs is conducted must be constructed of concrete, asphalt or some other approved non-absorbent material and properly graded to a sewer connected drain.

2. The walls and ceiling must be provided with a smooth, hard finish approved by the Department of Health, and must be so constructed that there shall be no ledges on which dust or dirt can collect; all joints shall be the so-called "cove" or sanitary joints.

3. All benches and tables must be constructed of a hard, smooth material and be readily accessible for thorough cleansing.

4. The room where eggs are broken out must be adequately lighted and ventilated and shall be furnished with an adequate supply of running hot and cold water.

5. All doors and windows in these establishments shall be adequately screened to prevent the entrance of flies and other insects.

6. Proper apparatus for immediately cooling the eggs to a temperature of less than 45 degrees Fahrenheit must be installed in all establishments where eggs are broken out for food purposes.

7. The permit granted by the Board of Health to break out eggs shall be properly framed and conspicuously displayed.

8. Eggs which are known commercially as "light leakers," where the contents are sweet and clean, may be broken out for food purposes, provided said eggs have been kept in a clean and sanitary manner, approved by the Department of Health and properly protected from dust, dirt and other contaminating matter.

9. No person shall break out for food purposes eggs which are known as "spots" and defined as such in the Sanitary Code.

10. All persons engaged in the said business shall thoroughly cleanse their hands before beginning work.

11. No receptacle containing eggs broken from the shell shall be allowed to remain uncovered except the receptacle into which the eggs are actually being broken.

12. Eggs broken from the shell intended for food purposes shall be deemed adulterated if the temperature of such eggs is above 45 degrees Fahrenheit.

13. During the process of breaking out eggs for food purposes any eggs found to be unfit for such use shall be immediately denatured.

14. The term "denatured" when used herein refers to the treatment of eggs with a substance the presence of which on the eggs prevents their use for human food.

15. Proper receptacles for "spot" eggs shall be provided in the handling room and said receptacles shall at all times contain a suitable denaturant; such receptacles shall also be stenciled with two inch block letters, "Spot eggs, denatured with _____" followed by the name of the denaturant.

16. All persons engaged in the said business shall be provided with outer garments of washable material, which shall be clean at the beginning of each day's work.

17. Upon the conclusion of the day's work the floors, walls and utensils must be thoroughly cleansed and washed. All refuse, egg shells and other offensive material shall be removed from the premises at least once in twenty-four hours.

Woods-Turner Wedding Postponed.

GLASTONBURY, Conn., June 7.—Mr. and Mrs. Burgess P. Turner, who are considered the wealthiest residents of this town, to-day revealed invitations to the wedding of their daughter, Isabel Turner, to Leo A. Woods of Hartford, which was to be celebrated next Wednesday, and the marriage has been postponed indefinitely.



Not every Petticoat will give you the same snug fit at the waist and hips as the "KLOFIT" PETTICOAT. It is the only genuine Patented Petticoat that is popular with well dressed women. All styles, fabrics, qualities and sizes at most good stores.

Bulletin, June 8th Morris Park Race Track Auction Sale. Authorized by the State of New York Banking Department. Facts--- Not hearsay, nor guesses, nor supposes. Only 850 Lots left out of 3019. 2169 Lots have been sold to Buyers who know the value of these lots, and they are: 1st the people of the Bronx, in and about the vicinity, too numerous to mention— 2nd Shrewd realty speculators who know a bargain, such as John C. Tomlinson, clients of J. Romaine Brown & Co. and Pease & Elliman— 3rd Long-headed investors such as the Astors, and others. These buyers have already made money, as Friday's and Saturday's sales in the same locations show an increase over prices paid earlier in the week. Actual Cash Profits! Real Money Has Been Made. Block 5, Lots 12 to 22, 32 and 33, sold for \$12,245. Dr. Cantowitz offered \$7,500 cash profit for this contract. Offer refused. Block 36, Lot 60, sold for \$4,400. J. Romaine Brown & Co. offered \$500 cash for the contract. Offer refused. Block 66, Lots 1, 2, 3, 4, 5 and 6, sold for \$6,275. John C. Tomlinson offered \$1,000 cash for contract. Offer refused. Block 42, Lot 41, sold for \$1,025. J. R. Murphy offered for a client \$100 cash for the contract. Offer accepted. Block 5, Lot 1, sold for \$2,450. Offered \$600 cash for contract. Offer accepted. The above cases are only a few of many which have come to our knowledge. 850 of the choicest lots are left, which must be sold absolutely without reserve or protection to the Highest Bidder—No matter what they bring! Go Today— Examine these lots— Buy tomorrow and make Real Money! For Example: On Saturday afternoon lots were sold on Bronxdale Ave., (the lawn of the Club House,) for \$1,025. At a conservative estimate, these were worth \$2,500 each. Tomorrow's Offerings Will Include Lots in All Sections of the Property, in the Following Blocks: No. 14 No. 27 No. 39 No. 62 No. 70 No. 18 No. 32 No. 51 No. 67 No. 73 70% Can Remain on Mortgage. This Means \$210 Will Buy a Lot Selling for \$700 \$300 " " " " " \$1,000, Etc. Titles Insured Free by Lawyers' Title Ins. and Trust Co. Savings Bank Books Will Be Taken as Deposit on the Purchase of Lots To Get to Morris Park Race Track, take: The Subway (Bronx Park Trains) to 177th Street or 180th Street station. At 177th Street take the Morris Park trolley car direct to the property. At 180th Street go to the property. The Second or Third Avenue Elevated Railroad to 129th Street, thence by New York, Westchester and Boston Railroad, and thence by Boston Railroad or Morris Park trolley car to the property. Or via New York, New Haven and Hartford Railroad. All Crosstown Bronx Cars connect with all Elevated and Subway lines either at 129th, 135th or 145th Street and transfer to Morris Park cars. Send for maps and particulars to J. Clarence Davies, 149th St. and 3d Ave., New York City. Joseph P. Day, 31 Nassau St., New York City Agents and Auctioneers