

CITY HOME RULE LAW HELD VALID

Supreme Court Decision Gives the Aldermen More Power.

ACT NOT SUBTERFUGE

Board of Estimate Loses Real Estate Sales and Franchises.

NOT TO GRANT PENSIONS

Sinking Fund Commission Also Shorn of Some of Its Former Powers.

Supreme Court Justice Greenbaum handed down a decision yesterday upholding the constitutionality of the home rule law passed by the last Legislature, which under the contentions of Corporation Counsel Watson divests the Board of Estimate and the Sinking Fund Commission of all their powers over the lease, purchase and sale of city real estate and the granting of franchises and gives the Board of Aldermen supreme power in these matters.

The question was before the court in the suit of Joseph O. Hammit in behalf of the Citizens Union against the Board of Estimate to restrain the payments of pensions to city employees upon their retirement after thirty years service.

The suit alleged the unconstitutionality of the pension law passed in 1911 and first came to trial before the last Legislature met. Supreme Court Justice Biscoff heard the suit and decided that the pension law was constitutional.

Justice Greenbaum said in his opinion that before Justice Biscoff could sign formal findings in the case "the awful catastrophe intervened which deprived the bench of one of its ablest members."

Home Rule Law Passed.

Before the case came to trial again the Legislature passed the home rule bill, which is chapter 247 of the laws of 1913. Upon the retrial the plaintiff contended that under the home rule law the power to grant pensions was taken from the Board of Estimate and lodged with the Board of Aldermen and that since the pension law of 1911 was superseded there is no statutory provision for the payment of pensions.

Through the Corporation Counsel the Board of Estimate maintained that the home rule law is unconstitutional, and even if it is upheld as valid it does not operate to supersede the pension act. The Corporation Counsel also assailed the home rule law on the ground that while it is ostensibly a general law applicable to all cities it is in reality special legislation applicable to the city of New York, and as such should have been submitted to the Mayor for a hearing and approval before it became a law.

Justice Greenbaum remarked that a special attack was made on the provision in the home rule law that "no sale or lease of city real estate or any franchise belonging thereto or under the control of the city shall be made or authorized except by the vote of three-fourths of the members of the common council or corresponding legislative body of the city."

Law Called Subterfuge.

This is the provision transferring the powers of the Board of Estimate and the Sinking Fund Commission to the Board of Aldermen, which the court says is held to be evidence of the fact that the home rule measure, although in form a general law, "is a mere device or subterfuge to circumvent the provision of the Constitution requiring the submission of New York city laws to the Mayor for approval."

Justice Greenbaum said at this stage of our jurisprudence to refer to the statute as a general law of the courts to uphold as controlling legislative enactments whenever possible and not to interfere with the expression of the legislative will unless compelled to do so by higher fundamental law as expressed in the Constitution. Tested by this rule, the court unhesitatingly pronounces the home rule law unconstitutional.

As to the contention that the home rule law takes the pensioning power away from the Board of Estimate, Justice Greenbaum says that while the home rule law gives the Board of Aldermen the right to pension city employees, until the board takes action to do so the power conferred in the pension law is effective.

No Repeal Intended.

He says it would be preposterous to assume that the Legislature intended to repeal the pension law. The decision makes this important ruling: "It would be hardly profitable to attempt a dissection of the somewhat involved verbiage of the subdivision of the home rule act, but close study reveals nothing indicating an intention by the Legislature to supersede any existing law operating to extend any power therein granted excepting at the moment when the municipality has undertaken to avail itself of the broader power."

Justice Greenbaum says that any other interpretation would mean that the Legislature intended "to create a condition of chaos and paralysis of existing laws affecting the municipality."

The court's ruling was interpreted as meaning that the Board of Estimate and the Sinking Fund Commission may continue to exercise their present powers until the Board of Aldermen takes over these powers by appropriate action. Both parties to the suit will appeal from Justice Greenbaum's ruling.

JANE ADDAMS IN AUTO SMASH.

Escapes Harm When Car Blows a Tire and Swerves From Road.

PRINCETON, Pa., Sept. 24.—Jane Addams, settlement worker and founder of Hull House, Chicago, arrived at the Lillian Home, Valencia, this afternoon somewhat unnerfed after having been in an automobile accident on her way from this city. The car in which Miss Addams and several friends were riding blew a tire a few miles out of this city, and veering crashed into a high bank on the side of the road. Miss Addams and her companions were shaken up, but no one was injured. The car was damaged, but served to carry the party to the home.

It was fortunate that the car blew the tire on a steep up grade where the speed had been considerably slackened, for otherwise the result must have been serious.

WOULD OUST TAFT AND CULLOM.

Borland Wants Road, Not Temple, as Lincoln Memorial.

WASHINGTON, Sept. 24.—Resolutions intended to legislate out of office members of the Lincoln Memorial Commission, among them ex-President Taft and ex-Senator Cullom of Illinois, were offered in the House today by Representative Borland, a Democrat. He would substitute now in office.

The commission created by the last Congress is to supervise the building of a \$3,000,000 classic temple in Potomac Park, this city. Mr. Borland, a "good roads" man, wants the memorial to Lincoln to take the form of a public highway.

The commission will meet here to-morrow and Mr. Taft as its chairman will preside.

SAYS WHALEY BOUGHT ELECTION TO CONGRESS

Charleston Mayor Files Charges Urging That South Carolina Member Be Ousted.

WASHINGTON, Sept. 24.—Serious charges involving the right of Richard S. Whaley, Democratic member of Congress from the First district of South Carolina, to occupy his seat in the House, are embodied in a petition filed today with Speaker Clark by John P. Grace, Mayor of Charleston, S. C. Mayor Grace demands an investigation by a committee of the House.

The Federal publicity act limits to \$5,000 the amount that may be expended by a candidate for a seat in Congress. The charge is made by Mayor Grace that Mr. Whaley in his campaign for the nomination expended \$60,000 in buying votes, and the allegation is made further that Whaley would not have been nominated if he had not indulged in large expenditures. Mayor Grace charges further that Whaley swore falsely in certifying to officers of the House that he expended less than \$5,000 in his campaign.

Representative Whaley issued a statement to-night in which he denounces the Grace petition as a "lie." Unusual interest attaches to the Whaley case because it is the first time the certification of any candidate for Congress under the publicity law has been questioned.

According to the official returns Whaley was nominated by obtaining 6,298 votes, and was elected at a special election held last April.

"In order to obtain these 6,298 votes," the Grace petition sets forth, "Mr. Whaley spent in the first and second primaries and the campaign incident thereto not less than \$60,000, or an average of \$10 a vote. Notwithstanding such excessive use of money and because he was required by Federal law under oath to file statements showing that he spent not over \$5,000, your petitioner alleges that Mr. Whaley willfully and knowingly filed false statements with the clerk of the House of Representatives showing that he spent altogether \$4,523.10."

KLINE SEES 30 IN 15 MINUTES.

Mayor Has Visitors File By Desk to Save Time.

Mayor Kline disposed of thirty office seekers, restaurant owners, personal friends and political advisers in fifteen minutes yesterday, and what he received them all in the Mayor's reception room across the hall from his private office.

Mayor Kline explained that it would take too much time to see everybody one by one in his private office.

The Mayor returned to City Hall at the luncheon to ex-President Taft at the Waldorf at 4 o'clock in the afternoon and seated himself at once in front of the big desk in the reception room with Robert Adamson, his secretary, by his side.

Then the thirty persons filed past the desk, each stating his business in a few words as possible.

Office seekers were told that there were no vacancies in the city departments at present, but that their applications would be duly considered. Old friends got a handshake and a few words of acknowledgment in return for congratulations.

Mayor Kline indicated that he would adopt this method of dealing with people who come to City Hall on business in the future.

STRIKING PUPILS UPHOLD.

Parents in Meeting Approve Action of Syracuse Students.

SYRACUSE, Sept. 24.—More than 1,000 parents, taxpayers and striking pupils of the three Syracuse high schools attended a meeting at the City Hall this morning in the interests of the children. Those present included Louis Will, Progressive candidate for Mayor; Corporation Counsel Walter W. Magee, former Assembly Clerk; Ray B. Smith and ex-Assemblyman J. T. Roberts.

Resolutions were adopted stating that the parents are back of the students in their stand and urging the appointment of a committee of five parents to act in conjunction with the students in presenting the question to the Board of Education.

One thousand five hundred students are now on strike demanding a shorter school day.

The Laurel House of Lakewood opens October 1st. Ideal Autumn Resort in the Pine. Nightly minutes from New York.—Ad.

GAYNOR'S DAUGHTERS WON'T CONTEST WILL

Two, Cut Off With \$1,000 Each, Say They Are Well Satisfied.

WIDOW'S SHARE IS SMALL

Friends Say Total Estate Will Not Be More Than \$1,500,000.

Although Mayor Gaynor left only \$1,000 to each of his two married daughters, Mrs. W. Seward Webb, Jr., and Mrs. Harry K. Vinzut, and a home and \$3,000 a year to Mrs. Gaynor, it is very unlikely that there will be a contest over the will. Mrs. Webb and Mrs. Vinzut said yesterday that they were satisfied with the provisions. Norman Gaynor, who comes into a two-sevenths share of the estate when he reaches his twenty-first year, told a long time friend of the family that it made no difference what his mother was left under the will, because he would look out for her in any event.

A positive declaration was made by Michael Furst, the lawyer who has the keeping of the will and who was one of the Mayor's closest friends, that no attempt would be made to break the will. Mr. Furst and other friends of the Gaynor family estimated the value of the estate at from \$1,000,000 to \$1,500,000.

"I have talked with the members of the family," said Mr. Furst yesterday at his office at Court and Montague streets, Brooklyn, "and from what they said and from what I know of their beautiful and harmonious family life there isn't the remotest chance that there will be a contest. Even if a contest was contemplated it could not be successful. It would have to be shown, in order to break the will, that Mayor Gaynor was incompetent or was unduly influenced. Can you imagine anybody taking that view of Mr. Gaynor, especially after the recent public tributes?"

No Ground for Contest.

"Here is a man who left all of his property to his wife and to his children. What ground could there be for a contest? The fact that some got more than others doesn't matter, so far as the integrity of the will is concerned.

"Mrs. Webb, who was Gertrude Gaynor, said to me today while she was in my office at her brother Norman's. 'I am glad that the boys are well taken care of.' "When the matter of Mrs. Gaynor's share in the estate came up in our conversation Norman Gaynor remarked: 'It's all right. I come into the principal right away and I shall look after my mother.' "

The only explanation that Mrs. Vinzut, who was Edith Gaynor, made on the subject yesterday was: "We are perfectly satisfied with the will. Everything is perfectly satisfactory, perfectly all right, and every one is satisfied. I am sure. Further than that I do not care to say anything. An explanation may be made in due time. Any notion that the Mayor had practically cut off his daughters Gertrude and Edith because they eloped to be married was dissipated quickly when it was recalled yesterday that the will was drawn and placed in the hands of Attorney Furst before the daughters were married. Besides, they were forgiven by their father promptly after they were married, and were on excellent terms with him up to his death.

An explanation was offered to this effect, that the Mayor knew that both married daughters were amply provided for already, since Mr. Webb and Mr. Vinzut are men of means, and that the Mayor also that his sons would do all that was necessary for Mrs. Gaynor.

Estate Not Worth \$5,000,000.

The very best judgment of the Mayor's friends, those in a position to have a fairly accurate knowledge of the value of his estate, was that the property was worth less than has been commonly thought. These friends believed that the report of the appraiser for the transfer tax would show a value of somewhere between \$1,000,000 and \$1,500,000.

Mr. Furst said that the Mayor's realty holdings were not so extensive as many had thought, and that the property consisted largely of good mortgages and safe stocks and securities.

Mr. Furst hesitated about talking on the subject of the Mayor's will and property, because he didn't want it to appear that he was trying to rush into print with his opinions. But he wanted to correct the notion, he said, that the family was at odds over the will, and he recalled some interesting activities of the Mayor.

"One of the pieces of real estate that he held at his death," said Mr. Furst, "is a plot 100 by 100 feet at Myrtle avenue and Navy street. It was in 1876, I believe, that Mr. Gaynor, then a young Flatbush lawyer, brought suit to eject a man named Arthur Welwood from this property, which had been owned by a negro boot-black and his mother. Welwood had obtained it on a forced sale for taxes.

"I was in the office of Gen. Philip S. Crook, who was a sort of Choate of his day. Crook represented Welwood. Young Gaynor won in the lower court, and I remember how all of us were amazed that a young lawyer could actually beat the great Gen. Crook. Then Gaynor won again in the old General Term and finally in the Court of Appeals.

Resulted in Friendship.

"The settlement of that case brought about a long friendship between Judge Gaynor and me. We walked together, bicycled together and had long talks together. He appointed me to be a member of the Aqueduct Commission.

"In 1892, when he and Mrs. Gaynor were going to Europe, he brought a will to me. I am not sure but that he had made one or two wills previously. I still have, unopened, the will of 1908. In May, 1909, again just before he started for Europe, he brought to me the will that stands, the one made public to-day.

"I wanted to have three witnesses, thinking that in case one witness died or moved away that there would still be two for a safeguard. Judge Gaynor wouldn't hear of it. He said just what we have heard here.

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MANOEL'S BRIDE IN HOSPITAL.

Princess Augustine Victoria Being Treated in Munich Clinic.

MUNICH, Sept. 24.—Princess Augustine Victoria of Hohenzollern-Sigmaringen, now bearer of the doubtful title of throneless Queen of Portugal, who was married to Manoel, the exiled King, on September 4, is ill in a hospital here.

The Princess was taken ill at the villa of the Princess of Thurn and Taxis on Starnberger Lake where the royal couple were passing their honeymoon. She was brought to Munich several days ago and placed in the Munich surgical clinic. The fact became known to-day.

The physician of the Princess of Thurn and Taxis, who is in attendance, said that there was nothing serious the matter with Princess Augustine Victoria, but he declines to enter into details of her illness. She is said to have been much improved since she was brought here.

King Manoel passes much of his time at the clinic.

MRS. WINTHROP SLEEPS WHILE BURGLARS WORK

Jewels Valued at \$8,000 Taken From Her Country Home at Woodbury.

HAMPSTEAD, L. I., Sept. 24.—Henry Rogers Winthrop, a member of the Stock Exchange firm of Harris, Winthrop & Co., Broad and Wall streets, New York, reported to Sheriff Charles De Mott of Nassau county this morning that his country home on the Jericho turnpike at Woodbury had been burglarized and twelve pieces of jewelry worth about \$8,000 had been stolen.

All of the jewelry except a watch that had been in the possession of the Winthrop family for many years belonged to Mrs. Winthrop, who was Miss Alice Babcock.

The robbery was committed in the night and the valuables were taken from Mrs. Winthrop's bedroom and dressing room while she slept. Two constables, who have been spending the day on the case reported that the only mark left on the burglar's was a muddy imprint on a window sill, thought to have been made by a shoe.

Mr. and Mrs. Winthrop, who are well known in society and are leaders in the Meadow Brook set, had been away from their country home during most of the summer, but the Minolta horse show, which is on this week, brought them back. Mrs. Winthrop retired early last night. Her husband was not at home. She arose this morning at 9 o'clock to find several drawers in her bureau open and the jewelry gone. When her husband returned she told him and he called the county authorities. Detectives William W. Smith and John O'Connor were sent to the house. They learned that the most of Mrs. Winthrop's jewels were locked up in a safe over night, and these had not been stolen. The list furnished to the detectives by Mrs. Winthrop does not give the value of the stolen articles, but she estimates it at \$8,000. The principal items are two diamond necklaces, worth about \$5,000, she said. Other items are five diamond rings, an heirloom watch, a watch owned by Mrs. Winthrop and two diamond pendants.

The detectives spent the day questioning six maids and two butlers in the house. They learned little to help them. They discovered that the maids had been on the inside job until they found the imprint on the window sill.

Mr. Winthrop is a younger brother of Dudley Winthrop, who died a year ago. He is a member of the Knickerbocker, Union, University, Racquet and Tennis, Automobile and the first of the firemen's clubs. He was a member of the Kappa Epsilon and the Phi Kappa Psi fraternities. He graduated from Yale in 1898. His town house is at 23 West Fifth street.

SMALL FIRE AT MRS. PEARSON'S.

Blaze Between Walls Next to Mrs. C. Vanderbilt's Home.

Firemen were called last night to a small fire in the home of Mrs. Frederick Pearson at 3 West Fifty-seventh street, adjoining the residence of Mrs. Cornelius Vanderbilt. The blaze was discovered a little after 9 o'clock by Owen Davis, a caretaker, who found that the wall at one side of the staircase was becoming hot and had an alarm sent in. Acting Deputy Chief Dougherty, the first of the firemen to arrive, cut a hole in the wall and with a pail of water put out the blaze.

Mrs. Pearson is at the Plaza while her home is being redecorated.

Servants in the same house telephoned to the police in June that some one was moving about downstairs. A detective and a private investigator were called in to investigate. The first step of what was a long investigation was to get a confession from a servant about coming down stairs to let them in, and found a stray cat.

SEEK TO KILL LEGISLATOR.

Gunman's Attempt Frustrated by Senator Fisher, Ex-Princeton Star.

NASHVILLE, Tenn., Sept. 24.—Pandemonium broke loose in the lower house of the Tennessee Legislature to-night when Speaker Stanton, member of the Memphis delegation, arbitrarily adjourned the session on a viva voce vote formed after a written motion calling for consideration of the Hooper "force" bills had been offered.

A rush was made for the Speaker, his rifle probably being saved by Senator Fisher, also a member of the Memphis delegation, who shielded Stanton until he could leave the chamber. Fisher is a former star of Princeton University, and the gunman who for days have been present about the House flashed their weapons from their seats in the galleries, but the surging of the furious fusionists to and fro prevented their being able to fire at Fisher. It has been known for several days that Senator Fisher has been marked for assassination, as he has also been Speaker Stanton, Representatives McFarland and Mayor Crump of Memphis.

While the hall rang with cries of "Kill Fisher!" the regular Democratic who had successfully conducted a filibuster against the "force" bills fled from the Capitol.

Representative McDade, who led the attack against Stanton took charge of the Speaker's stand and after many fiery speeches had been made he adjourned the House.

GOV. SULZER HELPED BY SCHIFF AND MORGENTHAU ON STAND

Judge Cullen's Opinion Retains Articles 1, 2 and 6 Against Sulzer

Presiding Judge Cullen announced it as his opinion that the determination of the court as to the admissibility of impeachment articles 1, 2 and 6 should go over until the final decision of the case. He said that it has been almost the universal custom in proceedings by impeachment to decide the question as to whether the acts charged were impeachable offenses or not with the final submission of the case to the court.

"It seems to me not wise to decide this case piecemeal, to decide one half to-day and one-half next week," he said.

His suggestion was made the ruling of the court by a vote of 49 to 7.

Jacob H. Schiff in his testimony said that the notation on his \$2,500 check to Gov. Sulzer, "Mr. Schiff's contribution for William Sulzer's campaign expenses," was made last July by him in order to identify the check and to obviate the necessity of his appearing before the Frauley committee.

He said that when he gave the check to Mr. Sulzer in the office of Kuhn, Loeb & Co., in October, 1912, he gave it "for whatever use he pleased."

Henry Morgenthau, Ambassador to Turkey, said that when Mr. Sulzer visited him in the headquarters of the Democratic National Committee last October he gave Mr. Sulzer a check for \$1,000 uncollected. He did not intend to limit Mr. Sulzer in any way as to the use that he was to make of the \$1,000.

HUERTA PREPARES TO SETTLE CLAIMS

Calls Foreign Diplomats Into Conference to Discuss Investigation Plan.

TOTAL NEAR \$250,000,000

U. S. Will Insist on Commission Including Representatives of Powers Interested.

WASHINGTON, Sept. 24.—Provisional President Huerta has begun to discuss with members of the diplomatic corps in Mexico city plans for arranging a settlement of the foreign claims against the Mexican Government growing out of the disorders of the last three years.

President Huerta proposes to appoint a commission which shall pass on the claims of all foreigners against the Federal Government in Mexico. Pressure has been exerted in many quarters in favor of having this commission international in character. Instead of purely a Mexican body, and it is understood that Huerta himself is inclined to follow this suggestion if he finds it can be worked out satisfactorily.

While the United States Government has not rendered any formal opinion on the subject, it is known that an international claims commission, including in its membership representatives of the most important Governments with interests in Mexico, is the only kind of a commission which will be satisfactory to this Government.

It is the view here that it will be quite impossible for the foreign Governments whose citizens have suffered heavy losses in Mexico to be content with a commission composed solely of Mexicans. It is felt that in view of the enormous amount of the foreign claims in the aggregate no body of Mexicans could be expected to do absolute justice to the claimants.

It is thought that a commission of five or seven members would be the most satisfactory. Besides the United States, Great Britain and France, Germany and Spain would be certain to demand adequate representation upon such a body.

Representation than any other one country, if not in fact a majority representation.

American Claims \$110,000,000.

No widespread have been the disorders and so demoralized the state of Mexico even up to this moment that only guesses can be made as to the amount of claims for damages which will be presented on behalf of foreigners. One estimate by an American in Mexico city who is as competent as any one in the country to give the figures puts the total of American losses in actual damage as a result of the revolution at \$110,000,000. This is a conservative figure, many other estimates having been made on apparently good evidence more than double this amount.

The same man is authority for the statement that the claims for damages of all the European nations will aggregate more than the American claims alone, so that Mexico faces, in all probability, a demand for the payment of a quarter of a billion dollars. In view of the state of Mexican finances at present and the prospects for the immediate future, it is predicted here that more than one generation will pass before Mexico will be able to settle the claims when finally adjudged.

May Cut in Half.

This prediction is made after allowing for the likelihood that amounts finally adjudged due to foreign claimants probably will be about one-half of what was claimed. The first step of whatever claims commission is created will be to throw out at the start a vast number of claims. It is expected that Mexico will invoke the same principle of international law as was laid down by the Spanish claims commission of the United States, which was to the effect that the parent Government is not to be held responsible for losses suffered by foreigners because of a revolution which has gone beyond the control of the Government. In other words, it is likely that American and other claimants will have to show that the Mexican Government could have prevented the loss suffered by them if they had taken sufficiently energetic and precautionary measures.

GREAT BEAR SPRING WATER.

50c. per case of 6 glass stoppered bottles.

CRIES TILL TEAR DUCTS FAIL.

Lawyer's Wife, Seeking Separation, Says He Ill Treated Her.

A lawyer's wife, who said she cried so much over her husband's ill treatment of her that she had to have her tear ducts removed, filed suit in the Supreme Court yesterday for a separation. She is Mrs. Matilda A. Pape of 358 West 121st street, and she is applying for alimony from Adolphus D. Pape, who has an office at 85 Liberty street.

Mrs. Pape says in her petition that during her eleven years of married life her husband was "always sarcastic" and annoyed her by putting his feet on the dining room table and gossiping with the servants. She alleges that when the surgeon removed her tear ducts he told her it was necessary because of her constant crying.

The plaintiff alleged that when she went to the country for her vacation her husband abandoned her, and on returning she found him occupying a room in the house next door to hers. He refused to return home, she says.

Mrs. Pape alleges that her husband has an income of \$10,000 a year. She gets \$700 a year from securities, but it isn't enough to live on, she says.

STRONG PLEA FOR GRAPE JUICE.

Wine Drinkers Suffer Less Than Water Drinkers From Appendicitis.

PARIS, Sept. 24.—The French medical press remarks that wine drinkers in the proportion of one in 200 suffer from appendicitis, whereas those who stick to water are affected in the proportion of one in 10.

Prof. Jalaguier warns against the use of mineral water, elder and beer and advocates the grape juice of biblical fame.

TAFT BACK IN WASHINGTON.

Registers at Hotel There for First Time in Many Years.

WASHINGTON, Sept. 24.—Ex-President Taft arrived in Washington from New York to-night. He went to the New Willard Hotel and registered.

It is the first time the former President has been a guest at a Washington hotel in many years. The home of W. J. Boardman, where usually he has stopped, is closed.

Mr. Taft will attend the meeting of the Lincoln Memorial Commission to-morrow.

AUTO KILLS ONE, HURTS THREE.

Skids on Muddy Road and Crashes Against a Tree.

New Bedford, Sept. 24.—Dr. Eugene Burke of Brockton, a dentist, was killed and his brother William, a druggist, Edward Ganley and L. B. Crowell, all of Brockton, were seriously hurt in an automobile accident between Taunton and this city to-night.

Their machine skidded on a muddy spot and smashed into a tree. Dr. Burke's skull was fractured and he died at the hospital here without recovering consciousness.

RAILROAD OFFICIALS INJURED.

Buffalo, Rochester and Pittsburg Special in Collision.

INDIANA, Pa., Sept. 24.—Three officials of the Buffalo, Rochester and Pittsburg Railway were injured seriously when their special train was run into by a switching engine in the Creekside yards near here this evening.

The injured are: E. J. Devans of Rochester, superintendent of the Buffalo and Rochester division, fractured right arm; P. Fraser of Du Bois, Pa., superintendent of the Pittsburg division, fractured collarbone; George Bennett of Du Bois, Pa., trainmaster of the Pittsburg division, fractured collarbone and cut around head.

W. J. Boneman of Rochester, general manager, was shaken up. Engineers and firemen of both engines jumped and saved their lives.

FIRE IN MRS. BEST'S COTTAGE.

Newport Residence Badly Damaged but Occupants Escape.

Newport, Sept. 25.—Fire starting evidently from a spark from an open fireplace routed Mrs. C. L. Best of New York and her daughter, Mrs. Arthur Carroll, from their summer home on Bellevue avenue at 1 o'clock this morning. The cottage was badly damaged by fire and water.

Mrs. Carroll was awakened by the smoke and finding the fire she first saw her mother and an aged colored cook to safety before calling for assistance from the city fire department.

Each Contributor Testifies That His Check Was "for Any Use."

SHOCK FOR MANAGERS

Notation on \$2,500 Schiff Check Made Only Two Months Ago.

FULL STORY COMING OUT

Decision on Challenged Evidence to Await End of the Trial.

RICHARDS OUTLINES CASE