DE LANCEY NICOLL A BELMONT WITNESS

On Stand in Venner Case He Denies He Is Attorney for Criminally Rich.

RESERVE DECISION IN SUIT

Cornelius Vanderbilt, Defending Subway Fee, Says He Planned City Hall Loop.

Justice Van Siclen, in the Supreme Court, Brooklyn, yesterday reserved decision at the end of the trial of the suit of Clarence H. Venner against August Belmont to compel him to return to the Interborough Rapid Transit Company the 15,000 shares of stock voted to his firm for his services in connection with the financing and construction of the subway. He called for briefs of opposing counsel to be filed by October 24, though he offered to decide the case without further arguments.

The case ended after five financiers had testified to the moderateness of the fee paid to Mr. Belmont. Joseph S. Auerbach and De Lancey Nicoll summed up for the defence and J. Aspinwall Hodge for the plaintiff.

The men who testified to Mr. Belmont's services were Cornelius Vanderbilt, William A. Read, Gardiner M. Lane of Lee, Higginson & Co., Adrian Iselin and George W. Young. They were unanimous in their praise of Mr. Belmont and insisted that his fee was too small.

Mr. Iselin was not an incorporator of the company nor a director, but simply an independent banker and investor in the subway enterprise. Part of the stock, which he owned, finally went to Venner and made up sufficient holdings for Venner to start the suit. He said he knew of the allotment of the stock to Mr. Belmont and had approved of it.

Vanderbilt as Engineer.

Cornelius Vanderbilt gave interesting testimony of the part which he himself played in the construction of the subway. He said he was invited by Mr. Belmont to invest and subscribed $500,000. He was asked to go into the company as a director, he said, but declined unless he could have an interest in the actual building of the subway. This met with the hearty approval of Mr. Belmont.

As a result Mr. Vanderbilt said he helped in the planning and the construction of the subway. He opened an office and did engineering work. He said that the City Hall loop was his plan; that the original plans had called for a dead stop at City Hall, but he devised the loop scheme. He was constantly in touch with Mr. Belmont, he said, and was conversant with the tremendous amount of work which the banker did. He said he approved entirely the allotment of the 15,000 shares of stock.

William A. Read testified he organized a syndicate to bid for the construction of the subway, but his bid was too high. When Mr. Belmont's syndicate got the contract, he said, he took $250,000 worth of stock in the enterprise. He considered the amount of stock paid to Mr. Belmont as equitable.

Mr. Young, who was one of the incorporators and directors of the Interborough, pronounced Mr. Belmont's fee "most moderate."

"You are charged with receiving a part of that stock," said Mr. Nicoll, who was questioning him.

"That's absurd," replied the banker.

De Lancey Nicoll on Stand.

That closed the case for the defence and in rebuttal Mr. Hodge called Mr. Nicoll to the stand. The spectacle of a lawyer of Mr. Nicoll's ability as a cross-examiner on the stand aroused much interest in the court room.

"You are a specialist in criminal law and corporation law," asked Mr. Hodge.

"Oh, no," answered Mr. Nicoll, smiling. "I am simply an all around, old fashioned lawyer."

"Haven't you described yourself as counsel to the criminally rich?"

"Nothing like that," answered Mr. Nicoll, becoming nettled.

Mr. Hodge wished to get from Mr. Nicoll whether at the incorporators' meeting on May 14, 1902, Mr. Nicoll had represented the interests of Mr. Belmont, who was absent. Mr. Nicoll said that he had gone there in the interest of the McDonald group in the enterprise. Mr. Hodge put question after question along that line despite the fact that Mr. Nicoll said he had answered the question, with the result that Mr. Nicoll asked:

"Are you hard of hearing?"

Mr. Hodge, becoming interested, shouted his questions, and Mr. Nicoll smilingly remarked:

"Now, Mr. Hodge, don't go on yelling like that. Behave yourself and ask your questions in a decent, orderly manner."

"You make me very angry indeed," said Mr. Hodge.

Asks Clear Cut Verdict.

Mr. Auerbach in summing up argued that the statute of limitations could apply to the case, but he said: "We do not want the case disposed of on that ground. We want from you a characterization of litigation of this kind. You are asked to view with suspicion the case of the plaintiff."

In closing he pointed out that it would be fortunate if when "such infamous cases come before your Honor you always would have men of such calibre as the defendants to give an equally good account of their stewardship."

Mr. Nicoll in his address pointed out the investigation had shown that here "is a transaction in which everybody has made a profit, no one a loss, not even the plaintiff, whose stock is worth more to-day than when he bought it, subject only to such deductions as he may suffer at the hands of his counsel."

TUMULTY "NOT INTERFERING."

Didn't Try to Pick Fielder's Manager, He Says.

WASHINGTON, Oct. 3.—Joseph P. Tumulty, the President's secretary, issued a statement to-day denying reports published in New Jersey that he had tried to dictate the choice of the Democratic manager for Gov. Fielder's campaign.

He also emphasized that President Wilson's policy of non-interference in New Jersey affairs was being maintained strictly. Mr. Tumulty adds:

"Gov. Fielder and the Democratic organization in New Jersey as now constituted have shown themselves abundantly able to manage the affairs of the party in the present campaign without interference from the White House, although their efforts in behalf of decent government at home will merit and receive cordial approval and any legitimate support which they may seek."

Gov. Fielder of New Jersey said yesterday that if Representative Eugene F. Kinkead had made any agreement with President Wilson or anybody else in regard to the management of the Gubernatorial campaign he, Mr. Fielder, knew nothing whatever about it and had not authorized such action.

The Governor's statement was inspired by the announcement of Kinkead, who is vice-chairman of the Democratic State committee, that he was going to Essex county to fight against the Smith-Nugent forces and work for Fielder.

MORE WESTERN FUEL DELAY.

Special Counsel Report Pleases Attorney-General.

WASHINGTON, Oct. 3.—It will be impossible for the special counsel appointed by the Department of Justice in the Western Fuel Company case to go to trial in the United States District Court at San Francisco on October 13 as planned. The attorneys in charge of the case have reported to Attorney-General McReynolds that they must have more time in order to make a proper presentation of the case for the Government. They may be prepared by December 1.

The Western Fuel Company case was linked with the Caminetti-Diggs cases in the sensational charges made by United States District Attorney John L. McNab after his resignation last June. McNab had been ordered to postpone the trial of the cases by Attorney-General McReynolds.

The directors of the Western Fuel Company were under indictments charged with having conspired to defraud the Government by making false returns on the weights of cargoes of coal incoming into San Francisco. The alleged frauds were said to aggregate between a half million and a million dollars.

McNab charged in the telegram conveying his resignation to the President that the postponement of both the Caminetti-Diggs and the Western Fuel Company trials had resulted from the operation of political influence at Washington.

President Wilson was embarrassed by the charges that his Administration was involved in extensions of special privileges to violators of the law and he directed Attorney-General McReynolds to withdraw his orders postponing the two cases and to proceed with them with all possible despatch.

Matt J. Sullivan and Theodore G. Roche were made special counsel to prosecute the Western Fuel case for the Government. Sullivan had assisted in the prosecution of Abe Ruef. Their examination of the evidence convinced them that much remained to be done before the Government could wisely proceed to trial.

Friends of the Attorney-General declared to-day that these developments have vindicated his action in ordering the original postponement and have gone far to discredit the McNab charges.

TEN HURT IN JEWISH NEW YEAR ACCIDENT

Balcony Falls, Dropping Score of Women Upon Heads of Worshippers Below.

Part of a circular balcony at Claremont Hall, 62 East 106th street, used as a temporary synagogue for Rosh Hashonah Jewish New Year services, collapsed yesterday morning and spilled a score of women onto the main floor below. Ten persons were injured. The balcony fell slowly, giving those under it plenty of time to get out of the way. Four of the injured persons are under treatment at hospitals. These are:

LEHNER, JOSEPH, 1304 Park avenue. Right hand cut; at Mount Sinai Hospital.
NABERKOHEN, HARRY, 1416 Park avenue. Contusions of the back; at Harlem Hospital.
PARTIKY, ROSE, 216 East 107th street. Cut about the head; at Harlem Hospital.
SIEGEL, PINIE, 333 East 107th street. Lacerations of the head; at Mount Sinai Hospital.

The hall on East 106th street, formerly a Democratic district headquarters, now a dance hall, had been rented by the Hebrew school, Talmud Torah, of 227 East 106th street, for the holiday services in hope that the collections taken up would aid in building up the school.

Services were not in progress when the balcony collapsed, but there were about 300 men on the main floor and 100 or more women in the balcony. When the balcony began to sag Policeman Levy and members of the synagogue committee kept the crowd from breaking into a panic and got as many as possible out by the exits.

Somebody turned in an alarm of fire. This complicated the situation, but, according to the police, there was more excitement on the street than in the hall. The Kehillah, a Jewish organization, has provided for the people who had to give up Claremont Hall. They will attend holiday services in synagogues at 160 East 112th street, 115 East 125th street and 132 East 111th street. The Kehillah is arranging for a mass meeting at which funds will be raised for the Talmud Torah school.

The Building Department sent inspectors yesterday to make an examination to fix responsibility for the accident.

TO TAKE UP THAW CASE HERE.

Governor Orders Attorney-General to Give It to Grand Jury.

ALBANY, Oct. 3.—Acting Governor Glynn to-day designated Attorney-General Carmody to take charge of a Grand Jury investigation in New York county into the escape of Harry K. Thaw from Matteawan State Hospital for the Criminal Insane on August 17 last. The plan has the approval of District Attorneys Whitman of New York and Conger of Dutchess.

In addition to investigating Thaw's escape the inquiry is expected to cover developments growing out of Thaw's arrest in Canada, his subsequent arrest in New Hampshire and the recent consideration by the Dutchess county Grand Jury of the charge of conspiracy against Thaw.

While the order issued by Gov. Glynn directs the Attorney-General to take personal charge of the inquiry, he is permitted under the law to be represented by special counsel if he sees fit. It has been reported that William T. Jerome of New York, who was designated by Mr. Carmody as a special Deputy Attorney-General in the proceedings to bring Thaw back to New York State, probably will be designated to represent or assist Mr. Carmody. Mr. Jerome was here this week and conferred with Gov. Glynn and Mr. Carmody.

It was deemed advisable to hold the inquiry in New York for various reasons, including the fact that the crime of conspiracy growing out of Thaw's release from Matteawan may involve persons residing both in New York and Dutchess counties.

Reports have been current here that certain influences have been at work to prevent Thaw's indictment in Dutchess county on the conspiracy charge. These reports were to the effect that Thaw's friends believe that if an indictment is not returned it will tend to aid Thaw in his fight against extradition from New Hampshire. The New York county Grand Jury is expected to consider this phase of the case.

Attorney-General Carmody declared today that he purposed to make a thorough investigation of the entire Thaw case.

Gov. Glynn's order directs the Attorney-General to conduct the inquiry before any Supreme Court Grand Jury in New York county, and also empowers Mr. Carmody to manage and conduct the prosecution and trial of any indictments growing out of this investigation.

Just when the inquiry will be begun has not been definitely agreed upon, but it probably will be instituted very soon.

Decision on Thaw Appeal Monday.

WASHINGTON, Oct. 3.—Solicitor Folk of the State Department announced today that his decision in the Thaw appeal will be rendered next Monday. He had expected to have it ready to-day.

NEW HAVEN ANSWERS INTERSTATE BOARD

Will Lay Plans Before Commissioner and Attorney-General.

DIRECTORS MEET HERE

Elliott Willing to Talk Dissolution if Government Wants To.

The directors of the New York, New Haven and Hartford Railroad at a meeting yesterday replied to the report of the Interstate Commerce Commission which was published June 20 after an investigation into the New England railroad situation. The New Haven's reply indicates that the road is desirous of meeting half way the recommendations of the public authorities.

The last of eight resolutions which the directors passed yesterday has as its text the appointment of a committee made up of Howard Elliott, Thomas De Witt Cuyler and A. T. Hadley "to wait upon the Interstate Commerce Commission and the Attorney-General and lay before them these resolutions, and to outline to those officers of the Government the plan that the directors are now working under in order to respond to the recommendations made by the various public authorities."

President Elliott was asked if this resolution had any connection with the dissolution of the road, which has been suggested. He replied that it had none, but that if the Attorney-General wanted to take up that matter in connection with the general situation in New England the road would take it up with him.

Had One Conference.

"I have had one conference with the Attorney-General," said Mr. Elliott, "and I will have another conference with him if he wants it.

"We haven't neglected the Interstate Commerce Commission's report, but we have had a busy three months. The directors may agree, and they may not agree, with Mr. Prouty."

In explaining the New Haven's delay in replying to the Commission's report, the statement of the directors given out yesterday, says that steps have been taken to have a separate president and staff for the Boston and Maine and another for the New York, Ontario and Western, and that as soon as the by-laws of the New Haven road are changed there will be a separate president and staff for that road.

The directors explain that action has been taken in regard to the trolley lines and the steamer lines, but that they feel that New Haven and Boston and Maine matters come first. In addition, they point out that action has been taken about reducing the size of the operating divisions on the New Haven road to make sure that superintendents are not overburdened, also the directors say they have given a great deal of attention to the immediate financial needs of the properties.

The directors say that making large changes in the organization is a slow and delicate process, which should be done as far as possible without demoralizing the forces.

"Until that could be fairly started," the statement says, "the directors did not feel that they could give that careful attention to the recommendations of Mr. Prouty that their importance deserves.

To Decide on Action.

"The directors now feel that they can take up these questions in detail and the following action was taken:

"*Resolved*, That committees of the directors, conferring with others as hereinafter set forth, be formed and given instructions and power to proceed diligently to examine and report in detail upon the suggestions and recommendations of the Interstate Commerce Commission, and to report and recommend to the board what action, in their judgment, is best in the interests of the public, of the employees and of the bond and shareholders."

The reports are to be made not later than December 1.

The first committee named is to investigate the Connecticut trolley situation, and is to consist of Samuel Rea, John L. Billard, Charles F. Brooker, James S. Hemingway, William Rockefeller, A. T. Hadley and Howard Elliott. This committee is instructed to confer with the Public Utilities Commission of Connecticut.

A second committee is to take up the Rhode Island trolley situation, a third to report on the steamship situation, a fourth to investigate the relations of the New Haven with the Boston and Maine Railroad, a fifth to look into the matter of the Western Massachusetts trolleys and a sixth to investigate the relations of the New York, New Haven and Hartford and Boston and Maine roads.

The board of directors adopted the annual report yesterday. It will be made public to-day probably.

President Elliott wrote a letter to Gov. Foss of Massachusetts yesterday offering to throw open the books of the road to show that expenditures were not being concealed under the heading of "other expenses."

The investigation sought by the Governor has to do with $101,533, the amount standing on the company's books on June 30, as "other expenses," under the general classification of "general expenses."

DYNAMITER DAVIS ARRIVES.

He Occupies McManigal's Room at Indianapolis.

INDIANAPOLIS, Oct. 3.—George E. Davis, who confessed in New York to many acts of dynamiting under instructions from officials of the International Association of Bridge and Structural Iron Workers, arrived here to-day and was taken at once to the Federal Building, where he was assigned to the room formerly occupied by Ortie L. McManigal.

District Attorney Miller gave orders that Davis was not to be interviewed. A guard was placed at the door. No one outside of the building employees and the officers will be allowed in the corridor of the floor.

The investigation into the acts confessed by Davis will be pushed by the District Attorney.

NEW JERSEY NOTES.

ROCKAWAY.—The body of Frank Bragg, 23 years old, of Chester, who was killed by the train that brought him home from the Interstate Fair at Trenton, was found beside the New Jersey Central Railroad tracks yesterday.

NEWARK.—John Minkowski of 100 Chapel street, a deckhand, fell from the steam lighter M. M. Brennan as the boat was passing through the Passaic River drawbridge of the Pennsylvania freight line yesterday and was drowned.

BELVIDERE.—This place has returned to the use of the wax and tallow candle as a result of an armature burning out at the local electric plant. Yesterday a trainload of candles arrived in town.

BREWERS GREET COL. RUPPERT.

Annual Convention Is Opened at Atlantic City.

ATLANTIC CITY, N. J., Oct. 3.—Jacob Ruppert, Jr., of New York, president of the Brewers Association, was greeted today by the 600 delegates to the brewers fifty-third annual convention which was opened in the Shelburne Hotel.

Col. Ruppert said that beer was the most popular beverage ever invented and that the object of the brewer was not to have people drink more beer, but to have more people drink beer.

The board of trustees called attention to the failure of the Webb law, which stopped interstate traffic in beer from wet to dry States and declared that it was impossible to prevent an individual from obtaining beer.

Statistics were offered showing that the consumption of beer this year has made a new record.

M. F. Farley, president of the National Retail Liquor Dealers Association, went into executive conference with the brewers on the subject of betterment of the retail saloon.

One of the visitors was Internal Revenue Commissioner W. H. Osborne.

Col. John P. Sullivan, heading a delegation from New Orleans, extended an invitation to meet there next year.

FIND "DEAD" RANCHER IN PARK ROW SALOON

Accused of Robbing Grave and Burning House to Cheat Insurance Company.

Arthur F. Hughes, a rancher of Forsyth, Rosebud county, Mon., who was at one time believed to be dead, was arrested in a Park Row saloon yesterday afternoon on charges of grave robbery, arson and conspiracy to defraud a life insurance company in his native State.

It is alleged that he stole the corpse of a neighboring rancher named Craig, placed it in his house, set fire to the house and then disappeared to let his wife collect $2,000 insurance on the ground that the charred body in the house was his own.

The information which led to his arrest came from his wife, who is under two indictments herself. She is said to have married a farmhand named William Elliott after Hughes disappeared. Elliott is also implicated in the case.

This marriage led to an investigation by the Montana Life Insurance Company. The woman and Elliott were indicted for murder. Later, however, the fact that Hughes was alive was disclosed to Sheriff William Moses of Rosebud county, and the other indictments against Hughes and his wife followed.

On March 6 last after the Hughes ranch house was burned, Mrs. Hughes identified the charred body of a man found in the ruins as that of her husband. Arthur F. Hughes, because several of his trinkets were found near the body. She then put in a claim for life insurance for $1,000 from the Montana Life Insurance Company and $1,000 from the Woodmen of the World. A month later Mrs. Hughes married Elliott. This caused a belief that her first husband had been murdered, as no trace of Hughes could be found.

Mrs. Hughes, it is said, learned of the missing man's whereabouts through a reproachful letter, which she got from him after her second marriage. Through her attorneys this information reached Sheriff Moses, who communicated with Deputy Police Commissioner Dougherty. It is believed by the police that Mrs. Hughes feared to face trial on the charge of murder and therefore told of the rancher's alleged conspiracy. But for her disclosures she would have been placed on trial for murder on September 29.

Sheriff Moses came to New York ten days ago with a photograph of Hughes. Pinkerton and Central Office detectives helped him in his search for the rancher. They learned that Hughes had been working on the Clyde Line piers, but could find no trace of him along the waterfront for some time.

Then they heard that he frequented a saloon in Park Row and arrested him there. Hughes told them he was about to leave for Australia.

The police said Hughes admitted that he knew Craig's body had been placed in his house before the fire, but denied stealing the corpse or burning the house. The rancher told the police he feared lynching if taken back to Montana charged with robbing a grave. In the Tombs court Magistrate House remanded him to the Tombs until to-day.

Craig, a neighbor of Hughes, was killed on the railroad near his ranch. His widow buried his body in a grave on the ranch and collected $1,000 from the Montana Life Insurance Company.

AUTO KILLS BROOKLYN BOY.

Two More Youths Hurt, One Trying to Save the Other.

Three small boys were struck by automobiles in Brooklyn yesterday afternoon. One of them, Irving Kramer, 7 years old, of 718 Madison street, died on the operating table in Bushwick Hospital. He dropped off the back of a truck and ran in front of an automobile containing C. E. Packard, the owner, of 16 South Portland avenue, his wife and daughter and the chauffeur, Charles Rossman. Packard took the boy to the hospital in the machine.

Howard Ott, 6 years old, of 231 Driggs avenue, stood spellbound in Manhattan avenue near Nassau avenue while an automobile owned by Dr. Henry Seeley of 119 Kent street and operated by Andrew Carlin of 290 Driggs avenue, approached him.

His schoolmate, Henry Kaufman, 11 years old, of 564 Graham avenue, tried to push him out of the way, but both were knocked down. Kaufman was taken to St. Catherine's Hospital badly injured. The other boy was only slightly hurt.

SISTER FORGIVES MRS. TATUM.

So Broker's Wife Says; Denial by Miss McArthur's Lawyer.

Mrs. Mary J. Tatum of Great Neck, wife of John C. Tatum, a wealthy cotton broker, said yesterday that the charge of assault made against her by her sister, Miss Kathryn MacArthur, had been dropped. This was denied by William E. Stewart, who was Miss MacArthur's attorney when the young woman accused Mrs. Tatum of attacking her because she refused to marry a rich New Yorker.

"My sister and I have settled our differences amicably," Mrs. Tatum said. "She dropped the charge some time ago and since then we have been on the very best of terms, better than ever, I might say."

"Mr. MacArthur has just talked with his daughter Kathryn and she most emphatically denies that there has been any reconciliation between her and Mrs. Tatum," said Lawyer Stewart.

2,000 Bostonians Come by Hudson.

The steamboat Washington Irving of the Hudson River Day Line landed yesterday 1,000 Boston passengers, who preferred to come from Albany by water rather than by rail. On the day before a day line boat also brought 1,000 Boston voyagers. This is the largest two day influx of New Englanders in the history of Hudson traffic.

'BUNNY' LETTER WRITER WEDS HIS 'BUNNY'

MacFarland, Twice Tried on Charge of Wife Murder, Marries Miss Bromley.

NIAGARA FALLS, N. Y., Oct. 3.—Allison MacFarland of New York and Miss Florence Bromley of Philadelphia were married here on Wednesday. Miss Bromley reached Niagara Falls at noon and became a bride an hour later.

Allison MacFarland, formerly of Newark, was twice tried there on the charge of murdering his wife. His "Bunny" letters to Miss Bromley when he was advertising manager of the Crocker-Wheeler Electrical Company of Newark indicated then, in the year 1911, that he was in love with Miss Bromley. These letters and the subsequent death of his wife by drinking poison were the basis of the murder charge. MacFarland insisted that his wife committed suicide.

MacFarland was convicted at his first trial and sentenced to die. A new trial was ordered and the jury acquitted him. A few days after his release he was arrested in New York on a charge of counterfeiting and sent to the Federal penitentiary at Atlanta, Ga., for ten months. He was recently released from Atlanta.

While MacFarland was in prison he learned that an uncle had died in England and bequeathed him about $50,000. When MacFarland was acquitted of the murder charge he announced that he expected to marry Miss Bromley. It was through the "Bunny" letters being brought into the first trial that the second trial was ordered.

Miss Bromley lived with her parents at 1237 Viola street, Philadelphia.

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ADRIATIC ..... Oct. 9 CEDRIC ..... Oct. 23
CELTIC ..... Oct. 16 BALTIC ..... Oct. 30
American Pier 62, N. R. 10:00 A. M.
N. Y., Plymouth, Cherbourg, Southampton
NEW YORK .. Oct. 10 ST. LOUIS ..... Oct. 24
ST. PAUL ..... Oct. 17 PHILADELPHIA Oct. 31
Atlantic Transport
New York—London Direct—Pier 58, N. R.
Min'apolis. Oct. 4, 10:30 AM Min'waska Oct. 18
Minnehaha . Oct. 11, 8 A.M. Min'etonka Oct. 25
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George Washington ..... Oct. 4
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Enabling passengers to arrive in LONDON and PARIS on sixth and in HAMBURG on seventh day.
LONDON, PARIS, HAMBURG
*Pretoria ..... Oct. 4, 12 noon
Pres. Grant ..... Oct. 8, 12 noon
Imperator ..... Oct. 11, 3 P. M.
Pres. Lincoln ..... Oct. 18, 11 A. M.
Amerika ..... Oct. 23, 11 A. M.
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*La Savoie ..... Oct. 15 *La Lorraine ..... Oct.
*La Provence ..... Oct. 22 *La Savoie ..... Oct.
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