MUD BOTTOM ROADS ACCEPTED BY STATE

Osborne Brings Out at Hearing That Objecting Inspectors Were Transferred.

ALL RULES DISREGARDED

Schultz Passed Poor Work Done by Contractors With Influence in Albany.

ALBANY, Jan. 2.—"No wonder the roads sink and disappear from view when you have nothing but mud under them," exclaimed Commissioner James W. Osborne, the special graft investigator for Gov. Glynn, during the testimony to-day of Daniel A. Young, a State Highway Department engineer.

Mr. Young supervised the construction of the Wyatt-Hoffman road between Amsterdam and Schenectady, the contractor being Joseph Walker of Albany. The road was a little over five miles long and the contract price was $48,000.

"Mr. Walker's contract called for a screened gravel bottom course," said Mr. Young, "but when he got ready to put in the bottom course he didn't screen the gravel, but took it just as it came from a nearby bank of earth which contained quite a percentage of loam. When I called Walker's attention to the specifications he said that he had seen Chief Engineer Willis of the State Highway Department a day or two before, and that Mr. Willis told him he could use the gravel without screening."

"What reason did Mr. Willis give for thus favoring the contractor?" inquired Commissioner Osborne.

"Well, it was a good deal easier for the contractor than it would have been to screen it, and it cost less money," replied Young.

Violations of Specifications.

Young explained that nearly two miles of road had a bottom course with loam or dirt in it in violation of the specifications; that later the construction of the rest of the road was changed, and that instead of a three inch bottom course and a three inch bituminous gravel top course the contractor was permitted to build a six inch sub-base bottom with a water bound gravel top. He testified that this bituminous gravel top made the best road, and that after the change the contract price was not lessened.

"Who permitted this change?" inquired Commissioner Osborne.

"Well, I suppose Mr. Willis did?" Young replied.

It developed that this happened in 1911, when C. Gordon Reel, State Engineer Bensel and State Superintendent of Public Works Peck composed the State Highway Commission. Willis was then chief engineer.

Young said that the Walker road was accepted by the State even after he wrote a letter to the State Highway Department complaining about the bottom course not being screened, saying:

"About 1,200 feet of bottom course has gone in just as it comes from the gravel bank and consists of from 15 to 40 per cent. of dirt or yellow clay, 10 per cent. of large stones and the rest gravel of all sizes. There is no objection to the gravel if it is screened, but the dirt is all mixed through it.

"Now I should like to know what I am to do. Am I to take Contractor Walker's word and throw away the specifications and take my orders from him, or will some one from the office at Albany either tell me to accept or to reject the material and the method now being used in constructing the road? Will some one kindly make some kind of answer to this letter?"

"Did you get any answer to this letter?" inquired Mr. Osborne.

"No, sir," replied Young.

"Was the road accepted?"

"Yes, sir."

"And the State paid for it?"

"Yes, sir."

"How was it accepted?"

"About a week after I wrote acting Division Engineer Perry, Filkens came out from Albany and looked at the bank from which they were getting gravel and said if the steam shovel would work down a little lower so as to get a greater percentage of gravel they could keep right on putting it in the road bottom just as it came from the bank."

"Without screening?"

"Yes, sir."

"So that road was put through and accepted?"

"Yes, sir."

"In spite of your letter?"

"Yes, sir."

Mr. Young said that the gravel bank was owned by Charles Trumbull, who said he had a half interest in the road contract with Mr. Walker.

A Contributor to Campaign.

Walker is one of the contractors John A. Hennessy said contributed to the Democratic State committee.

The Rob Roy Contracting Company of Troy had two contracts for resurfacing the road between Schenectady and Albany. William T. Shields of Troy is the president of the company, with which John Consaulus of Troy is also connected.

The first contract called for a resurfacing with brick for a stretch of 3,000 feet east of the Schenectady line, each side of the brick pavement to be bordered by a bitumen filling acting as an expansion joint.

The specifications called for a filler that would melt between 120 and 140 Fahrenheit. Engineer Young said that he first shipment of filler would not melt except at over 147 Fahrenheit. He said this would make the filler brittle in cold weather, causing it to crack and permit the brick to separate.

He said that he rejected the filler and that a new supply was procured by the contractors, but that after this second supply was exhausted Deputy State Highway Commissioner Haul Schultz of Troy permitted the rejected material to be used upon a section of road which cost $18,000 to construct.

Young said Mr. Schultz caused the road to be accepted despite his protest.

Elwood C. Blessing of Altamont, another State Highways Department supervising engineer, testified to a stretch of road between Albany and Schenectady running west from the Albany city line, which the Rob Roy Company resurfaced, which called for a brick surface and concrete foundation with sand filler at a cost of $9,800.

Objections Get No Heed.

Blessing said that when he arrived on the road he objected to the material already drawn to build about 200 feet of foundation. He pointed out that the specifications called for concrete, comprising broken stone, cement and sand.

"I told Mr. Shields that he could not use that material and he said that when he got ready to mix the concrete he would use the material just the same," Blessing testified.

Blessing notified the Albany office of the Highway Department, but got no satisfaction. He went to work on this contract on August 25 and was transferred on September 10, when only two-thirds of the concrete base had been laid. He was transferred after he had a talk with Shields during which Shields said to him:

"You have been showing fight since the very day you came out here and if you want fight I will give you all you want."

"I was transferred shortly afterward," said Blessing.

Blessing testified that he had told Ralph Russell, the engineer in charge of the maintenance branch of the Highway Department, and A. S. Merrick, acting division engineer, of Shields's treatment of him.

Merrick testified that Schultz told him to transfer Blessing because he and the contractor were fighting. Merrick inspected the job after it was completed and found it defective.

Frederick A. Biggy, who succeeded Blessing as engineer in charge of this contract, said that he realized that the contractor was influential and tried to get along with him the best he could.

Schultz Says to Use Sand.

"I first objected to the sand to be used between the concrete foundation and the brick surface," said Biggy, "but Mr. Schultz telephoned to go ahead and use it."

The sand had lots of loam in it, while the specifications called for sand free from loam.

"And the effect of loam is that it washes away?" inuired Mr. Osborne.

"Yes. It washes away and becomes muddy, if it gets wet, and makes it bad to set brick upon. We had quite a little rainy weather and the loamy sand got kind of 'soupy' and we had considerable difficulty in laying the brick. We did not have skilful bricklayers and used ordinary laborers, with the result that the surface was very uneven."

"Did Mr. Schultz pass this work?" inquired Mr. Osborne.

"Yes. He looked it over and passed it, saying it seemed to him perfectly proper."

Shortly after the road was opened to traffic the bricks became loose and they had to be regrouted. This work was done under the Sulzer administration.

The engineers told Mr. Osborne that the influence exerted by the Rob Roy Company and other contractors caused the engineers to be lienent to contractors known to have influence at Albany.

"Where a contractor has been favored from Albany that fact reaches the engineers on other work, doesn't it?" inquired Mr. Osborne.

"Yes, sir."

"They are afraid to report favored contractors after that, aren't they?"

"Yes, sir."

Deputy Commissioner Schultz and the engineers who testified to-day continue in Mr. Carlisle's employ.

Miss Davis, Correction Commissioner, swearing in her deputy, Burdette G. Lewis

Miss Katherine Bement Davis took office yesterday as Commissioner of Correction. She did not use the regular department automobile in going to 146 East Twentieth street, where its offices are, but went in a taxicab. Patrick A. Whitney, the outgoing Commissioner, was on hand to meet her when she walked into the office.

Commissioner Whitney showed her through the building, and when she came back both Commissioners and Burdette G. Lewis, Miss Davis's newly appointed deputy, posed for a photograph. Just before the photographer was ready to fire his bomb, Miss Davis said:

"Oh, wait a minute, please. My hair is a fright. It always is when I don't want it to be. Let me see if it's straight. There."

ELDERLY WOOER TAKES GAS.

Had Long Watched Girl's Home From Riverside Drive Beach.

Leopold Sulzberger, a quiet man of 45 years, was found unconscious from gas yesterday morning in a room he had rented from Mrs. Abbie Manion, in St. Francis Court, 583 Riverside Drive, between 138th and 139th streets. He was taken to the Knickerbocker Hospital. He is a prisoner, charged with attempted suicide. His condition is serious.

Mrs. Manion said she knew little about Sulzberger. Policeman Manning, who was called in by Mrs. Manion when she smelled the gas, recognized Sulzberger as a man who had been in the habit of spending part of each evening on a bench across the street.

Manning fell to talking with Sulzberger one evening. Sulzberger confided that he was very much in love with a young woman of the neighborhood. He suspected her of accepting the attentions of other men, he said, and he sat on the bench to see who her callers were and to learn whether she was in the habit of going out with other men.

GIRL SAVES GIRL CAR VICTIM.

Strip Torn From Petticoat Prevents Bleeding to Death.

A woman who said she was Miss Annie Dean of 335 West Sixty-fifth street (there is no such number) was knocked down and dragged fifteen feet by an Eighth avenue trolley car last night at Central Park West and Sixty-fourth street. Her right leg was badly crushed and broken just above the ankle.

A crowd gathered in which was Miss Minnie Scheely of 134 West 111th street. Miss Scheely ripped a piece of her petticoat off and made a bandage for the foot. Then, when Policeman Londrigan appeared, she improvised a tourniquet, using a slash out of her petticoat and the policeman's nightstick. She bound Miss Dean's leg tightly above the ankle, twisting the torniquet as hard as she and Londrigan could.

Miss Dean had fainted from loss of blood. She was rushed to Polyclinic Hospital as soon as an ambulance could be summoned. Her foot was so badly crushed that the doctors at the hospital amputated it immediately. The doctors said that she might have died from loss of blood if the tourniquet had not been applied.

CALL MONEY AT 10 PER CENT.

Advances for Third Time Since Summer to High Mark.

Call money for the third time within the fall and winter season climbed to 10 per cent. yesterday. The reason was the extensive calling of loans in view of the heavy interest and dividend payments coming due at this time.

The advance did not come, however, until after 2 o'clock, and by that time the most of the big loans of the day had been made. The last date when call money reached 10 per cent. was on November 20.

MAYOR MAY CHANGE OLD POLICE SYSTEM

Headquarters Official Promises Cleanup of Pickpockets and Gangsters.

PEG POST TO BE MODIFIED

McKay Puts Dougherty and Newburger Back After Seeing Mitchel.

It became evident at Police Headquarters yesterday that Mayor Mitchel intends to give much time to working out his idea of how the Police Department should be run.

One official in charge of an important bureau said that there would be a big change in the method of suppressing pickpockets, petty thieves and gangsters, who under the Gaynor administration had a more or less free hand. This official promises that within two weeks there will be a cleanup of these types of criminals.

The peg post system is also to be changed somewhat. Commissioner McKay would only say that the present plan may be modified, but it is known that Mayor Mitchel is not in favor of continuing the elaborate plan now in force.

The Mayor holds, it is said, that entirely too many patrolmen are assigned to peg post duty in certain sections of the city, particularly in the downtown business districts, where there is very little traffic at night. Complaints have been made that the outlying sections of the city were not properly policed.

After his conference with Mayor Mitchel yesterday Commissioner McKay returned to Police Headquarters and reappointed George S. Dougherty second deputy and Harry W. Newburger third deputy, the positions they had held under Commissioner Waldo. They were asked to take up their workk until further notice, but with the understanding that they may be succeeded at any time. Both expressed willingness to hold office under the conditons.

Commissioner McKay announced that Inspector Dillon would be put in charge of Brooklyn and Queens. He was formerly fourth deputy, with the same command and carried on the police records as an inspector on leave of absence.

McKay said no fourth deputy would be appointed for the present. But if necessary, he said, he would act in an emergency. Besides Police Commissioner McKay will also do the work of the first deputy, the office he held formerly.

When the Commisioner received the reporters after his visit to the Mayor he smiled through the interview and answered none of the many questions asked. And if he did venture into deep water it was with the much abused Headquarters proviso that: "I am not to be quoted on that."

The idea was gathered, however, that the new Commissioner will try out some of his own plans, which have come into his possession during his connection with police affairs.

He was voted the most pleasant Police Commisioner of all time with the one condemning clause that he does not "talk copy." However, the old timers say: "Give the chap a chance."

MRS. WILSON ENDS 7 YEAR SUIT.

Stops Action for Separation Because Husband Lives in Europe.

Mrs. Lillian Van Buren Wilson discontinued yesterday a suit she brought seven years ago for a separation from John C. Wilson, Jr., brother of Vice-President George T. Wilson of the Equitable Life Assurance Society. Mrs. Wilson's attorney said that she decided to drop the action because her husband is in Europe and doesn't expect to return here.

Mrs. Wilson's first husband was Myer Nussbaum, lawyer and former State Senator, who divorced her and named Samuel G. Watts, a wealthy yachtsman, after his wife had told him she wanted to be free to marry Watts. Nussbaum later sued Watts for $100,000 for alienating his wife's affections and a jury gave him $30,000. Watts failed to marry Mrs. Nussbaum, but settled $500 a month on her and she married Wilson.

Wilson's defence to his wife's suit was that she defrauded him by telling him that the $500 a month she got came from her former husband and not from Watts. Wilson sued his wife for annulment and she retaliated with the separation suit.

Beer Holds Up Trains.

An auto truck belonging to a brewing company fell from the wooden bridge over the Long Island Railroad tracks at Woodside, Queens, yesterday, when the steering gear got out of order. James Tierney, the driver, was injured on the right leg. Two hundred boxes of beer were scattered over the tracks and traffic was delayed half an hour.

MITCHEL WILL FILL MORE JOBS MONDAY

Police Commissionership Not to Be in Next Batch of Appointments.

T. R. NOT THE "UNKNOWN"

Coudert Deciding on Corporation Counsel's Office—Maltbie in Doubt.

Mayor Mitchel will not open his market basket again until next Monday.

"I don't want to make my announcements one at a time," he said late yesterday. "I'll wait until I have two or three or more before I say anything about them."

Nevertheless, the new Mayor is anxious to fill all offices as soon as possible. He left the City Hall after his first day in the Mayor's chair to spend the evening working at his lists.

He was asked whether or not he had heard a word from Frederic R. Coudert, who can be Corporation Counsel if he wants the job.

"I have not," he said.

Roosevelt Not the "Unknown."

Then the talk turned to the Police Commissionership. He was asked if he had heard from Col. Goethals.

"No," he replied, "nor from Leonard Wood."

"Nor Col. Gorgas nor Theodore Roosevelt?" somebody asked.

"Nor Col. Gorgas nor Theodore Roosevelt," he repeated, "nor the King of Belgium."

He added that he had not tried to reach either Col. Gorgas or Col. Roosevelt at any time. That disposed of Col. Roosevelt as a possible "great unknown."

Mr. Mitchel said he thought he wouldn't be ready to tell on Monday who the new Police Commissioner would be, nor probably by the middle of the week, when he hopes to have ready another batch of appointments. It might be three weeks, or more.

"Or never?" he was asked, on the supposition that he may keep Douglas I. McKay at the head of the department.

"Well——" he said with a smile, apparently starting to make an admission. Then he checked himself, adding: "You know I can't discuss these things too particularly."

Maltbie's Place in Doubt.

The assumption was yesterday that Milo R. Maltbie, whom Mr. Mitchel wants to take office as Water Commissioner, will stay in the Public Service Commission. Mr. Maltbie's friends were authority for the statement that he believes it to be his duty to stay in the commission and keep a watch on the Tammany majority.

It developed yesterday that Mr. Mitchel was so anxious early this week to induce Frederic R. Coudert to take office as Corporation Counsel that he sent his secretary, Bertram Cruger, to Roanoke Island, N. C., to carry a personal message to Mr. Coudert. The latter left off duck shooting long enough to tell Mr. Cruger that he would be glad to consider Mr. Mitchel's offer, but asked if he might have a few days before giving a definite answer. He is expected back in New York on Monday.

Mr. Coudert's friends said yesterday that his law business is in such shape that he could leave it, but the real rub is the Ambassadorship to France. President Wilson has Mr. Coudert in mind for the place, and the latter is unwilling to take the Corporation Counsel's office until he has talked with the President.

There was little doubt yesterday that Charles T. White will be continued as Tax Commissioner. Maurice Wertheim, Henry Morgenthau's son-in-law, is apt to be chief of the Mayor's Bureau of Licenses and George H. Bell Commissioner of Licenses.

MAYOR'S FIRST FULL DAY.

Job Hunters Scarce and He Sees Few Except Commissioners.

In Mayor Gaynor's chair sat yesterday John Purroy Mitchel—that is, he had the chair to sit in, but as a matter of fact he did most of his day's work standing up. The new Mayor likes to do his talking on his feet and talking was his big job yesterday.

He talked with all his new Commissioners one after another, except Miss Katharine Bement Davis, whose first day's duty did not bring her to the City Hall. He talked also with a number of callers, including ex-Mayor Kline, Ogden L. Mills and Dudley Field Malone.

The unusual thing was the limited number of those who came "just to see the Mayor"—or in other words, to see about jobs. Counting Commissioners, political visitors and friends Mr. Mitchel did not see more than thirty men all day. Compared with the throngs that gathered when Mayor Gaynor went into office four years ago or even when Ardolph L. Kline took up the work last September the number was trifling.

Not half a dozen persons turned to gaze when they saw two young men walking across City Hall Park a few minutes after 10 o'clock. The taller of the two slapped the other on the back at the steps of the City Hall, said "Good-by, Henry," and went out of sight in a twinkling. Henry Bruere turned the corner of the City Hall and made for the Stewart Building, to begin work as the youngest City Chamberlain.

Mr. Mitchel vanished into the private office of the Mayor, almost before Police Lieutenant William Kennel had a chance to salute. For two hours Herman Ives had been waiting at the door of the Executive suite. Herman Ives is a bootblack.

"I've shined every Mayor's shoes since Mayor Grace's back in 1882," he said, "and do you think I'd let anybody else get in ahead? Not on your life."

And so he preempted the job.

Bertram Cruger, the Mayor's executive secretary, came a few minutes after Mr. Mitchel. He was scarcely at work before the new Commissioners began to appear. One of the first was Police Commissioner McKay.

"Mr. McKay was here to consult me about deputy Police Commissioners," Mr. Mitchel explained later. "I asked him to keep some of the present deputies in office pending final arrangements if they will serve on that basis."

The new Mayor was asked if Fourth Deputy Commissioner Dillon, on leave from an inspectorship, would be continued permanently. He said he did not know.

One by one the Mayor's new Commissioners came in. Later, when he gave account of the day's work, he said that he hadn't done a thing but see his Commissioners and attended to his correspondence.

Mr. Mitchel went down to the Whitehall Building to lunch with Dock Commissioner R. A. C. Smith, Henry Bruere and Raymond B. Fosdick. He said afterward that he hadn't talked appointments.

Mr. Mitchel does not expect to see anybody to-day except men whom he asks to call upon him.

TAMMANY LEADERS QUIT JOBS.

Four Leave High Salaried Berths and Fifth Will Go Soon.

Four of the five Tammany district leaders who held jobs under the last administration are already out and the fifth will go to-day or Monday.

Fire Commissioner Robert Adamson accepted the resignation of Daniel E. Finn, leader of the First Assembly district, who has been secretary of the Fire Department under Joseph Johnson at $4,800 a year.

Commissioner of Charities Kingsbury reported to Mayor Mitchel that the two Tammany men in his department had gone—Frank J. Goodwin, leader of the Seventh, and Stephen A. Nugent, leader of the Thirty-fourth in The Bronx. Both held deputy commissionerships at $5,000 a year.

Burdette G. Lewis succeeded to the job held by William J. Wright, leader of the Thirty-first. Wright was Deputy Commissioner of Correction at $4,000.

The fifth Tammany leader is William H. Sinnott, Deputy Bridge Commissioner. He is leader of the Twenty-second Assembly district, and his job paid $4,500 a year. His execution is set for to-day or Monday.

BRUERE SIGNS FOR $22,755,315.

New City Chamberlain Files Bond for $300,000.

Henry Bruere, the new City Chamberlain, wrote his name at the bottom of a receipt yesterday for $22,755,315.14 of city money, now on deposit in the banks. That sum includes $494,249 tied up in the defunct Carnegie Trust Company and Northern Bank. In addition to it was about $4,000,000 of court funds.

In order to qualify for the job Mr. Bruere had to file a bond for $300,000, which was furnished by four surety companies.

TAMMANY LEADER NOT REMOVED AS ORDERED

Commissioner Curry Keeps Culkin in Office Despite Surrogates' Demands.

Charles W. Culkin, Tammany leader of the Fifth district and Deputy Commissioner of Records in the Surrogate's office, was still holding his job yesterday in spite of the order issued by Surrogates Fowler and Cohalan on December 13 directing Commissioner of Records John P. Curry, who is under the supervision of the Surrogates and who appointed Culkin, to remove him and four other persons in his bureau before January 1 because there is nothing for them to do.

Surrogate Cohalan when asked what would be done about Commissioner Curry's failure to obey orders said:

"There is nothing to prevent these men from giving their services to the county without pay. I do not see how the Civil Service Commission, which certifies the payrolls, can send them to the Comptroller bearing the names of these men. I am not going to hurry this matter and am simply standing pat."

Commissioner Curry said he was still considering the order of the Surrogates and if he decided he could get along without Culkin and the other four he'll let them go.

"Instead of curtailing our force, we need more men and more room," said Curry.

To this Surrogate Cohalan retorted:

"There is no doubt that the Commissioner's bureau is doing good work, but that is no reason for having half a dozen generals for a few privates."

A point to remember about Equitable rents

EQUITABLE rents and other rents cannot be compared solely on a dollar and cent basis, any more than the value of eggs can be figured without respect to their age and condition.

Space in most buildings is characterized by a waste due to impractical layouts, but for which the tenant must nevertheless pay so much per square foot.

Space in the Equitable Building is all usable space, every foot of it, and thus it is obvious you must take this fact into consideration when comparing Equitable rents with others.

Leases now being made from May 1, 1915. The building, however, is due to be completed 2 or 3 months ahead of that date.

Equitable Building

Temporary Office, 27 Pine Street

Café de Paris

Broadway at 42d Street

Announces that for nearly one year neither LOUIS MARTIN nor LOUIS MARTIN'S has had any connection whatever with this business or its management.

GOMEZ NOW BACK IN CARACAS.

Troops on Guard Against Castro for Five Months.

CARACAS, Jan. 2.—President Gomez, accompanied by 7,000 soldiers, returned here to-day after an absence of five months. All have been encamped at Maracay since the threatened revolution headed by ex-President Castro.

The soldiers marched through the principal streets, and then were drawn up in front of Miraflores Palace, where the members of the Diplomatic Corps had gathered to offer their New Year's greetings. It is probable that the termination of the state of war at present existing will be shortly proclaimed.