

J. B. BRANDRETH BLAMES WIFE IN REPLY TO SUIT

His Charges Denied by Duncan C. Pell, Jr., and Rod-eric Wellman.

\$80 A MONTH ALIMONY IS ALLOWED BY COURT

A suit for separation was filed in the Supreme Court yesterday by Mrs. Margaret B. Brandreth against John Brock-ridge Brandreth, son of the late Ralph Brandreth, who died in 1908 leaving a fortune made in the manufacture of porous plasters and brother of Ralph Brandreth, a youth of many escapades, who was divorced a year ago.

An affidavit made by the defendant in answer to his wife's application for alimony to Justice Davis charged her with misconduct with Duncan C. Pell, Jr., who lives with his mother, Mrs. Anna Ouden Pell, at 131 East Sixty-sixth street, and with Hederic Wellman, a lawyer, and son of former Assistant District Attorney Francis L. Wellman, who is associated in his father's firm of Wellman, Gooch & Smyth.

Both Wellman and Pell submitted affidavits denying the charges against them and asserting they are intimate friends of Brandreth and as such met his wife.

An interesting development of the case is a statement by Brandreth's mother, Mrs. Mary S. Brandreth, that her income of \$10,000 a year will be curtailed this year because the porous plaster company in which the funds of her husband's estate are largely invested is unable to meet its necessary demands for European account of the war. For this reason she is giving up a large house she has been occupying at Bellport, L. I., and is taking more modest quarters. She will be unable to give her son John any financial aid, she said.

Ordered to Pay Alimony. In spite of Brandreth's charges against his wife and his statement that he is out of a job and has nothing but his alimony of \$80 a month from his father's estate Justice Davis directed him to pay \$80 a month alimony and \$200 counsel fees.

In her affidavit Mrs. Brandreth said she married the defendant June 5, 1911, and has one child, Dora. She alleges her husband has pursued a course of "harsh, unkind and unkind treatment since the summer of 1912, when she was in the hospital and he was in a hospital for two months, part of the time hovering between life and death. When she got out she found the business had been disposed of for non-payment of rent and the stock sold.

Sought Theatrical Job. Brandreth told the court his wife was looking unsuccessfully for a subordinate part in a theatrical company when he met her. Her mother, Mrs. Katherine Adams, went to live with him at 140 West Fifty-seventh street, and she was with her mother's objections, and insisted that because her daughter had had an "unhappy and stunted girlhood she must have her own pleasures, which she would give her mother and ideas." His wife and her mother went out together and frequently visited the defendant and his mother.

Brandreth said his wife and her mother drank to excess and that his wife used both verbal and physical abuse while her mother drank absinthe. He said he took a house at Hewletts, L. I., last year and moved to spend the winter with his mother at Bellport. While he was away his wife and her mother would invite men and women friends there and have "drunken orgies," he charged. He said his whiskey bottles hidden around the house, he said, and the affairs "became so notorious that they were the subject of scandal."

By reply to his wife's statement that he drank frequently he was intoxicated only five times during his married life, and these were on the occasions of dinners with Harvard College friends, and even then he was not drunk. He said the reason he quit paying his wife under the separation agreement was that she broke her promise to stay away from her mother and dissipate companions.

Mother Testifies. Brandreth's mother said her husband died in 1908, when her son John was a senior in Harvard, 29 years old, and that it was her wish that her son should learn the porous plaster business. Those in control of her husband's company offered her \$10,000 in interest in the estate and soon lost it in a business venture on the island of Jamaica. She said she has taken a keen interest in her son's married life, which she found most unfortunate and unhappy, but she was unable to help him because of the curtailment of her income due to the war.

The name of Hederic Wellman is brought into the suit in an affidavit by Mrs. Mary Kelly, housekeeper in the Hewletts house, who said that prior to July 20 last Mrs. Brandreth and Wellman came home together and both were intoxicated. She was awakened by hearing them scuffling in the parlor, she said, and when she got up she found Mrs. Brandreth sitting on the telephone with Wellman's arm around her.

Replying to the affidavits in behalf of her husband Mrs. Brandreth denies all charges of wrongdoing. She asserted in her affidavit that he was never guilty of familiarity with Mrs. Brandreth. Wellman admitted he went to the Brandreth house in an intoxicated condition one night, he said, he found his way into the house and sought shelter because the last train had left and he didn't know where to go, but he made no improper overtures to Mrs. Brandreth.

A countersuit for divorce has been filed by Brandreth, according to Mrs. Brandreth's attorneys, but no papers are on file.

KILLED FLEEING FROM BANDIT.

Rich Cuban Thrown From Horse After Highwayman Shoots.

Special Cable Dispatch To This City.

HAVANA, Nov. 30.—A Cuban, a wealthy planter, was killed by a fall from his horse while fleeing from a highwayman on a road near his plantation today. Senior Casuso, who was riding his horse just as the planter approached his house his horse stumbled and fell. His skull was crushed.

YOUTHFUL BRIDE CAUSES ARREST OF AGED SPOUSE

Ex-Judge Ennis, 70, Is Sued for Separation by Wife of Six Months.

DEFENDANT IS FATHER OF MRS. G. H. LORIMER

Ex-Judge Alfred Ennis of the Supreme Court of Indiana, who is 70 years old and is the father of Mrs. George H. Lorimer, wife of the editor of the Saturday Evening Post, was arrested yesterday at the Hotel Marcelline in a separation suit brought by Mrs. Norma Ennis, 27 years old.

The order for ex-Judge Ennis's arrest was made by Supreme Court Justice Davis on an application by Mrs. Ennis, who said she feared that her husband would leave the city and would not be in the jurisdiction of the court when alimony is fixed in her suit. The arrest was made by Deputy Sheriffs McDonnell and Zeltner, and bail was set at \$1,000.

Judge Ennis notified his daughter, Mrs. Lorimer, by telephone as soon as he reached the Sheriff's office and she replied that she would arrange for bail through the law firm of Samuel M. Gardinier. The bail had been provided when the Sheriff's office closed and through the pleading of Mrs. Lorimer her father was taken to an uptown hotel by the deputies, who remained with him over night and will take him to the Sheriff's office today to furnish the bond.

The separation suit recalls the marriage of Judge Ennis to Miss Norma Schilling on May 15 last. In her petition for her husband's arrest Mrs. Ennis says that the marriage had been unhappy from the start and that her mother, Mrs. Matilda Schilling, supplied \$2,000 to furnish their home at Hedden Hall on Riverside Drive. Mrs. Ennis says that her husband has contributed nothing to her support.

She alleges that he left her in August, saying that he was going West on business. She says that instead he moved to the Hotel Marcelline, leaving her and her mother with a long lease on their hands and practically penniless.

"I was attracted by his commanding personality and by his noble character which led me to believe he possessed," said Mrs. Ennis.

Concerning Mrs. Lorimer she says: "Mrs. Lorimer, who is a most refined young woman, met me in New York and disabused me as to the grand opinion which I held of her father."

NEW YORK COMPANY LOSES CONDUIT SUIT

Supreme Court Upholds the Revocation of Electric Lines Franchise.

WASHINGTON, Nov. 30.—The New York Electric Lines Company has lost its appeal to the Supreme Court of the United States from the Supreme Court of the State of New York, which held that the company had no vested interest in the permit it secured from the Board of Aldermen of New York City in 1883 to lay electric lines in the streets.

The company had sought a writ of mandamus from the Supreme Court of New York to compel the Empire City Subway Company to permit the conduit of the latter for laying wires. The New York Supreme Court denied the application. Justice Hughes, speaking for the entire Supreme Court, affirmed the judgment of the lower court. He held that the permit had been legally revoked by the Board of Aldermen of New York because the company had taken no steps to lay wires, and he was not to be taken to exercise the franchise.

Justice Holmes agreed with the New York Supreme Court that the interests of municipal utility should be observed permanently where there was no intention manifested by those holding the permit to perform the acts consistent with the enjoyment of the permit.

The court took the permit by the city occurred in 1906. The last application for a permit to lay wires in the conduits of the Empire company was made in 1910.

G. G. HENRY MUST STAND TRIAL.

New York Broker Who Defied Pujio Committee Loses in Supreme Court.

WASHINGTON, Nov. 30.—The Supreme Court decided today that George G. Henry, the New York broker who defied the Pujio investigating committee of the House of Representatives, will have to stand trial in the Federal court in New York.

The case was brought on the merits of whether or not the accused had been properly indicted by the grand jury following well established precedents. It held that the jurisdiction of the Supreme Court could not be invoked in such summary way and remanded the case by affirming the judgment of the United States District Court refusing the writ of habeas corpus sought by Henry.

It is expected that Henry will be brought to Washington by the Government and a trial will be fixed for his trial. While the Pujio committee that investigated the so-called money trust was under way Henry, who had been called as a witness, declined to answer questions put to him by Senator Undermyer touching the relations of the firm of Salomon & Co. with certain flotations.

L. E. WATERMAN CO. LOSES SUIT.

Supreme Court Decides Rival May Use Name for Pens.

WASHINGTON, Nov. 30.—The Supreme Court affirmed today the judgment and decree of the Circuit Court of Appeals for the Second Circuit in the case of the Fountain Pen case in which the L. E. Waterman Company sought to prevent the Modern Pen Company from using the name "Waterman" on its product.

The Modern Company had entered into a contract or partnership agreement with Arthur A. Waterman, not of the L. E. Waterman firm, by which he was to share in the business. The L. E. Waterman Company filed a bill to enjoin the use of the name "Waterman," asserting that it was intended to work a fraud on the public.

TABLEAUX DANSAN'S BRING DEBUTANTES TO FOOTLIGHTS



Photo by Baumann. Left to right, Helen Ridgely Morgan, Caryl Hackstaff and Constance Peabody in the Crinoline Dance at the benefit for the Virginia Day Nursery.

An attractive entertainment of tableaux dansants for the benefit of the Virginia Day Nursery was given last night in the ballroom of the Ritz-Carlton. Nearly a dozen tableaux were presented, each one ending with a dance. Some of them were of the old school and others were modern to the minute. The dances had been rehearsed under the direction of Otto Bartik, formerly of the Metropolitan Opera Company ballet. The costumes for all the tableaux were designed by Mrs. Harry H. Duryea, who also devised the scheme of the dances.

First on the programme was a Russian Mazurka, danced by Miss Beatrice Hurl and Gerald Onatvia, and this was followed by a Pasport and Pierrette danced by Bradish Johnson, Carroll, Jr. and Miss Dorothy Blaine. The latter two partners were Bradish J. Carroll, Jr. and Hermann C. Schwab and J. Berry Underhill, Jr.

Miss Margaret Trevor presented a pretty Mexican dance, and Miss Marie Tattler danced with Mr. Carroll the "Lu Lu Fado." The last number on the programme was a fancy fox trot by Mrs. E. Roscoe Mathews, Miss Mildred Rice and Miss Dorothy Battie, whose partners were Eric Winston, Dawson Norton and Bradish Johnson Carroll, Jr.

Some of those in the audience were Mr. and Mrs. Pembroke Jones, Miss Caroline Morgan, Mr. and Mrs. C. Loyard Blair, the Misses Blair, Mr. and Mrs. H. Hobart Porter, Mrs. T. Hunt Talmage, Miss Lilian Hunt Talmage, Mrs. Frederic H. Betts, Mr. and Mrs. Alvin W. Knoch, Mr. and Mrs. Philip A. Rollins, Mr. and Mrs. Charles W. McAlpin, Mrs. Annabella S. Olyphant, Dr. and Mrs. D. Hunter McAlpin, Mrs. George De Forest Lord, Mrs. Mrs. Samuel Sloan, Mr. and Mrs. H. Fairchild, Mrs. Mrs. Josephine Jackson, Mr. and Mrs. Ralph Sanger and Mr. and Mrs. Frank Dwyer Knoch.

Others were Mrs. Henry Mills Day, Miss Laura V. Day, Mrs. members of the Junior League, Mrs. George G. De Witt, Mr. and Mrs. Willard S. Brown, Mrs. Keene Taylor, Mr. and Mrs. Frederic Eddy, Mrs. J. Murray Henderson, Mrs. Mrs. Henry G. Trevor, Miss Charlotte R. Strong, Miss Josephine Nicol, Miss Catherine D. Collis, Miss Louise Russell Headley, Miss Cora L. Lancy, Miss Lancy, Miss Louise S. Gilder.

A dance was held in the assembly room of the Colony Club last night under the auspices of Miss William J. Schellhorn, Mrs. William J. Schellhorn, Mrs. W. J. Schellhorn, Mrs. Catherine Jones, Mrs. Russell H. Headley and others for the benefit of the New York City Visiting Committee, and the fund necessary to carry on the work of this organization in bringing about better conditions in hospitals and other public institutions.

There was general dancing and some of those who attended as guests of the committee were Miss Mary Jay Schellhorn, Miss Joan Whitridge, Miss Edna Bidwell, Miss Margaret La Farge, Miss Adah E. Marks, Miss Sylvia H. Edwards, Miss Mildred Sawyer, Herbert R. Lawrence, Charles S. Butler, Everett Putnam Smith, Charles L. Hoffman, George de K. Gilder and E. Higginbotham.

In the case of the bill more tonight will be held the Russian festival arranged by Miss Barbara S. Rutherford for the benefit of the Russian War Relief Committee, illustrating the life, religion, art, music and customs of Russia will be shown and there will be Russian dances arranged by Prof. Chailoff, formerly of the Metropolitan Opera House ballet.

The choir from the Russian Cathedral will sing and there will be music by the Russian-Balalaika orchestra. Among the war relief committees are Mrs. M. N. Nakhomina, who will be in charge of the Adamo Didi of the Metropolitan Opera House, Mrs. T. Hunt Talmage and Josef Hofmann. There will be general dancing.

ASK FULL SUPREME BENCH TO AID FRANK

Lawyers Take Final Legal Step to Save Him; Only Recourse Is Pardon.

WASHINGTON, Nov. 30.—Formal application was made to the full bench of the Supreme Court of the United States today for leave to file application for a writ of error to the Supreme Court of Georgia to review the judgment and sentence of Leo M. Frank, convicted and under sentence of death at Atlanta for the murder of Mary Phagan, the twelve-year-old factory girl.

The court took the papers in the case and probably will announce its decision next Monday. A brief was filed in support of the motion by Henry Alexander of Atlanta, attorney for Frank, and another brief will be submitted by Louis Marshall of New York, who has been associated with local counsel in the case.

On the issue thus presented hangs the last hope for saving Frank's life by legal methods. The only recourse left to him will be the appeal for clemency to the State Board of Pardons and to the Governor if the Supreme Court denies the motion for leave to apply for the writ. The case is one in which the keenest interest is centered.

Associate Justice Lamar and Associate Justice Holmes each in turn has denied the application for the writ, but both opinions suggested that Frank had lost his legal remedies through fault of his attorneys at the trial, to take proper steps on appeal. Those attorneys are not the ones now battling for the man's life in the Supreme Court.

MAY HANG ELEVEN IN SAME MINUTE

Arizona Authorities Plan Long Platform, One Lever Springing all the Traps.

GOV. HUNT LOSING SLEEP

PHOENIX, Ariz., Nov. 30.—The eleven murderers now in the State penitentiary not only will be hanged on the same day, December 19, but probably at the same instant. At a meeting to-morrow the State Board of Control will consider the erection of a platform on which the eleven men may be executed simultaneously by pulling one lever.

Built into one of the prison buildings is a concrete and steel trap. Only one man can be executed on this at one time. Warden Sims says that no man can witness eleven executions in a row, which would require five or more hours, nor can one man be found to spring the trap eleven times. The law requires that the warden see each execution.

Governor Hunt says that Sims's objection has not altered his determination to have all the hangings on the same day. He is in favor of having them at the same instant.

On the desk of Gov. Hunt are the bound transcripts of evidence in the cases of eleven condemned murderers, who must die at the State penitentiary December 19, unless the Governor exercises the commuting power which no longer will be his after the first day of January. He is hurrying into the transcript, studying them minutely. A light burns in his office far into the night, sometimes far into the morning.

"If I could only go to sleep for a few hours and forget this," he said the other day. "But I can't. I have not slept soundly nor known a moment's peace since it became certain that the bill to abolish capital punishment had been defeated."

His deepest regret in connection with this whole horrible matter is that he has been unable to secure passage of delaying the day when legal murder shall be abolished in Arizona. There is not the shadow of a doubt that many of the big corporations and capitalists of Arizona exerted their powerful influences to secure the defeat of the bill, not because they believe in hanging but because they know my views so well and are especially toward me.

The law providing that all executions shall take place within the penitentiary and that the warden shall invite twelve citizens to witness each hanging. I am anxious to ask Governor Sims to invite Judge Douglas of the Copper Queen Mining Company, Bishop, Epes Randolph, President of the Arizona Eastern Railroad, Tucson; W. B. Kelly, editor of the Phoenix Journal; Dwight B. Heard, owner of the Bull Moose party in Arizona, and Dr. H. A. Hughes of Phoenix, who was my opponent at the primaries for the Democratic nomination for Governor.

"They are the most guilty men in Arizona today, for if it had not been for their mean, spiteful, despicable work there would never be another legal murderer in this State," says the Governor.

"They are the most guilty men in Arizona today, for if it had not been for their mean, spiteful, despicable work there would never be another legal murderer in this State," says the Governor.

"They are the most guilty men in Arizona today, for if it had not been for their mean, spiteful, despicable work there would never be another legal murderer in this State," says the Governor.

HACKETT DISPUTES APPRAISAL.

Says Valuation of E. E. Trowbridge Estate Boosts Inheritance Tax.

The appraisal of the estate of Francis E. Trowbridge, who died on September 14, 1914, and who was the husband of the late Minnie Hackett Trowbridge, whose estate of more than \$1,000,000 was to be appraised by James K. Hackett, the actor, was filed yesterday. The estate is valued at \$1,075,825 and under the will the entire amount went to the widow. The amount fixed as the value of the husband's estate is disputed by the representatives of the wife's estate on the ground that they will be compelled to pay inheritance tax on much property that already belonged to her.

The proceedings to fix the value of the Francis E. Trowbridge estate have been pending before Appraiser Solomon Goldstein for more than two years, and during that period of testimony were taken. Every stock of bond owned by either the husband or wife was put in evidence for testimony as to what it was worth at the time of the death.

The appraisal of the estate of Francis E. Trowbridge, who died on September 14, 1914, and who was the husband of the late Minnie Hackett Trowbridge, whose estate of more than \$1,000,000 was to be appraised by James K. Hackett, the actor, was filed yesterday. The estate is valued at \$1,075,825 and under the will the entire amount went to the widow. The amount fixed as the value of the husband's estate is disputed by the representatives of the wife's estate on the ground that they will be compelled to pay inheritance tax on much property that already belonged to her.

The appraisal of the estate of Francis E. Trowbridge, who died on September 14, 1914, and who was the husband of the late Minnie Hackett Trowbridge, whose estate of more than \$1,000,000 was to be appraised by James K. Hackett, the actor, was filed yesterday. The estate is valued at \$1,075,825 and under the will the entire amount went to the widow. The amount fixed as the value of the husband's estate is disputed by the representatives of the wife's estate on the ground that they will be compelled to pay inheritance tax on much property that already belonged to her.

The appraisal of the estate of Francis E. Trowbridge, who died on September 14, 1914, and who was the husband of the late Minnie Hackett Trowbridge, whose estate of more than \$1,000,000 was to be appraised by James K. Hackett, the actor, was filed yesterday. The estate is valued at \$1,075,825 and under the will the entire amount went to the widow. The amount fixed as the value of the husband's estate is disputed by the representatives of the wife's estate on the ground that they will be compelled to pay inheritance tax on much property that already belonged to her.

SHIP'S CAPTAIN LOST AT SEA.

J. S. Boyd of Southern Pacific Line Missed En Route to New Orleans.

NEW ORLEANS, Nov. 30.—Capt. J. S. Boyd of the Southern Pacific Steamship Company, one of the oldest captains in the New Orleans passenger service, was reported lost at sea when the steamer reached here today. Passengers said that the seas were not heavy and are at a loss to explain how the captain came to fall overboard. First Mate J. H. Anderson is believed to be the last one who saw the captain alive.

The Southern Pacific office here yesterday held a meeting to consider the possibility of a search for the body of the captain. It was mentioned that he had been a constant sufferer from vertigo and probably fell overboard during an attack. The body was 62 years old. He lived in East Orange, N. J., and had been in service of the Southern Pacific for more than twenty-five years.

POOR SHARE IN ALLEN ESTATE.

Church's Share to Be Distributed Among Them After Ten Years.

WHITE PLAINS, Nov. 30.—The will of William Allen, who died on November 21 last, has been admitted to probate in New York today. It disposed of an estate of \$350,000. Mr. Allen was head of the William Allen corporation.

Under the will the widow is to have a life interest in practically the entire estate, and relatives, friends and employees will be the beneficiaries at her death. After the bequests are paid and the widow has received her share the residue of the Mount Vernon Hospital and the Presbyterian Church of Mount Vernon. The latter will receive the income on its \$100,000 fund, and then the principal will be distributed among the poor of Mount Vernon.

Dr. Edsall Not to Be Ousted.

Dr. Frank H. Edsall, superintendent of the Jersey City Department of Health, has been re-elected to his position by the board of health yesterday.

JOHN WANAMAKER Men's Clothiers for 53 Years

Very Special Today

97 Men's Overcoats

Of the Finest Kind Wanamaker \$70 Standard

\$48.50

(Read the News of Them) Burlington Arcade floor, New Bldg.

The News of Them

One warm day last June our Men's Clothing chief came in, threw a big bundle on the table, and said, proudly—

"The finest thing we have done."

He opened the bundle and disclosed 17 samples of the most exquisite—there's no other word—the most exquisite overcoatings the world produces.

An American clothing maker while abroad last spring bought the pieces from which they were cut. They came from the great mills of

J. & J. Crombie, Aberdeen.

Martin, Sons & Co., Huddersfield.

Macdonald & Gibb, Hawick.

Blenkhorn & Richardson, Hawick.

Broadway, Fourth Avenue, Ninth Street

EXTORTION OF \$1,000 CHARGED TO LABOR MAN

Samuel Dudek Arrested He Wholesale Baker Asserts He Took Marked Money.

Samuel Dudek, said to be the walking delegate of Local 205 of the Bakers Union, living at 226 East 100th street, was locked up at Police Headquarters last night on a charge of extortion preferred by David L. Messing, a wholesale baker of 18 Lewis street.

He was arrested by Detectives Woods, Jessup, Mundy, Henkel, Metcalf and Moriarty after pocketing, according to Messing's story, \$1,000 in marked \$100 bills, which Messing says he handed over to him in a restaurant at 1 Beekman street. Messing asserts that Dudek threatened to kill him, his son and brother, Dr. Arnold Messing, unless the money was paid.

According to Messing, Tobias A. Koppe, Messing's counsel, and the detectives, Messing and Gottfried & Stockler of 175 second street and 221 East Seventy-second street have conducted non-union bakeries since May last, although previously their places were strictly union.

Within the last few months their drivers Messing asserts had been driven from shops damaged and their products spoiled by kerosene.

In September last, Messing says, Dudek demanded and was paid by both firms for "protection" at the rate of \$40 a week. The third week he got an additional \$100, Messing asserts, and three weeks ago made a demand for \$1,000.

All have purchased the six-year-old New York paper company, which publishes the Boston Advertiser and the Boston Evening Record. Francis W. Bird will be the publisher and George D. Tutton will be the managing editor. Bird will be in charge of the conduct or management of either paper.

BIRD BUYS BOSTON PAPERS.

Boston, Nov. 30.—Charles Sumner Bird, twice the Progressive candidate for Governor of Massachusetts, in an announcement to be published by the Boston Daily Advertiser to-morrow, says: "I have purchased the six-year-old New York paper company, which publishes the Boston Advertiser and the Boston Evening Record. Francis W. Bird will be the publisher and George D. Tutton will be the managing editor. Bird will be in charge of the conduct or management of either paper."

"It is our aim in both papers to maintain an honorable tradition and to establish a name for liberal and independent journalism that shall hold itself free from alliance with any party, and ground on its special interest."

HEALTH CONVENTION OPENS

Four New World Nations Represented at Jacksonville.

JACKSONVILLE, Fla., Nov. 30.—The first of the new world joined health fairs here today in a more genuine effort of action for public health. The opening session of the American Health Association's fifth annual convention, a welcome was given by delegates by George H. Powell of Jacksonville and James W. Wood of F. Donagan of Canada. Dr. A. A. Donagan of Cuba and Dr. J. W. T. of the United States. A letter was read from Director of Public Health of Mexico. The annual address was made by Dr. William C. Woodward.