OSBORNE FROWNS ON VENUE CHANGE

Ex-Warden of Sing Sing Sure of Justice in Westchester.

SO WRITES TO COUNSEL

Thomas Mott Osborne will not ask a change of venue from Westchester county in his trial for perjury, which is set for February 21. Mr. Osborne wrote yesterday to George Gordon Battle, his lawyer, saying that such an action would reflect on his many Westchester friends.

"I realize perfectly the strength of the corrupt and abhorrent forces lined up against us," he said. "But I do not feel that they can prevail in any county in the State. The fact that the attack has come from Westchester county officials is the very reason why the fight should be settled there.

"This is not merely a struggle to keep untarnished the good name handed down to me by my father, himself born in Harrison, the son of a Westchester county farmer. It is an effort to free Sing Sing once and for all from the dark stain of graft and inefficiency which has made that prison for many years past a burning disgrace, not only to Westchester county, but to the whole State of New York.

"The shame of this outrageous and brutal attack upon an innocent man has been placed upon Westchester county. It would not be fair to deny the county the chance to show that such actions are not representative of the real sentiment of its people."

It is believed the acquittal on Sunday of Nathan Kaplan (Kid Dropper), a convict at White Plains, has persuaded Mr. Osborne that a fair trial is possible.

EX-CONVICTS APPEAL FOR POLICE GUARDS

Want Protection When 60 Men Tell of Prison Experiences on Monday.

Frank A. Lord, Deputy Police Commissioner, is trying to figure out how many policemen he should send to guard Carnegie Hall next Monday evening when sixty ex-convicts will gather on the platform, while many more will be in the audience to hear them.

The meeting is to be held under the auspices of the Mutual Welfare League of Sing Sing prison to discuss the present reforms in prison management and the work of ex-Warden Osborne. Several members will tell of their experiences while in the league and what it did for them. Among the "outsiders" who have been invited are Mr. Osborne, Warden Kirchwey of Sing Sing, Warden Charles F. Rattigan of Auburn, Judge William H. Wadhams, Dr. E. Stagg Whitin, Adolph Lewisohn and Clifford Harmon. Mosk Friedman and David Howard, leaders of the league, visited Commissioner Lord yesterday and explained that they wished to make the application for police protection that is usual wherever a large crowd assembles. They figured that between 4,000 and 10,000 men will be eager to hear the stories of the league's workings from its own members, and among them will probably be a goodly number of their former companions on whom the police are still keeping a watchful eye.

Mr. Lord was of the opinion that no extraordinary number of policemen will be necessary, but added that the main difficulty will probably be to keep them away. He promised, however, that there will be ample protection at the hall during the meeting.

"PLEASE" IS NEW PRISON RULE.

Blackwell's Islanders Thanked by Keepers Now, Too.

The State Commission of Prisons filed with correction Commissioner Burdette G. Lewis yesterday a report of inspections made in the New York workhouse and the penitentiary during the last few months. Warden Murtha of the latter institution is highly commended.

The report contains a long list of the improvements made by Warden Murtha, among them extermination of vermin, installation of shifting, white coats for cooks, waiters, barbers and bakers; sanitary drinking cups, politeness by keepers in all parts establishment of the *Prison Chronicle*, carrying of clubs abolished and substitution of shaving brushes. With respect to the politeness of keepers the report says:

"All requests must come in 'Please,' and on performance of act 'Thank you.'"

COURT HOLDS FOR TEACHERS.

Rules Transfer of Retirement Funds to State Legal.

ALBANY, Feb. 9.—The constitutionality of the law establishing the State system of retirement of public school teachers was upheld in a decision handed down here to-day by Supreme Court Justice William P. Rudd. The decision is the outcome of an action instituted by Attorney-General Woodbury to compel the city of Yonkers to comply with the law requiring the transfer of local teachers' retirement funds to the State system upon the application of two-thirds of the teachers of any city.

The Yonkers teachers voted for the transfer in April, 1915. The decision of Justice Rudd directed the city Comptroller of Yonkers to turn over the $3,000 in the local fund to the State.

The decision will facilitate the transfer of the New York city teachers' pension system to State jurisdiction, an agitation for which has been under way for several years.

The Yonkers Board of Education attacked the validity of the law upon the ground that it permitted two-thirds of the teachers employed in a city, rather than two-thirds of the teachers belonging to a retirement association, to vote upon the question of transferring the system.

APPROVE CHARITIES BOARD.

County Superintendents of the Poor Adopt Resolutions.

ALBANY, Feb. 9.—The county superintendents of the poor, in annual convention here to-day, adopted resolutions recording their "appreciation of the work of the State Board of Charities in the several counties of the State, especially in its supervision of the almshouses and other institutions having care of dependents," and stating "that in the opinion of this convention, the visitations and inspections of the State Board of Charities by its members and officers have been productive of most beneficial results in the provisions made for the care of the poor, efficiency of institutional administration and in the attitude of the public toward dependents of all classes."

"THE COHAN REVUE, 1916," WHIRLS IN AT THE ASTOR

Richard Carle, Valli Valli and Charles Wininger in "The Cohan Revue of 1916."

Broadway Flowers Brilliantly on Both Sides of the Footlights.

YEAR'S PLAYS SATIRIZED

George M. Cohan, who so successfully made a return to musical fun last season at the Astor Theatre in "Hello Broadway," was at the same trick again last night in the same place. But he did not waste imagination on the title this time. He called what was described as "a musical crazy quilt, patched together and threaded with words and music," simply "The Cohan Revue, 1916," which contained the implied and pleasant promise that future years may bring forth the same sort of an entertainment. Mr. Cohan—who is such a joker—added after his own name "Author of 'The Firemen's Picnic' and 'The Barber's Bride.'" "The Two Boys, George and Sam," were said to be responsible for "its first takeoff on any stage."

Whatever that may mean, he was the author of the revue of the season's plays which was seen last night by a large and loyal Cohan audience. Broadway flowered brilliantly last night on both sides of the footlights. Of course Mr. Cohan leaned heavily on the plays which have been popular enough during the present season to make them well known to the public. So the two acts with their numerous scenes were peopled with such well known stage figures as *Jean Pauvel* in the person of Charles Wininger, Miss Juliet as the temperamental *Emily Stevenson* and personages out of "Young America," "Major Barbara," "Common Clay," "Hobson's Choice," "Sadie Love," "Our Mrs. McChesney" and almost every other play which has lasted over night.

These already familiar characters were posed against backgrounds more or less closely connected with their story, although the Harvard Club served to dignify the author of "Common Clay" especially. In spite of these scenes the programme said the scene was laid somewhere in Rhode Island, which seems to show that Mr. Cohan has not yet forgiven Providence.

George Cohan has mingled in very adroit fashion the various plays of the winter, so there was some sort of amusement in the succeeding incidents of the play to one familiar with the characters in the numerous pieces on which he drew. It is, however, the incidental fun which makes up the chief entertainment of this latest Cohan revue. But it is necessary to know something of the current dramas to get any real enjoyment out of the performance. Of course there is much more amusement in store for one who in addition knows all the actors in these pieces and has a more or less intimate acquaintance with their domestic, artistic and social peculiarities. For Mr. Cohan cut his fun close from the bone of the Tenderloin, which was once Broadway's name.

Much of the speech is genuinely witty and the action is unflaggingly vivacious, and there will be no cause for complaint when there is less of what the author has to offer. It was nearly 11 o'clock when the curtain fell on the first act. There was just as much to follow. The fault, if there be any in the new work, lies in the generosity with which the audience is invited to partake of more of the same.

Mr. Wininger's mimicry of Lee Dietrichstein could not be more perfect in its way even to the vocal peculiarities of that great lover. But there was altogether too much of it. The same is true of the various episodes of the piece. But Mr. Cohan is too skilful not to discover in all the laughable material that he has provided what there is to be selected so his revue of 1916 may be equally funny. As it was, the loyal audience welcomed every scene with the most unqualified enthusiasm.

There was the Salvation Army barracks from "Major Barbara" with Elisabeth Murray as laughable as her Irish brogue always is; Harry Bulger, somewhat subdued but comic; Harry Delf as Holliday of the trail, and the rest of the leading characters in Shaw's comedy more or less satirized, with the heroine and others out of "Common Clay" amusingly associated with them.

Richard Carle, who has never been more naturally humorous, was the hero of "The Boomerang" with all the Belasco tricks in that play to help him out, and dainty Valli Valli, weeping as Jane Cowl has always had to do in her recent parts. Little Billy delighted the audience as the boy hero of "Young America." Little Billy also carried off the honors of the final scene in an imitation of the youthful George Cohan in dancing and action. But Miss Juliet's mimicry of Emily Stevens was perhaps the most comic single episode. She did nothing with Miss Barrymore, however.

There was actor's fun in every scene, which must sound like a foreign language at many points to most spectators not associated with the theatre. There were lively music, some striking color schemes in the dresses and plenty of jokes, which were comprehensible to all. So the "Cohan Revue 1916" will undoubtedly serve its purpose in amusing the public, evidently insatiable now in its demand for fun and music. And there is plenty of both along with beauty in the new entertainment at the Astor Theatre, rather too much, in fact, for one evening's entertainment.

"The Cohan Revue, 1916"—At the Astor.

The Jester	John Hendricks
Captain Jones	Walter Brazil
Col. Smith	John Boyle
Andrew Overdraft	Harry Bulger
H. H. Hobson	J. C. Marlowe
Mrs. Overdraft	Elisabeth Murray
R. J. Carroll	Percy Ames
Major Barbara	Lila Rhodes
Stephen Overdraft	Frederick Santley
Billy Halliday	Henry Delf
Dr. Boomerang	Richard Carle
Ed Dundreary	John Hendricks
Jane Clay	Valli Valli
Emily Stevenson	Miss Juliet
Young America	Little Billy
Jean Paurel	Charles Wininger

SCHOOLING OF ORPHANS IS OF POOREST KIND

Some Teachers in Institutions Get $25 a Month: Children Learn by Rote.

A dismal picture of the schooling afforded the orphan children of New York city was drawn yesterday by Dr. R. R. Reeder, head of the New York Orphanage at Hastings-on-Hudson. He was testifying before Commissioner Charles H. Strong, who is hearing the controversy between State and city charities departments at the Bar Association. Dr. Reeder visited children's institutions and inspected classroom facilities at the city's request.

"In general they were much below the public schools," Dr. Reeder testified. "There was no standard for teachers. These teachers were not certificated and many had only an elementary school education; they could not have taught in the public schools because they could not have qualified for such teaching. Some were high school graduates.

"The schools were isolated and their work led nowhere. The teachers got as low as $25 a month.

"The principal method of teaching was by rote; everything depended upon lifeless memorizing. The teachers were as effectually shut off from the rest of the world as the pupils. If the children had known that when they got through they could get into high schools there would have been some offered incentive to learn."

The hearing will go on to-day at the Bar Association at 10 o'clock.

COUNTY CLERK FIGHTS FOR PAYROLL ADVANCE

Asks Mandamus Writ to Compel Approval of Raises for Two Employees.

Supreme Court Justice Cohalan heard an application yesterday in behalf of County Clerk William F. Schneider for a writ of mandamus to compel Comptroller Prendergast to certify to the County Clerk's payroll bearing the names of two employees whose salaries had been raised. The County Clerk contends that his office is a county office under the control of the State Civil Service Commission and that the City Comptroller has no authority to question the salaries paid.

James A. Donegan, counsel to Mr. Schneider, called the court's attention to the fact that when County Clerk Schneider was objecting to a cut of from $1,500 to $1,200 in the salary of one of his men who had been employed twenty-two years the Comptroller said: "Well, it's about time he had a rest." Mr. Donegan said:

"It's about time the Comptroller discovered what his legal powers are in such matters. This attitude is just a sample of his feeling in the matter of the standardization of the salaries of the County Clerk's staff. Things have come to a pretty pass when the County Clerk must get the sanction of George Tyrell, the Comptroller's appointee, who is at the head of the bureau of standardization, before he can fill vacancies in his office."

The court reserved decision.

AMBITIONS HIT BY NEW DISTRICT PLAN

Assemblymen Who Want to Be Senators Fear It Will Spoil Their Chance.

DEADLOCK MAY RESULT

ALBANY, Feb. 9.—The Senate and Assembly committees appointed to draft a bill apportioning the Senate and Assembly districts of the State are working independently of each other, a situation which conceivably may lead to a deadlock of the two houses. Several Assemblymen, anxious to serve in the Senate, do not want their counties placed in Senate districts embracing present Senators influential enough to be returned under the new apportionment. There also are four or five Senators who may be taken out of a district which they are able to control and who would not be able to secure renomination in the new districts. The problem which the apportionment committees face is to appease the Senators and Assemblymen who may be thrown together in the same Senate districts after being eliminated from districts which they now control, so far as the nomination is concerned.

Although New York city has gained 1,000,000 population in the last ten years and the balance of the State but a few hundred thousand, New York city is to lose one Assemblyman under the new apportionment, which will be given to an up-State county. New York city is to gain a Senator in Queens county, giving that county two Senators. But in the redistricting of Senate districts in New York city New York county will lose two Senate districts, while The Bronx gains two.

SENATE CONFIRMS MULLAN.

Wagner Says Whitman Has Hit a Blow at Fusion.

ALBANY, Feb. 9.—Just before the Senate confirmed the appointment of George V. Mullan, Mayor Mitchel's former law partner, to-day as a Supreme Court Justice Senator Wagner declared that the Governor has made fusion impossible next fall in New York city.

"I was hoping that the Governor would follow up the non-partisan spirit exhibited by the members of the bar, irrespective of the ticket of the First judicial district, and at least select one Republican and one Democrat, although, perhaps, in justice he should have selected two Democrats to fill the places of two Democrats whose offices were made vacant.

"But perhaps overcome by the persuasiveness of those who desired political preferment he gave way, or at least abandoned, that fine non-partisan sentiment expressed by the leaders of the bar of New York and put in the place of the two Democrats two Republicans and in view of that fact I think he has put the question of the selection of a full non-partisan judicial ticket next fall in the First judicial district out of the question, and that is the only regret that I express and this is the opportunity for expressing it when this nomination is before this body."

5,047,221 PEOPLE IN CITY.

Gain of 1,033,440—Census Figures of State.

ALBANY, Feb. 9.—The population of the cities of New York State, according to the State census of 1915, with the gain or loss of each during the past ten years, follows:

City	1915	Gain
Albany	104,979	7,939
Amsterdam	31,958	3,317
Auburn	36,458	2,458
Batavia	9,018	1,158
Beacon	10,116	1,581
Binghamton	66,076	7,911
Buffalo	454,939	19,042
Canandaigua	5,000	1,000
Cohoes	20,193	*159
Corning	15,419	2,419
Cortland	12,561	959
Dunkirk	20,018	3,018
Elmira	40,696	4,196
Fulton	11,158	1,258
Geneva	14,014	974
Glens Falls	14,327	1,027
Gloversville	21,115	2,000
Hornell	14,320	993
Hudson	12,244	1,244
Ithaca	19,542	2,542
Jamestown	37,178	3,320
Johnstown	10,681	841
Kingston	25,954	2,954
Lackawanna	15,027	4,367
Lockport	22,500	2,500
Long Beach	12,340	340
Middletown	18,981	1,981
Mount Vernon	21,858	1,858
Newburgh	30,576	1,576
New Rochelle	31,267	11,267
New York	5,047,221	1,033,440
Niagara Falls	42,157	15,699
North Tonawanda	12,148	2,248
Norwich	9,347	1,347
Ogdensburg	14,133	1,133
Olean	16,946	1,946
Oneida	9,461	961
Oneonta	10,634	1,634
Oswego	22,768	2,768
Plattsburg	11,524	*476
Port Jervis	9,021	1,021
Poughkeepsie	35,014	4,014
Rensselaer	11,987	1,987
Rochester	218,149	8,149
Rome	21,916	1,916
Saratoga Springs	13,880	1,880
Salamanca	5,731	731
Schenectady	95,692	9,692
Syracuse	174,709	17,709
Tonawanda	9,144	1,144
Troy	76,813	*1,187
Utica	101,349	1,349
Watertown	26,705	2,705
Waterville	4,504	504
White Plains	5,487	1,487
Yonkers	98,843	2,843

*Denotes decrease.

These figures were given out officially for the first time to-day.

WHITMAN TO BE HOST TO LOW.

Former Mayor and Aids Will Be Guests of Governor.

ALBANY, Feb. 9.—Seth Low, ex-Mayor of New York, and the former members of his administration will dine together Thursday evening as guests of Gov. Whitman. They will come from New York in a special car, reaching Albany about 7 o'clock and returning about midnight. The Governor was Assistant Corporation Counsel and Mayor Low's legal adviser.

The guests, besides Mr. Low, will be George L. Rives, Corporation Counsel, and William R. Willcox, Park Commissioner under the Low administration; Dr. John W. Brannan of Bellevue and Allied Hospitals, Thomas W. Hines, Commissioner of Correction; Supreme Court Justice John C. Clark of the Corporation Counsel's office, John E. Eustis, Park Commissioner; Gustave Lindenthal, Bridge Commissioner; Richard Young, Park Commissioner; McDougall Hawkes, Dock Commissioner; William J. Moran, private secretary; Gen. Francis V. Greene, Police Commissioner; Robert Grier Monroe, Commissioner of Water Supply; James L. Wells, Park Commissioner, and Willis L. Ogden, Civil Service Commissioner.

WHITMAN SIGNS HORTON BILL.

Gives $10,000 for Examination of Civil Service.

ALBANY, Feb. 9.—Gov. Whitman to-day signed the Horton bill giving $10,000 to the Civil Service Committee of the Senate for completing its work of examining the civil service of the State in order to recommend a system of standardization of places and salaries. The bill is the first signed by the Governor this year.

In a memorandum the Governor says Chairman Horton of the committee promises to have his work done in time for the recommendation to be used in making up this year's appropriation bill.

SAY SUBWAY BONUSES ADD TO CITY'S BURDEN

Continued from First Page.

and that expenses in excess of this 3 per cent. must come out of surplus.

"But," said Mr. Colby, "your 3 per cent. does not avail you anything because of the discount at which you sell the bonds to J. P. Morgan & Co."

"No, sir."

"How are instructions given by J. P. Morgan & Co. when they desire more bonds?"

"They simply call for the bonds up to the limit of $30,000,000 a year."

"And the more they call for the larger will be your balance with the Morgan firm?"

"Yes."

"And the larger will be the difference in the amount of interest which you receive for balances and what J. P. Morgan & Co. makes on the purchase of the bonds?"

"Yes."

"Have any representations been made to J. P. Morgan & Co. that the Interborough is losing heavily because of the large amount of these outstanding bonds?"

"None that I know of."

"It is costing the Interborough about $1,500,000 to carry $50,000,000 with J. P. Morgan & Co.?"

"Yes. I would like to explain that the apportionment of bonds to be taken each year was fixed by the Public Service Commission and was based on the theory that the subways would be completed in four years, beginning in 1913. It appears that delays will bring the completion into the summer of 1918. Had the subways been completed according to the original plans this balance would not have been so large."

"Has the Interborough any financial reason for postponing the completion of the subways?"

"No, sir."

"What is the effect of delay on the interest charges?"

"The Interborough will have to pay the interest on the bonds until the subways are actually in operation."

"And the interest is charged to construction account?"

"Yes, sir."

"Then the interest mounts up on one side of the ledger until the subways are in operation?"

"Yes."

"And there are no receipts from operation to carry the interest charges?"

"No."

"And the larger the amount charged to interest the less you have to pay toward construction?"

"Yes."

City Must Pay Deficit.

"And if there is any deficit in the moneys available for construction it must be supplied by the city?"

"Yes."

"Is there any limit to these interest charges?"

"Only the completion of the subways."

"Your obligation is limited to $5,000,000?"

"Yes."

"And if you spend from $10,000,000 to $15,000,000 for things that are only theoretically 'construction' the city must make up the cost of actual construction?"

"Yes."

"Has this situation anything to do with the failure to operate the Lexington avenue subway?"

"I do not know. The Lexington avenue subway is not yet completed."

"Is the fact that the Interborough does not suffer through its financial operations, but profits through them, the real reason for postponing the opening of the Lexington avenue subway?"

"No. There are no delays on any part of the work being done under the supervision of the Interborough."

"Does the Public Service Commission," asked Senator Thompson, "understand that interest is finally chargeable in the way you have described?"

"I presume they do."

Mr. Colby here read into the record a statement furnished by Mr. Fisher showing the amounts of interest from various bond sales received by the Interborough or credited to it on the books of J. P. Morgan & Co. The total amount was $1,829,089.47. The Interborough sells its bonds to J. P. Morgan & Co. at 93½ and pays 5 per cent. on them. J. P. Morgan & Co. pay to the Interborough 2½ per cent. for the money received from the sale of these bonds, which remains on deposit with the Morgan firm. The interest of 5 per cent. paid by the Interborough on the par value of bonds which sell for 93½ is actually 5⅓ per cent. and the interest loss to the company is the difference between this 5⅓ per cent. and the 2½ per cent. which the company receives in its current balances.

"This interest charge of 5⅓ per cent. is charged to the city," said Mr. Colby. "Is this $1,829,089.47 credited to the city?"

"Yes."

Not Charged to Construction.

Mr. Colby then wanted to know if the $500,000 that went to J. P. Morgan & Co. was charged to construction. The witness said it was not, but that it was one of the items that came out of surplus, not being included in the 3 per cent. allowed for preparing the bonds and mortgage.

J. F. J. Gaynor, general auditor of the Interborough, said that the $500,000 came out of the general fund of the Interborough.

"To what account was it charged?"

"Other suspense."

"What is 'other suspense'?"

"It is an account laid down by the Public Service Commission for our guidance under the rules of the uniform system of accounting which the commission has adopted. The rules of the commission direct that it shall include any expenditure that cannot be permanently classified in any other account at the time the expenditure is made."

"Then the amounts in this account will require final classification?"

"Yes."

"Are there other accounts in which such items are carried?"

"No."

"What other 'suspense' accounts have you besides 'other suspense'?"

"None."

"What are the items in this account in general?"

"They are for preliminary expenditures leading up to the No. 3 contract and elevated certificates."

"What is the aggregate amount of the account?"

"About $600,000."

"Where is the bonus to Mr. Shonts carried?"

"That is carried to construction."

Mr. Gaynor was taken over practically the same ground covered by Mr. Fisher with respect to the $58,000,000 to be paid by the Interborough toward the construction cost of the new subways.

"Suppose the combined amounts contributed by the company and the city are not enough to complete the construction work, does the city have to pay more?"

"It does."

"Is the bonus of $150,000 to President Shonts a part of the city's contribution?"

"No."

"That bonus is charged to construction?"

"Yes."

"It is credited to the $58,000,000 which the Interborough is to pay?"

"It is so carried on the books."

"If a controversy should arise as to the amount that had been paid by the Interborough this bonus would be credited to the account of that payment by you?"

"It is."

Charles H. Sabin of the Guaranty Trust Company, this company being one of the executors of the estate of Andrew Freedman, and Walter G. Oakman, another executor, were called toward the close of the hearing yesterday. Mr. Sabin was accompanied by Thomas Garrett, Jr., a young man with a healthy voice who was evidently much excited. He wanted to read a statement and Senator Thompson wouldn't let him. He said he'd have Mr. Sabin read it, and Senator Thompson wouldn't let Mr. Sabin do so. He said he'd give it to the newspapers, and the Senator told him to go ahead.

One of the interesting statements in the document of Mr. Garrett was that "the four boxes containing Andrew Freedman's papers," which according to early report had been removed from the Manhattan Storage Warehouse to prevent Perley Morse from getting at them, actually contained wines and were removed so that they could be sold.

Mr. Sabin said he hadn't read the subpœna of the committee directing him to produce all papers and memoranda relating to the duties of Andrew Freedman as an officer or director of any public utility corporation in the State from January 1, 1906, to date.

"I direct you to produce books and papers in accordance with the subpœna," said Senator Thompson.

"My understanding is that they have been produced."

"You are excused until to-morrow at 11 o'clock," said the Senator.

Mr. Oakman said that he had no papers of Mr. Freedman relating to public utility corporations. He also was directed to appear this morning. Mr. Garrett's statement says that the Guaranty Trust Company will go through the papers of Mr. Freedman as quickly as possible and will produce all memoranda relating in any way to public utility corporations. It appears from the statement that the company intends to decide for itself what papers come within the meaning of the subpœna.

At the committee's morning session it was shown that the Interborough has employed sixty-six attorneys outside its regular tariff during the last five years. One payment of $5,000 was made to John F. Dillon and another of $10,000 to Julian T. Davies. It was also shown that Mr. Morgan of Breed, Abbott & Morgan received $2,000 for services in connection with the constitutional convention last year. Mr. Quackenbush explained that Mr. Morgan was the registered legislative agent of the company at Albany.

"Had the company any salaried employee who was a member of the convention?"

"No."

"Wasn't Mr. Quigg a member?"

"I don't think so."

"Mr. Fisher is misinformed on that point of course," interrupted Mr. Quackenbush. "Mr. Quigg was a member of the convention. The only question is whether he is a salaried employee."

Quigg Has Annual Retainer.

"Are Francis L. Wellman and Mr. Quigg under annual retainers?"

"Yes," said Mr. Quackenbush. "They do not report to me. They are outside counsel. Mr. Wellman gets a minimum of $7,500 a year, which goes on a sliding scale, depending on the amount of business, up to $12,000 or $15,000 a year. Mr. Moses gets $10,000 or $12,000 a year. Mr. Quigg gets $5,000 quarterly, which amounts to $20,000 a year."

"What is Mr. Quigg's work?"

"He is a trial lawyer."

"What does that include?"

"General matters."

"Under the direction of what officer of the company?"

"The general attorney."

"Did you pay Mr. Quigg during his attendance upon the constitutional convention?"

"I couldn't say. There is no reason to suppose he did not receive his salary."

The hearing will be continued this morning.

BREAD LINE MISSES MERRY.

Loaf Distributor Ill, but Policeman Helps Dick Bright.

There was something wrong at The Sun free bread depot in Pearl street yesterday. The trail was not with the bread, for there were a thousand loaves of the best and the baker had sent a lot of sugar coated raisin cakes. The little gas stove in the corner was burning brightly enough, but somehow things were not as cheerful. Dick Bright was on the job as usual and he knew what was lacking, but he was interested in allowing whether or not the bread line would notice it. The women, who always come first, moved by in a steady, silent stream, but when the first man came by he put his finger right on the source of trouble. "Where is Tom Merry to-day?" he asked. "We miss him."

Tom Merry yesterday was ill and unable to lend his cheerful influence to the bread line, which has come to expect his words of encouragement. The policeman assisted Dick Bright to keep the women in line, but the men did not need marching instructions.

The following letter was received yesterday from West Fishkill, Mass.:

"Tom Merry, New York. I always look every night when The Sun comes to see how you and Dick Bright are feeding out with the poor folks. My heart is deeply touched. I am enclosing a dollar and I wish I could make it more. It is a fortunate thing for them that they have men like you and Dick Bright to give them a word of good cheer and encouragement. Yours in the cause of humanity. Mrs. W. F. A."

Another letter, unsigned, says: "Please keep this contribution to help maintain the bread line," and encloses a dollar. Acknowledgments from Ida W. Forty (self), street, especially for check for $10. Alice L. Pier at the Hotel Claridge also sent a check for $10.

WAGNER SEES G. O. P. TRICK

New York City Loaded With Taxes to Fill Up Treasury.

ALBANY, Feb. 9.—Senator Robert F. Wagner declared today when the Senate was passing Assemblyman Mayer's bill appropriating $27,000,000 for canal work that the $3,654,000 to pay for canal contracts which was included in the $19,000,000 direct tax levy of last year was not needed until the present time.

"To the extent of $3,654,000 you increased the tax levy last year to pay for canal work, and this added to the tax burdens of New York city," declared Senator Wagner. "I prophesied last year that you were simply loading a tax rate upon New York city in order to fill up the treasury, so there would be no necessity for a direct tax this year, when you Republicans expect to elect a Republican Governor and Legislature. The manner in which the canal moneys were used last year justifies my prophecy."

The bill, which has already passed the Assembly, passed the Senate and now goes to the Governor for his signature.

JOBS FOR MANY, OFFERED

Calls for Men Sent to Municipal Lodging House.

Stuart A. Rose, superintendent of the Municipal Lodging House, Twenty-third street and the East River, yesterday received requests from a number of contractors and railroad companies for men. One call came in for 100 men to shovel snow.

This morning about fifty men will sail from Pier 70, at the foot of East Twenty-second street, as freight men for the New Haven railroad.

DARK ROOM BATTLE IDEAL FILM DRAMA

Three Act Thriller, Unplanned, Enlivens Developing Company's Plant.

The dark room of the Erbograph Company, film developers, 203 West 146th street, was the stage yesterday for a three act "thriller" which would have delighted the heart of any moving picture director, but there was none on hand, as the show was spontaneous.

There was only a dim ruby glow in the room, such as is used in the scenes on the screen, where the villain approaches. Suddenly there was a crash and two combatants rolled on the floor amid a tangle of half developed films. There was a wild scramble in the dimly lighted room to separate combatants, neutrals and films. Many shins were barked on overturned work benches and friend struggled with friend in the dark. The lights could not be turned on for fear of spoiling the hundreds of dollars worth of films stored in the room.

When things quieted, and black eyes and bleeding noses were bathed, it was discovered that the fighters were Philip Klinger, 17, of 500 West 175th street, and Joseph Persione, 19, of 110 West 143d street, helpers in the dark room. No one knew who struck the first blow. This was the end of Act I.

News of the struggle in the dark room spread quickly over the whole plant. According to the stories told by the witnesses, Klinger saw Thomas Persione, brother of his former antagonist, enter one door, and fearing that he came to take the part of his brother, Klinger fled in the direction of another door and ran into the arms of Frank Persione, father of the Persione brothers.

Feeling certain that he also came to reenforce the others, the excited Klinger boy grappled with the older man, who knew nothing of the fight, and there was more confusion in the semi-darkness. Klinger felt himself seized from behind, and in his desperation to escape from what he considered overwhelming odds he whipped out his knife and slashed at the arm which held him. That ended Act II.

George Amone of 271 West 126th street, went out into the light and found that his left arm had been cut in several places. It was bound up by Dr. Fitzpatrick of the St. Laurence Hospital and Klinger, the three Persiones and Amone were taken to the West 135th street police station.

Magistrate Frothingham fined the Persiones each $5 on the charge of disorderly conduct and Amone, protesting that he was only a peacemaker, $1 or one day on the same charge. Klinger was discharged. End Act III.

"NOT GUILTY," PLEA OF MRS. W. WARREN

Did Not Undervalue Gowns, She Says, as U. S. Officials Charge.

Mrs. Charlotte A. Warren, wife of Whitney Warren, the noted architect, appeared before Judge Henry D. Clayton of the United States District Court yesterday and entered a plea of not guilty to an indictment charging her with evading the customs laws by undervaluing the value of gowns and other articles which she brought with her from Paris when she arrived on the Belgenland in November last.

Mrs. Warren had been advised that the Federal Grand Jury had voted an indictment against her and she came to court accompanied by former Assistant United States Attorney John W. H. Crook, who, associated in his defense with James P. Curtis, an ex-Assistant Secretary of the Treasury. Judge Clayton gave Mrs. Warren ten days in which to file the plea and fixed her bail at $2,000.

The indictment contains four counts and charges violations of section 3082 of the Revised Statutes and also the tariff act of October 3, 1913. The specific accusations are that Mrs. Warren failed to state the true value of her baggage, failed to include duty on some of her personal effects, made false declarations, gave wrong values on gowns which she had purchased at a reduced price and which she already had duty on. When Mrs. Warren arrived on the Belgenland she included the value of gowns and other articles at $1,000. The customs authorities claim that the wardrobe was worth $10,000.

The case placed in the author's hands by Mr. Crook is that it would be difficult to prove that the undervaluation of gowns was anything more than an honest error. Mrs. Warren's lawyer will point out that the customs officials themselves have made mistakes in appraising the value of the baggage.

EXPLOSIONS AND FIRE WRECK A DYE PLANT

Mysterious Blaze Spreads Rapidly at Midvale Company Works in Elizabeth, N. J.

ELIZABETH, N. J., Feb. 9.—The plant of the Midvale Chemical Company of Bayway was destroyed by fire to-night. The fire department was unable to check the flames before they reached the company's storehouse, where large quantities of aniline dyes were held preparatory to shipment.

Two heavy explosions wrecked the storehouse and outer buildings. The night watchman and his helper were badly burned about the face and head when the first of the explosions threw the burning aniline more than a hundred yards. The loss is estimated at more than $75,000.

Dr. Stephen S. Krayer, manager of the local Midvale plant, said that the cause of the fire was a mystery.

"Every precaution had been taken," he said, "to prevent accidents like this. I am loath to suspect that the origin was anything except accidental, but there are several things that will stand investigation."

The Midvale Chemical Company's plant was established in Elizabeth last May. Dr. Krayer said that the local concern was engaged only in the manufacture of aniline dyes. He gave it as his opinion that the plant would probably be rebuilt and that operations will be resumed within the next few months.

POLICE BULLETS HALT AUTO.

Chase in Three Cars After Driver Takes Victim to Hospital.

[illegible] in automobiles running through crowded streets and firing revolvers toward it led to a exciting chase [illegible] yesterday afternoon. The chase led to overtake Frank Dollert, 22 years old, of 17 Clinton place, Corona, L. I. Dollert was [illegible] finally run over James Gorman, aged 45, an engineer of 144 West Fifty-seventh street, and carried him to Emergency ward of Bellevue Hospital. Dollert is in the West Forty-seventh street station charged with felonious assault.

The accident was caused by the skidding of Dollert's machine at Tenth avenue and Forty-seventh street. At the hospital Patrolman Joseph Frogel, who rode along started to carry the injured man back, when he left well off in his pocket. Frogel gave pursuit, running on foot down Ninth avenue, firing his revolver and calling to Dollert to stop.

Frogel at Eighth avenue and Fifty-sixth street hailed a touring car and the chase was continued through regulating streets, the officer firing more shots.

Meanwhile Patrolmen Bornkessel and Delany followed in two other cars. Part of the chase led on Broadway, with the officers following on Eighth avenue. Dollert finally [illegible] a side street and was arrested.

Gas Endanger Woman's Life.

[illegible] a leaking gas tube [illegible] causing the death asphyxiation of Mrs. Rose [illegible] 146 East [illegible] yesterday. The [illegible] found in [illegible] Bellevue Hospital [illegible] condition.

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