MILLIONS LOST BY INJURED WORKERS

State Industrial Insurance Fund Reopened Many Cases, Giving Victims Increases.

PHYSICIANS CRITICISED

Inquiry Shows Compensation Bureau in Good Condition Despite Graft Cases.

About $5,000,000 has been lost in four years to injured employees who have made direct settlements with their employers for accidents without recourse to the State Industrial Commission, according to William C. Archer, a deputy commissioner, who testified yesterday before Commissioner Jeremiah F. Connor in the investigation at City Hall into the affairs of the Industrial Commission.

The money lost to the workmen by these "thrifty settlements," as Mr. Archer termed them, was saved to insurance companies and other companies which carried their own risks. The law has been amended since so that all claims for compensation for injury must be submitted to the commission. An investigation by Commissioner Connor of 1,000 cases settled privately resulted in the making of additional awards to the injured workmen in 114 cases.

Mr. Archer testified that $13,712.40 was received originally by the men in their private settlements. The rehearing of their cases before the commission resulted in the awarding to them of an additional amount of $52,279.84, an average increase of more than $450 a case. The average settlement was about one-fifth of the award.

"Since the agreement law has been effective there have been approximately 140,000 agreement cases," Mr. Archer testified. "If the same rule should hold in per cent., or 12,600 cases at the per capita disclosed, would reach a total of $5,770,500."

Insurance Companies Gainers.

"In other words the investigation, so far as it has gone, indicates that in the single year starting June 30, 1917, the insurance companies, both stock and mutual, which made use of the direct settlement plan, were gainers by more than a million dollars?"

"Yes," answered Mr. Archer.

"And during the entire period in all probably nearly $5,000,000?"

"Yes. Those figures would indicate more than $5,000,000, but I believe the up-State cases would run fewer additional awards."

Mr. Archer also testified that about 425,000 cases will have to be reexamined to determine whether or not the injured workmen deserve more money. He explained that the commission was opposed absolutely to the change in the law that made direct settlements possible.

"The entire State Workmen's Compensation Commission, with practically all persons connected with it, opposed it at that time?"

"Yes. Absolutely," Mr. Archer replied with emphasis.

"It was adopted at that time, was it not, as you have already stated, upon the initiative and with the support of the insurance companies, backed by self-insurers, and some other employers and by some civic bodies which were dominated by them?"

"Yes, except that there were a few carriers which did not advocate it at the time, and felt that it would lead to trouble."

Medical Service Discussed.

"Mr. Archer, we had on the stand the other day some witnesses in regard to the conduct of the medical service in connection with the State Insurance Fund, being that of Dr. Meyer Wolff. Do you know in your capacity or have you learned in your capacity as deputy in charge of workmen's compensation whether or not the same service is employed by insurance companies?"

"Some insurance companies employ the same service."

"Some of them, indeed quite a number of them, employ Dr. Meyer Wolff's individual service, exactly the same service, do they not?"

"I think so."

"Was or was not one of the difficulties encountered under the direct settlement system that the physicians, being selected by the employer, not infrequently appeared at least to lean pretty strongly his way in making their reports, which became a part of the papers that you were trying upon?"

"Well, the attending physicians' reports on the whole have not been reliable evidence in the case. That is not only true of one physician. I am speaking generally."

Despite the revelations of graft and bribery which have been made, the State Insurance Fund is in a flourishing condition at the present time. Joseph H. Woodward, an actuary employed by the State Insurance Fund from May, 1914, to October, 1918, testified at length concerning the financial situation of the fund and identified as his a report of August 7, 1918, stating that the assets of the fund had grown from zero at the time he was employed to $4,333,743.

Fund Declared in Good Condition.

Albert H. Mowbray, another actuary, testified also concerning the present good situation of the fund, but said that some representatives of the insurance companies would endeavor to use the graft revelation for their own betterment.

"Mr. Mowbray, in the present condition of the company as of June 30, 1919, $6,034,878.58 of assets and with its statutory catastrophe surplus wholly unimpaired amounting to $623,050.80, and unassigned surplus of $225,588.44, after making up reserve for the dividends to be paid in the next six months' period of $262,999.18, you regard it in a strong and unassailable position, do you not?"

"I do."

"Mr. Mowbray, the result of the cleansing process of getting rid of graft, bribery and similar conditions which have grown up there within the last year and a half ought on the whole to be salutary, ought it not?"

"In general, yes. There is this proposition, though, as regards the State Fund that the State Fund can't have its representatives present in a network over the State, and although I regret to say that some of the representatives of its competitors are about as well, to use plain English, rather unscrupulous, and will unquestionably seize upon has been brought out and use it to their best endeavor to damn the State Fund."

The hearing will be continued Monday at 2 P. M.

Abraham Bernstein, former chief accountant of the State Industrial Commission, who was indicted some days ago on a bribery charge, was arraigned yesterday before Judge Rosalsky. Assistant District Attorney Theodore L. Waugh asked that bail be set at $25,000, saying that Bernstein had many wealthy friends. Judge Rosalsky set the amount at $5,000, however. Bernstein immediately produced the security.

Prominent Financier.

Among the financial men who attended the bankers' convention at St. Louis is John W. Platten. He was president of the trust company section of the American Bankers Association, and is president of the United States Mortgage and Trust Company of New York.

COLBY TO CONDUCT NEWBURGER FIGHT

Campaign Committee to Be Selected Monday.

Yielding to the insistent demands of the leaders in the independent movement for the reelection of Justice Joseph E. Newburger to the Supreme Court and of Justice Richard H. Smith to the City Court, Bainbridge Colby announced last night that he had accepted the chairmanship of the joint committee. This carries with it the active managership of the campaign.

"The sinister attempt of Tammany Hall, despite the instructions and warnings of defeats in the past," said Mr. Colby in a letter to the three organizations that have united in the independent movement, "to select candidates for the bench in disregard, if not in defiance, of this sound and salutory principle, must be definitely, and let us hope finally rebuked by the voters in this election.

"These are times in which great issues occupy men's minds, issues which reach deep into the foundation of our liberties and security. But there is none more vital than the preservation of the integrity of the bench and its hold upon the confidence of the people."

Mr. Colby said he had hoped the committee would select some one else for the great responsibility.

"I do not, however, feel," he added, "that I can hesitate to accept your call to serve with all that is in me the great cause in which you are enlisted. It is a greater cause than any personal candidacy. It is no less than the defence of the purity of our courts and of our entire judiciary system. This is a cause which has the highest claims upon all good citizens and no man can hesitate to accept any role that is assigned to him in its service."

Clarence J. Shearn, representing the committee of the bar; William Jay Schieffelin of the Citizens Union and William F. Schneider of the Non-Partisan Business Men's Association will meet Monday afternoon to select a campaign committee.

KELLY WORRIES TAMMANY.

Feared La Guardia's Opponent Will Attract Irish.

Major Michael A. Kelly, who is an independent candidate for President of the Board of Aldermen upon a platform opposed to the League of Nations with or without reservations, will launch his campaign at the Lexington Avenue Theatre, Lexington avenue and Fifty-first street, to-morrow night at 7:30 o'clock.

The candidacy of Major Kelly, who is running under the auspices of the so-called Liberty Party, is worrying the Tammany politicians not a little. They fear that he will attract the votes of the Irish away from the Democratic ticket because of the avowed and open stand of Mr. Kelly on the League of Nations issue. Major Kelly will make this a feature of his address to-morrow night.

It is said that several thousand workers have already enrolled under the Kelly banner through G. E. Loughrey, chairman of the executive committee, at the headquarters in the Hotel Normandie.

Lieut. Martin H. Meaney is chairman of the Kelly committee. Lieut. John H. Burke is secretary. William B. Lyman is chairman of the organization committee. The finances, it is said, will be taken care of through a "Dollar for Liberty Fund."

SMITH HAS HOPES, IT SEEMS.

Will Act if G. O. P. Says He Has Done Nothing.

Special Despatch to THE SUN.

ALBANY, Oct. 3.—The political pot has begun to boil here and close friends of Gov. Smith are wondering if he didn't add a little to the heat of the fire under the pot when he addressed the conference of Democratic women last night. He had been telling them the necessity of an intense campaign this fall to prevent the Republicans from grabbing all the Assembly offices, and predicted that the opposition would demand the election of a Republican Governor on the ground that "Smith had not done anything."

"But they won't get away with it!" cried the Governor, "not while I have my voice and strength left!"

Now just what does that mean? Nobody knows, but everybody wants to know. Many of the friends of the Governor had believed he would be satisfied with one term and that when he got out he would go into business. Many others, however, believe that he intends to run for the United States Senate.

QUEENS MAY ELECT SHERIFF.

Appellate Court Overrules Protest to November Balloting.

The Appellate Division of Brooklyn handed down a decision yesterday holding that an election for Sheriff of Queens county can be had at the general election this November. The decision reverses the ruling of Supreme Court Justice Faber, who upheld the contention of Samuel Mitchell, the present Sheriff.

Mitchell contended that no shrievalty election could be held next month because he was chosen at a special election January 23, 1917, and was entitled to hold office for three years. He insisted that a special election would have to be held in January for the selection of his successor. An appeal will probably be taken to the Court of Appeals. The candidates are William N. George, Democrat, and Fred Pearson, Republican.

SAYS ADVERTISING KEEPS PRICES LOW

Williams, Food Administrator, Sees No Need for "Clothing" Fair List.

HE PRAISES FRIEDSAM

Political Clubs Eager to Aid in Disposal of Army Bacon.

That the kind of advertising now appearing daily in case of clothing, shoes and dry goods constitutes a "fair price list" for these commodities is the opinion of Arthur Williams, Federal Food Administrator for this city. This confirms the judgment of the committee on clothing, shoes and dry goods of the Fair Price Committee, of which Col. Michael Friedsam, president of B. Altman & Co., is the chairman, in deciding not to issue price lists similar to those put out for grocery staples and meats.

In a letter to Col. Friedsam Mr. Williams said "Though it is not practicable in your judgment to now issue such a list it would seem that, in effect at least, this is being very well accomplished in the advertising now appearing in the daily papers of this city. Soon after the organization of your committee the publication of many seemingly moderate and fair prices began to appear to an increasing extent in the advertising of the daily newspapers. Nearly all of to-day's larger advertising of shoes, hats and clothing contains prices and quality references, and one of the larger advertisers refers directly to 'fair prices,' giving a number of listings in connection with this heading.

Hits Extravagant Claims.

"One result I think you may justly claim is that extravagant and alarming statements regarding the cost of these essentials in clothing—or at least the cause for such statements—must disappear with splendid publicity such as this. With careful shopping in making one's personal expenditures, somewhat like that observed in making business expenditures, with careful studying of the advertising appearing in the daily papers, and by following the rule of making purchases only from dealers of integrity and responsibility, there would be no just cause for complaint of either profiteering or misrepresentation in the quality of the goods purchased against the merchants of this city.

"Publicity of this kind is in line with the views of the United States Attorney-General, A. Mitchell Palmer, as well as with those of our committee. May I express to you, and through you to the members of your committee, our sense of appreciation for what has been accomplished and what will be accomplished through the efforts you have set in motion to inform the public as to what is fair in the price of clothing, hats and shoes for men, women and children, in an effort to reduce the cost of living in New York city?"

Leaders of all political parties are cottoning to the idea that the retailing of army canned bacon in the clubhouses of political organizations is going to make a hit with men and women voters. They are writing and telephoning to the Rev. Dr. Jonathan C. Day, Commissioner of Public Works, to send along his bacon and they will dispose of it in jig time a 35 cents a pound, 15 cents or so below the prevailing retail price.

Both Parties Eager.

Republicans apparently are as eager as Democrats to aid in the distribution of 1,000,000 pounds, which Dr. Day obtained through Swift & Co. for M. J. O'Connor of 308 Lenox avenue. The city has no financial interest whatever in the transaction. O'Connor buys the bacon from Swift & Co. and resells it, but the Department of Markets has supervision over the distribution.

In asking district clubs and other political associations to aid, Dr. Day says he was actuated by a desire to get the bacon to the people in a hurry and he was sure the hustlers in all political parties would be glad to do it.

The bacon will be sold in twelve pound cans to clubs at 34 cents a pound and the clubs will make a profit of 1 cent a pound, which, it is believed, will be sufficient to meet their overhead expenses. The sales forces will be made up of the folks who get out the votes. Anybody who wishes the bacon may have it. There will be no restrictions on restaurant keepers or others who buy in bulk.

Dr. Day says there are 200 political clubs in the greater city and he is sure there isn't a single organization which will not gladly stock up with the bacon and pass it out to all consumers willing to pay cut rate prices for it.

The 1,000,000 pounds for which Mr. O'Connor has contracted was prepared for the Government during the war, but was not delivered owing to the windup of the fighting.

Dr. Day said last evening that twenty-five "rolling stores" with stocks of eggs and canned goods will be in commission Monday.

FREE CITY CONCERT TO-NIGHT.

First of Municipal Indoor Musical Affairs in Aeolian Hall.

The first indoor free public concert to be given under auspices of the city administration will take place at 8:15 o'clock this evening in Aeolian Hall, 34 West Forty-third street.

Those who will appear are Rudolph Ganz, pianist; Della Baker, contralto; Dr. William C. Carl, organist; Marie Sundelius, soprano; Robert Ouait, tenor; Vera Bartow, violinist, and David Bispham, baritone. Tickets may be obtained from the Park Commissioners.

PICKET IS SHOT IN INDIANA RIOT

Negroes Are Chased by Strikers After Affray.

INDIANA HARBOR, Ind., Oct. 3.—Rioting broke out at the Universal Portland Cement plant to-night and a union picket was shot in the thigh by one of the two armed negroes who, with nearly twenty-five other negroes, attempted to return to work. The two negroes were placed in jail. The other negroes were chased into the woods by nearly 300 strikers.

Indiana Harbor's industries had been closed since the strike was called until to-day, when the Inland Steel Company, one of the larger independent steel plants in the Chicago district; the Mark Manufacturing Company and the Universal Portland Cement Company plant resumed operations.

Sheriff Lew Barnes assigned 300 new deputies to duty here and the strikers increased their force of six pickets to about 300, who were on duty when twenty-five or thirty negroes appeared at the cement plant.

Samuel Blair and Clyde Bracken, negroes, had knives, the police say, and the union pickets attempted to disarm them. Then both negroes drew revolvers and fired.

When threats were heard against the negro prisoners the police increased the guard about the police station.

NASSAU SOCIETY HOLDS DAHLIA SHOW

Alfred C. Bedford Wins Mrs. Morgan's Prize Award.

Alfred C. Bedford won a cash prize offered by Mrs. J. Pierpont Morgan for the best table decorations of outdoor flowers yesterday at the annual dahlia show of the Nassau County Horticultural Society at the Matinnicock Neighborhood House at Locust Valley, L. I. Prominent members of the North Shore colonies competed in the sixty-four classes, which included dahlias, outdoor flowers, roses, vegetables, fruits and decorative plants.

The principal prizes in the dahlia classes were won by Charles P. Cartledge, Thomas Henderson, William J. Matheson, Morgan W. Daboll and Irving Cox. The Cartledge exhibit of dahlias, which included twenty-five varieties, some measuring over a foot in diameter, won the society's special prize. Herbert L. Pratt, Harold I. Pratt, Mrs. Payne Whitney and William N. Porter won in the rose and outdoor flower classes. In the vegetable classes the chief prizes went to Arthur V. Davis, Irving Cox and Herbert L. Pratt. The fruit awards were given James Halloway, Herbert L. Pratt and John T. Pratt.

Mrs. Payne Whitney was the winner of the first prize for the best basket of outdoor flowers, arranged for effect. The second prize went to Mrs. Spencer Eddy. Other prize winners at the show were Andrew Fletcher, Mrs. Sherwood Aldrich and William H. Porter.

BENNETT'S SISTER GOT ALL INCOME DUE

Executors of Publisher Ask for Dismissal of Suit.

Eugene Higgins, Rodman Wanamaker and the Guaranty Trust Company, as executors of the will of James Gordon Bennett, asked the Surrogate yesterday to dismiss a suit filed against them by William Travers Jerome in connection with their duties as executors.

On the death of Mr. Bennett Mr. Jerome succeeded him as trustee of a trust fund set aside for the benefit of Jeanette Bell by her father, James Gordon Bennet, Sr. On assuming his duties Mr. Jerome ascertained that while the younger Mr. Bennett had paid to his sister the income from this fund right up to the time of his death he had neglected to render an accounting.

For the purpose of straightening out matters Mr. Jerome obtained a court order requiring the other trustees to turn over to him certain securities of the trust fund. The answer of all three sets forth that on January 1 all assets of the fund were delivered to the petitioner and that no securities nor accumulated balance belonging to Mrs. Bell's trust remain in their possession. For that reason they asked that the proceedings be dismissed. Surrogate Fowler reserved decision.

$100 FINES FOR MILK DRIVERS.

Ignored Court Rule to Help Out Strikers in Baking Co.

Supreme Court Justice Faber in Brooklyn decided yesterday that four members of the milk wagon drivers' union, Bernard Jouraivitsky, Joseph Forman, Meyer Uman and Harry Weber, had violated an injunction obtained by the Ward Baking Company. Each was fined $100 for contempt of court.

The company charged that they had refused to serve milk at retail stores where Ward bread was sold because some Ward employees are on strike.

Yesterday's Fires

A. M.	Loss.
4:50—14 Kenmare st.; Kenmare Auto Co.	Trifling
9:30—346 E. 120th st.; John Ericko	Trifling
P. M.	
1:15—79 E. 115th st.; Max Cornblum	Trifling
3:40—227 E. 56th st.; Thomas Block	Trifling
3:50—235 E. 100th st.; unknown	Trifling
4:50—160 Madison av.; unknown	Trifling
4:50—167th st. and Ogden av., The Bronx; automobile; Piercy & Co.	Trifling
5:40—3d av. and 150th st., The Bronx; Blumstein & Co.	Trifling
6:50—488 East Houston st.; I. Hymowitz	Trifling
7:10—163 W. 49th st.; Peter Anslemo	Trifling
7:30—161 E. 99th st.; Edwin Cohen	Trifling
7:30—548 St. Paul's pl., The Bronx; Kate Tole	Trifling
7:35—524 E. 120th st.; Sara Weinstein	Trifling
7:45—720 Broadway; John Wanamaker	Trifling
8:00—59 Willett st.; Mr. Fass	Trifling
8:30—254 Cherry st.; Samuel Karlen	Trifling
10:45—868 Riverside Drive; Isaac Levy	Trifling

EVERY RAP A BOOST AT 'MIDNIGHT FROLIC'

Hammers Provided So Well-Wishers in Audience Can Knock Approval.

SHOW PROVES SPARKLER

Influence of Orient Seen in Opening Numbers—Singer Hops Out of Egg.

F. Ziegfeld, by opening the ninth issue of the "Ziegfeld Midnight Frolic" on the New Amsterdam Theatre roof late Thursday night provided New Yorkers with a good excuse for not caring whether there were any daylight saving laws. While watching the gorgeous flare-up of color on the roof one didn't care whether daylight was saved or not, provided there was plenty of midnight left.

The audience of habitual first nighters who crowded the place went prepared to approve, even if they had to do it on mineral water. And they found plenty of opportunity to approve vehemently with the little hammers provided for rapping the tables, so that every knock became a boost. In fact, enthusiasm started with the first number, a Chinese tableau arranged by Ben Ali Haggin, with a Chinese dream girl, a crouching Chinese dreaming at her feet, and a basket of laundry beside him that looked like anything but a dream.

The influence of the Orient extended over into the second number, in which Allyn King sang "Shanghai" pleasingly while behind her opened a vista of Chinese jewelled trees, with girls in Occidental costumes of finely harmonized colors clustered at the base of the trees like ripe fallen fruit, while a lovely lavender light played about them, just as it always does in China. The onlookers developed more thirst hammering out their feelings over this, and also when the girls marched out on the floor and performed their evolutions better than even Chinese soldiers could.

Next came Keegan and Edwards, who yapped out their jazz numbers and illustrated the effect that jazz has on some persons, which would seem to be akin to that of cocaine. A "surprise number" followed, with a huge Easter egg contrivance sliding out on the telescope stage, from which came ribbon streamers that were handed out to the men at the tables as though they were attending a bargain sale. When the men pulled at a command from Elsie Barker out popped Frances White from cover, who sang the "Midnight Maid," with the aid of her eyes. Miss White's voice seemed a trifle lost last night, but she was able to look as provocative as ever, and put both speed and control in her ocular delivery.

When Fannie Brice appeared she received the salvo of the evening—and thereupon the real surprise came, for Eddie Cantor, without having his name on the programme, suddenly bobbed out from the wings clothed from head to foot in regulation French apache attire. Thereupon he and Miss Brice did an amusing apache skit, which seemed a bit rough on her, though she seemed to enjoy it. Later she did a lyric fantasy called "Spring," which wore out the hammers some more.

Other attractive acts included Ted Lewis and his jazz band; Savoy and Brennan stocked up with new jokes; Hal Hixon in songs and acrobatic dances; W. C. Fields in an amusing juggling number; Arthur Uttry and Dolores, Martha Mansfield, Jessie Reed, Dorothy Leeda, Alta King and others of Mr. Ziegfeld's beauty aces, looking more ace high than ever, who were especially alluring in a "Jewel" number and a birdland ballet. The performance wound up with an orgy of shimmying in which stage hands, orchestra, waiters and bus boys joined, and even the head waiter threw dignity to the winds and quivered in harmony with Frances White

WALES IS NOW "RED CROW."

Heir to British Throne Is the Chief of Many Smiles.

LETHBRIDGE, Alberta, Oct. 3.—Indians of the Lethbridge district have bestowed upon the Prince of Wales the title of "Red Crow," or "Chief Many Smiles."

All the old Indian ceremonies were used in the proceedings, which took place yesterday when the Prince and party stopped here.

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INSTRUCTION. NEW YORK CITY.

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210 West End Ave. Col. 4580. 30th year begins Oct. 1. A day school for 72 boys. Hours 9-4. Outdoor exercise 1:30-4.

Bookkeeping, Shorthand, Secretarial, Typewriting, Civil Service and Penmanship Departments.
Day and Evening Sessions.
Call or write for Catalogue.
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Boarding and Day School, Primary to Post-Graduate, College Preparatory, Academic and Secretarial Courses. Music. Outdoor Athletics.
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5 WEST 125TH STREET
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This incomparable number will offer to the women of New York the most comprehensive and complete Fashion Supplements of the year.

Special artists and correspondents in Paris have prepared sketches and descriptive detail of the latest French modes.

Delightful surprises in Fall modes depicting fetching gowns, wraps, suits, hats, etc., that will be worn this season.

All the important New York stores have generously contributed to make this Fashion number an authentic portrayal of latest styles now available to shoppers.

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