

In definite information relative to its disposal. Has any one ever seen it, or where it was buried? What became of the bodies of the other men supposed to have been drowned at the same time? It is impossible in this country to preserve a body very long. But we know that it is the body of Giboney that is buried there?

"These developments in Philadelphia yesterday disclosed by Mr. McAvoy have just been brought to my attention. That Mrs. Bergdoll is financing her son and his companion across the sea is a most interesting and astonishing point to consider. That the War Department and the Department of Justice have been in an apparent conflict over the case and that blunders were made in the plan to apprehend Bergdoll are also well worth considering.

"I have not had the majority of the papers in the case and am getting the best cooperation from the War Department and evidently from the Department of Justice. Secretary of War Baker has told me that it is his desire that the whole affair, especially the angle of it involving the army, be probed to the bottom. He has promised me every cooperation in the matter and I am confident that the committee will get it.

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"The action of Mr. Blanton was a terrible obstruction to the whole process as contemplated and it came at the inopportune time. At that time Giboney was alive and could have been interviewed and the matter cleared up and got at. Now we cannot have testimony from that source."

**APOLOGY IN BERGDOLL CASE DISTURBS LEGION**

WASHINGTON, Feb. 8.—Regret that the American Government saw fit to apologize to the German Government for the attempt of American to capture Grover Bergdoll was expressed in a resolution adopted today by the executive committee of the American Legion, in session here.

The resolution, offered by Thomas W. Miller of Delaware and ordered sent to members of Congress, approved the proposition that the American Legion should express its regret for the circumstances surrounding Bergdoll's escape from custody.

Efforts to put the legion on record as opposing the pro-Partisan League were made by members from Ohio and other States where the league is active, but after considerable debate various resolutions were voted down and tabled.

The committee then voted unanimously to uphold F. W. Galbraith, national commander, in his stand in advising State commanders of Kansas, Nebraska and Oklahoma that the legion itself should take no active part against the league as an organization.

**DROWNING OF GIBONEY WAS TOLD BY HIS AID**

The drowning of D. Clarence Giboney was reported on December 31 by John P. Broome, an assistant to Mr. Giboney in his law practice. According to the report Mr. Giboney and three business associates were drowned December 28 while en route in a motor boat to a ranch operated by the Tropical Products Company in Yucatan.

The men who were reported drowned with Mr. Giboney were Frank W. Schriever, John B. Markley and Lawrence Markley, all of Philadelphia. It was the intention of the party to visit the ranch and go on a tour of inspection of the properties of the Tropical Products Company of which Mr. Giboney was president. They were on the last leg of their journey. It was reported, when the accident happened.

**FOUR SENATORS ASK MERCY FOR SLAYER MOTHER OF JESSE WALKER Wins Sympathy.**

The final fight being made for the life of Jesse Walker, under sentence of death at Sing Sing for the murder of Samuel Wolchak, a Brooklyn stationer, has the backing of no less than four United States Senators and a former Senator. It was announced yesterday by the youth attorney, Daniel J. Griffin. Mr. Griffin said that telegrams urging Gov. Miller to exercise clemency in Walker's case had been sent to Albany by Senators Calder of New York, New and Watson of Indiana and Stanley of Kentucky, as well as by former Senator Beveridge of Indiana, the State in which Walker was born.

Warden Lewis E. Lewis has set Thursday night for the execution and invitations already have been issued. Unless the telegrams which were written at the request of the prisoner's mother reach the Governor to action Walker will die.

Two lines are tied up by four alarm fire \$150,000 Damage at West Broadway and Reads St.

Traffic on the Sixth and Eighth avenue surface lines was tied up for more than two hours last night by a fire which destroyed an annex and part of the main furniture warehouse of C. H. & E. S. Goldberg, which covers the greater part of the block bounded by West Broadway, Hudson, Duane and Reads streets. Four alarms were sounded as the firemen were changing platoons, which gave Chief John Kenon a double force of men and enabled him to check the blaze that for a time threatened the entire block.

**MILLER WON'T USE G.O.P. WHIP TOWIN ON TRACTION BILLS**

Wants Legislators to Vote on Measures as Seen by Constituents.

GLYNN GOES TO ALBANY Will Talk With Leaders; Concerted Action on Measures Is Undecided.

EX-GOV. SMITH FOR PLAN He Is Said to Have Warned Tammany That Proposed Law Will Be Passed.

Special Despatch to THE NEW YORK HERALD, Albany, Feb. 8.

Leaders of the Republican State organization are considering making a party measure of Gov. Miller's traction plan for helping New York out of its deplorable plight. George A. Glynn, State chairman, arrived to-day and began conferring with State leaders.

This fact gave rise immediately to the report that the Governor had insisted upon the support of the State organization and was getting ready to use the party whip to force all Republican members of the Legislature into line for the Miller plan.

Such is not the case. It has not been decided yet whether the party shall take formal action in getting behind the Governor. There unquestionably is a strong demand from within the party that such action be taken.

The demand is that the party rank and file in New York as well as up State has become convinced that the Governor's policy offers the first sane and sensible solution of the problem held out by New York in twenty years. They believe, therefore, that it would be the best kind of politics for the organization to back the Governor to the limit.

Promises Made in Campaign. In the campaign last autumn the Republican party gave its pledge to do all in its power to help New York out of its troubles. It is recognized that Gov. Miller has done his party a service, although he gave the leaders a shock when they first read his plan. They thought he had gone too far. But the reaction of public sentiment has come so quickly and is so strong that the leaders are insisting that it is the duty of the party to line up squarely with the Governor before the light breaks for the Legislature and give to him support wherever he needs it.

The Governor is understood to be disinclined to have his policy made a party measure. He believes that every member of the Legislature should be left free to vote as he wishes, and especially the New York city members, where the issue is of various degrees of importance in the many sections and districts. The Governor would not use his position to compel any man from New York to vote under party rule when his district is decidedly against the plan.

Party rule will not have to be invoked to pass the measure, according to indications here. One by one the Republican members are dropping into line. Before it comes to a vote it is believed the Republican Senators and Assemblymen from the metropolis will be a unit for the bills.

It would not be surprising if one or two Democratic members from New York should break away from the Tammany-Hylan-Hearst combination and vote with the Governor. That seems almost incredible at this stage in view of the opposition of the Tammany-Hylan opposition, but nevertheless it is being predicted by hard headed politicians.

Ex-Gov. Smith Backs Plan. Alfred E. Smith, the wisdom of whose political views is pretty well accepted, is credited with having advised Tammany that Gov. Miller was right and would win in the end, in the opinion of the former Governor, as it is heard here. Mr. Miller has shown greater bravery than any Governor for twenty years—even including himself—by making the right stand toward solution of the problem.

Mr. Smith is said to have told some of the Democratic members that when a municipality is not able to work out a policy of its own it is time the State stepped in and gave that city a policy to follow. In fact, "Al" Smith's own praise for the Governor is believed to have paved the way for the Tammany Democratic in City Hall.

The Governor, his staff and the legislative bill drafting bureau are still working on the transit bills.

ALDERMEN VOTE DOWN MILLER TRACTION PLAN Tammany Majority Jams Through Committee Report.

The Tammany majority of the Board of Aldermen, by a vote of 48 to 14, pushed through yesterday a report of the board's committee on State legislation opposing Gov. Miller's plan for a State transit system.

**Connecticut Bursts Into Joys of Spring**

GOSHEN, Conn., Feb. 8.—Meadow larks, peewees, bluebirds, chickadees, robins and yellow birds were seen here Sunday. A dandelion blossom and several buds were picked by J. E. Smith and bumblebees have been seen in several hay barns.

**CITY WON'T PAY FOR ENRIGHT'S TRACTS**

Comptroller Craig Will Cut Off Cost of Pamphlets Sent Out by Commissioner.

Special Despatch to THE NEW YORK HERALD, New York, Feb. 8.

New York State is preparing to tax heavy motor trucks off the highways. Unable to enact legislation which will prevent the use in this State of the big modern trucks which are ruining the roads and bridges costing hundreds of millions, the administration leaders are going to block further developments of the ship-by-truck movement.

The tax which is proposed in a bill now being drawn and to be introduced soon by Senator Hewitt, chairman of the Finance Committee, will impose a prohibitive assessment on the big motor truck which will check the vouchers.

Therefore, the examiners went to Police Headquarters with instructions to ascertain how many of the Commissioner's pamphlets which were in the nature of a reply to criticisms of his official acts, were printed by the Department's bureau of printing, so that at the proper time deductions the Comptroller deems fit may be made from the departmental vouchers. Those deductions, in so far as the bureau of printing is concerned, will be from the costs of supplies to check the vouchers.

Mr. Craig also instructed his examiners to find out how many circulars were sent through the mails and to whom, in order to arrive at the expenditures for postage, so that that item may be stricken from the Commissioner's vouchers if it should be included.

It did not appear that the Comptroller would be able to save the city the cost of the labor, since the four compositors, two pressmen and one feeder of the department's printing bureau are on the regular payroll. The total personal service appropriated for the Police Department printing bureau for this year is \$18,223.

The budget contains no appropriation for supplies. The Comptroller presumes that it is the intention of the Police Department to purchase its supplies for the printing bureau by the transfer of funds from other accounts. It was stated he will bear that possibility in mind in connection with the paper and ink for the Commissioner's tracts.

PORTER TRIAL MARCH 7; OTHER DATES ARE SET Defendants Win Pleas Against Further Delays.

The cases of Col. Augustus Drum Porter, former Third Avenue Police Commissioner, and Detectives John J. Gunson and Thomas J. Maloney, who were indicted with much ceremony and furor a year ago in the course of one of the Assistant District Attorney James Smith's crusades against the Police Department, finally have been set down permanently for trial.

The trial was taken yesterday by Judge Thomas C. T. Crain, in General Sessions, after the defendants in both cases had announced they were ready to proceed and weary of the District Attorney's policy of asking adjournments whenever the cases appear upon the calendar.

The Porter case was set for the first Monday of March after the former police officer had personally stated to the court he was opposed to further adjournment. The case of Gunson and Maloney, charged with bribery and extortion, was set for February 23, unless Eugene F. McGee of the firm of Fallon & McGee, attorneys for the defendants, had stated to the court they had been clamoring for a trial for more than a year.

Col. Porter's case had appeared on the calendar eleven times since his first trial resulted in a disagreement of the jury last April. Assistant District Attorney John J. Cunneen yesterday stated to the court he knew nothing about the case, as it was in Mr. Smith's hands, and Mr. Smith was not present.

\$340,000,000 IS VOTED FOR ROADS BY HOUSE Senate Also Likely to Favor Quick Financial Relief.

Special Despatch to THE NEW YORK HERALD, Washington, D. C., Feb. 8.

Immediate financial relief for the railroads to the extent of approximately \$340,000,000 is provided in the bill of Representative Winslow (Mass.), which the House passed today without a record vote after the defeat of the effort yesterday to pass it under suspension of the rules, which necessitated a two-thirds majority.

**TAX TO DRIVE OUT BIG MOTOR TRUCKS**

Heavy Freight Vans Ruining Roads and Bridges, Legislative Leaders Say.

BROUGHT IN BY WAR Proposed Measure Would Put Assessment of \$1,000 on Ten Ton Vehicles.

Special Despatch to THE NEW YORK HERALD, New York, Feb. 8.

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B. R. T. OFFICE BUILDING IS ON THE MARKET Purchaser Must Agree to Lease Back the Property.

The building at Clinton, Remsen and Montague streets, Brooklyn, occupied by the executive offices of the Brooklyn Rapid Transit Company and subsidiary companies, is for sale, and several offers have been received for it.

H. Hobart Porter, general manager of the Brooklyn Rapid Transit Company, owns the property, said yesterday that, though the building was not in the hands of a real estate agent, it would be sold if a high enough offer were made for it. He said that no sale would be made unless there was a provision that the company might lease back the building.

The B. R. T. office's report that the company was considering moving its offices to Manhattan was denied. The property has an assessed valuation of \$750,000.

REPORTS BILL TO STOP TICKET SPECULATORS Assembly Codes Committee Acts Unanimously.

Special Despatch to THE NEW YORK HERALD, New York, Feb. 8.

The Legislature took another step today toward ending the ticket speculator nuisance in New York when the Assembly Codes Committee after a hearing reported unanimously the bill which would drive the speculators not only off the streets but out of hallways and doorways. There was no political at the hearing and former Senator J. Henry Walker, representing the Keith circuit, appeared in favor of the measure.

The city by ordinance has stopped the speculators from trading on the sidewalks in front of the theatres. Mr. Walters said, but they had taken refuge in hallways, vacant yards, booths and other places where the city officials could not disturb them.

**GARRISON LISTS 16 NON-EARNING LINES**

Judge Mayer Will Decide Whether Traction Roads Will Be Halted.

HEARING SET MONDAY B. R. T. Receiver Says Brooklyn Transit Problem Must Be Treated as a Whole.

Lindley M. Garrison, receiver of the Brooklyn Rapid Transit Company, the New York Municipal Railway Corporation and the New York Consolidated Railway, filed a report yesterday with Judge Julius M. Mayer of the United States District Court explaining the financial condition of these companies and summarizing the results of the receivership.

It was announced recently that Mr. Garrison was preparing a report asking permission to discontinue the operation of several lines. While his application does not specifically request suspension, it does mention them, and that they are failing to earn even their direct operating expenses, and asks that Judge Mayer give such directions as he finds appropriate.

A hearing will be held Monday in the Federal Building on a motion for such relief. All facts relating to the operation of the B. R. T. and other companies will be gone into in detail.

Discontinuance of the lines not earning operating expenses would affect the following: Wilson avenue, Ralph-Rockaway, Eighth avenue, Vanderbilt avenue, Avenue of the Americas, Eighty-sixth street Ocean avenue, Broadway, Jamaica avenue, Reid avenue, Broadway, Ferry shuttle, Metropolitan avenue, Utica avenue, Franklin avenue and Smith street.

Nassau Lines Discontinued. The application shows that the Nassau receiver has suspended in whole or in part, Rogers avenue, Church avenue, Seventh avenue, Park avenue, Thirty-ninth street-Coney Island (in part), and Hickory street.

The Suburban receiver has suspended in whole or in part the Metropolitan avenue line (in part), Wyckoff avenue line and Ralph avenue shuttle line. Mr. Garrison says also:

"It seems too clear to require elaborate statement that the transportation problem in Brooklyn should be treated as a whole, and that it is impossible to deal satisfactorily with it piecemeal. Whatever is done in one direction inevitably affects not only the particular situation in hand, but to a greater or less extent the whole situation.

"While under existing conditions there is no doubt that the authority capable of treating the situation as an entirety, and while, of course, it is not suggested that this court, under existing conditions, can deal as adequately with the question as to whether it is as it could if there was such a centralized authority capable of dealing with the situation as a whole, it is nevertheless important in the opinion of the receiver that the court consider the necessities of the situation as a whole with a view of meeting it as fully as existing law permits."

Unpaid Interest \$11,652,358. The Brooklyn Rapid Transit Company, the report says, has outstanding mortgage indebtedness in default to the extent of \$73,255,000, with unpaid interest on December 31, 1920, amounting to \$11,652,358. The company has indebtedness to subsidiary companies for borrowed money aggregating \$6,427,487, upon which interest is in default to last December 31 to the amount of \$648,597. In addition 522 contract claims aggregating \$775,181, all prior to receivership, have been filed.

Since the receivership liens have been created upon the property to secure receiver's certificates in the aggregate amount of \$5,000,000. The current liabilities of the receivership December 31, 1920, amounted to \$2,098,765.

The report shows that the New York Municipal Company has outstanding \$60,000,000 of first mortgage bonds, all in default, upon which interest is in default to last December 31 to the extent of \$7,500,000. These bonds are guaranteed by the New York Consolidated Railway Company, and the guarantee is secured by a general mortgage upon the property of the consolidated.

For the purpose of carrying on construction work, as required by contract, the New York Municipal and the New York Consolidated jointly issued \$13,000,000 of receiver's certificates, which were sold by it to the public. The report shows that on November 30 the New York Municipal Railway had expended all in default to last December 31 to the amount of \$2,268,128. Fifteen contract claims, totaling \$2,268,128, and 672, totaling \$2,264,098, have been filed against the company.

Liens amount to \$13,000,000 and current liabilities of the receivership on December 31 were \$4,241,642. Deficit from operation in November, 1920, after taxes and interest on underlying bonds.

ATTERBURY MAKES DENIAL. PHILADELPHIA, Feb. 8.—W. W. Atterbury, vice-president of the Pennsylvania Railroad and chairman of the labor committee of the American Association of Railway Executives, to-night denied long reports that the railroad management had refused to confer with representatives of the employees of the various companies involved.

but before interest on receiver's certificates, was \$32,806.

The Nassau Company has mortgage indebtedness and demand bank loans in default to the extent of \$14,925,000, with unpaid interest amounting to \$1,179,450 on December 31. Liens aggregate \$6,047,187, upon which \$907,078 interest is in default. Contract claims aggregate \$117,925, tort claims \$247,411.

For November, 1920, wages, power, maintenance and similar operating expenses exceeded operating income on all except four of the sixteen routes of the Nassau. The final net deficit was \$82,487.

The Brooklyn, Queens County and Suburban Railroad Company has \$6,354,000 mortgage indebtedness in default, with unpaid interest of \$168,800. Liens aggregate \$2,640,708, with \$336,128 interest in default. For November, operating expenses exceeded operating income on all but one of the seven lines. The final deficit for November was \$23,264.

The Coney Island and Brooklyn Railroad Company has \$5,105,000 mortgage indebtedness in default, with unpaid interest \$528,260. The current liabilities of the receivership amounted on December 31 to \$330,182. For November, operating expenses exceeded operating income on all four routes except one.

KINGS REPUBLICANS INDORSE MILLER PLAN Resolution Adopted Despite Carpenter's Protests.

Gov. Miller's efforts to solve the transit problem were enthusiastically endorsed last night by the Kings County Republican General Committee at its monthly meeting in Kismet Temple, Herkimer street.

On formal resolution of Jacob A. Livingston, the county leader, the general committee approved the action of the executive committee in commending the Miller programme and naming a committee of five to issue an address explaining its merits to the people. H. L. Carpenter, president of the Allied Clubs, led opposition to the Livingston resolution on the ground that it would be better to postpone action until the bills were made public. He received scanty support, however.

Mr. Livingston ridiculed the statement that the Miller plan meant an eight cent fare. "What the public wanted was service. The cry of home rule was all right until it became 'misrule,' then the people must appeal to a higher power. There was too much tendency to stampee on the part of citizens and to take for granted statements of sensational papers, he contended.

Almet Reed Latson highly eulogized the Governor, who, he said, was courageous enough to keep an election pledge. Gov. Smith had promised to improve the transit situation but had failed miserably.

Easter Lilies Now Blooming in Central Park They're in hothouses, though—grown by thermometers. Loiter, and you'll see the gardener on his rounds reading temperatures. It's even temperature that makes the flowers bloom. It's the even cold of the florist's glass ice house that keeps cut flowers fresh and fragrant. This is just what your refrigerator, kept at an even temperature, does for food—keeps it fresh and preserves its flavor.

A regular supply of Knickerbocker Ice is true economy. Even temperature saves food and saves ice.

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