# The S Sin Sun.

## SUNDAY, DECEMBER 31. 1905. Fair to-day; increasing cloudiness to-morrow.

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# THIRTY-SIX PAGES.

# BINGHAM GLAD IT'S A FIGHT.

PRICE FIVE CENTS.

Trolley Car Between Hackensack and Passaic Rolls Over. An electric car ran wild down a hill be-

tween Passaic and Hackensack last night about 7 o'clock, and took Stone House curve at such speed that the car was wrenched from the trucks, and, keeping its ploded as He Entered-Crime Laid direction, shot off on the roadside and turned over on its side. It was well filled with passengers. Some

TWENTY PASSENGERS HURT.

Prosecuted With Vigor When in Office. were hanging to straps, and this is thought BOISE, Ida., Dec. 30.-Ex-Gov. Frank to have saved them and others from a bad Steunenberg to-night at his home in Caldjamming when the car tipped over. About well, fell a martyr to the cause of law and twenty passengers were injured, none seriously, except perhaps Louis Levy of order, which he espoused when Governor Second street, Passaic, whose back was of the State. A dynamite bomb was faststrained and bruised. He was taken to the ened to his gate in such a way that it would hospital. Agnes Caldwell and Lizzie Van Pelt

suffered head contusions, but went home in one of the carriages which had been sent to the scene.

The motorman, Clark, was thrown over the dashboard and the conductor, Grayshack, was driven through the glass of the door. They telephoned to the company's office for help, and an emergency car with several surgeons responded. Most of the passengers were helped out by the doors and the rest by the windows.

EQUITABLE CLERKS DISMISSED

#### Leaders in Movement for More Pay for Overtime Lose Jobs.

A demand by clerks of the Equitable Life Assurance Society for more liberal pay resulted in the dismissal yesterday of three of the leaders in the movement. The clerks have been kept at their desks after hours considerably of late owing to the demands for statements made by the Armstrong committee. For this extra service they have received from the new management only "supper money." The old management of the Equitable used to pay a liberal allowance whenever the clerks worked a little over time. Now there is

Gov. Steunenberg was 44 years old, was an organized cry for the "good old days." born in Iowa and had been in Idaho since 1887. He leaves a wife and three children. RAY OF SUNLIGHT. It is given as a fact that Gov. Peabody First Alarm of Fire to Extinguish It When and Gen. Sherman Bell of Colorado are Dr. Jamison Got Scared.

IDAHO'S EX-GOVERNOR SLAIN.

to Cœur d'Alene Strikers, Whom He

shreds and his back was terribly lacerated.

Company \$3.50 a day for all men in their

The company agreed to raise wages.

but refused to discharge non-union men.

On April 29, the Bunker Hill and Sulilvan

was destroyed and one man was killed.

employ

imprisonment.

The reflection of a ray of sunlight on the window panes in the rear of a house in West Forty-sixth street yesterday afternoon made Dr. A. B. Jamison of 43 West Forty-fifth street, who was looking out of a back room was in Gov. Steunenberg's term that the in his house, think there was a fire across Cœur d'Alene labor troubles occurred in the way. He ran out into Forty-fifth street the mining district of that name. On and started calling "Fire!" April 24, 1899, the Wardner Miners' Union A man named John Braun, who was demanded of the Bunker Hill and Sullivan

passing, took up the cry and ran to the fire alarm box at Fifth avenue and Fortyfifth street. Braun turned in an alarm, and inasmuch as Sherry's and Delmonico's as well as the homes of many wealthy persons are in the neighborhood, there was

mill was blown up by means of sixty 50 a rapid and full turnout of fire fighting pound boxes of dynamite, 1,000 men taking apparatus. part in the riot. Property worth \$250,000 Deputy Chief Langford, after looking in vain for a fire, went to the room from which Gov. Steunenberg on May 8 put the dis-Dr. Jamison thought he saw the blaze and trict under martial law. Nearly 400 arrests

were made for the fatal rioting at Wardner, and a prison known as the "bull pen" was KAISER MUST HAVE A LICENSE. hastily constructed. Eight men were indicted as ring leaders. One man was con-

then the phenomenon was explained.

Pays Fifteen Marks for the Privilege of victed and sentenced to seventeen years Shooting.

Meanwhile the miners left the country Special Cable Despatch to THE SUN LONDON, Dec. 30 .- The German papers have recently been engaged in a heated discussion as to whether the Kaiser is compelled to carry a shooting license. The

in such numbers that every mill had to close down. The Governor forbade mine owners, during the continuance of martial law to employ members of organizations which had shown themselves criminal in point has now been settled by the newspaper Wild und Hund publishing an actual

'I'M STILL YOUNG AND I'M ALL FOR IT? SAYS HE.

New Police Commissioner Says He and Secretary Slattery Will Work Like the Devil-Retired General Is Not Afraid of Slang and Smokes Strong Tobacco.

When lightning struck Brig.-Gen. Theodore Bingham, U. S. A., retired, in the form of a telegram from Mayor McClellan offering him & job he was in Boston spending the holidays with his only son, who is a student in the Massachusetts Institute of Technology. He hurried to New York to see what it meant, and the Mayor came out with it. He wanted Gen. Bingham for Police Commissioner. These are said to have been the words passed on that

historic occasion: "It's a hard job," said the Mayor.

"I know it," said Gen. Bingham. Are you willing to tackle it?" asked the Mayor, anxiously

"Oh, hell, yes," said Gen. Bingham. Having thereby accepted the job, the General moved himself and his traps up to Bronxville, so that he would be outside of the corporate limits of New York while he waited. He put up at the Hotel Gramatan, but the newspapers and the messengers

found him. All day long, when he wasn't telling a reporter that he didn't know yet what his policy would be, he was opening telegrams from every part of the country where his wanderings as an army officer have taken him.

It was 6 o'clock, the end of a long day's work, such as it was, when Gen. Bingham toiled up the steps from the smoking room of the Gramatan to the lobby. He hasn't learned yet to manage his cork leg very well, and he is painfully lame.

No one would ever pick him for a retired General. He looks too young. He is tall and erect, and when he stands so that his lameness doesn't show his whole appearance is athletic. It is a clean cut, military face, decidedly handsome in a masculing kind of way. His eyes are large, wide open and dark blue, his nose slightly aquiline and aggressive, and his lips, under a cropped sandy mustache, are full and firm. He has a fighting chin, square and well set, and with the shade of a dimple. His sandy hair doesn't show the first trace of gray. and there is not a line in his face. He looks you straight in the eye, and speaks with the manner of a man who was never afraid of anything, least of all, of you, and doesn't expect you to be afraid of him. A reporter just departing from his presence expressed it inelegantly in passing: "He's surely got guts," he said.

He havigated to a sofa with the help of his cane.

"I'm sorry I haven't a cigar to offer you," he said. "Fact is, I smoke this"-and he pulled a briar pipe, black with use, which he loaded with a plebeian brand of army tobacco that sells at five cents the sack.

"And now I suppose you want to know about my policy," he said. "They all wanted to know that. Well, as I've had about twenty-four hours to think it over; and as I don't know a New York policeman, I haven't any policies. I've just had news from D. G. Slattery that he's willing to be secretary. And all I can

say is what I said to him: "'We'll go ahead with this thing and work like the devil.' "I know it's a hard job, and, do you know;

I'm glad of it. "You see," went on Gen. Bingham, ing a comfortable cloud of smoke. "When that derrick fell on me and left me with this bad pin"-the General isn't afraid of slang-"it was an argument for awhile between me and fate whether I'd stay on this side of the Atlantic at all. While I was getting well I sized it up. There I was, retired at 47 on half a General's pay. Nothing to do, if I wanted, but loaf the rest of my life.

WORLD WAR NOT LIKELY. Emperor William is determined in one way or another to plunge Europe into war for PESSIMISM IN THE EUROPEAN what he might be able to gain from a general CABINETS NOT WELL FOUNDED. catastrophe.

Such, indeed, is the only assumption Kaiser the One Disturbing Element in the Situation-France Expects a Sudden Attack and Is Not Misled by the Pacific Utterances of the German Emperor. horrent.

Special Cable Despatch to THE SUR LONDON, Dec. 30 .- The close of the most eventful year in recent history finds European opinion inclined to regard the immediate political outlook with anxiety and apprehension. It is a pleasure to be able to disagree sincerely with the prevailing pessimism and to record a firm belief that the sentcely disguised fears of a general war in the near future will prove unfounded.

It is in England and France that political alarm is the greatest, and it finds a frank expression to-day in the usual reviews of the year in the chief journals. Thus the Times declares that the year closes " with the horizon overcast with anxiety." The Spectator says: "It cannot be pretended that the new year opens auspiciously," and "grave apprehension as to the future is entertained in Paris, not merely by the man in the street, but by persons of knowledge and responsibility."

The sole cause of all this anxiety is the universal suspicion felt regarding the purposes of a single individual whose name in England and France has become world. And yet no man in Europe protests more insistently his love of peace than the German Emperor. It has literally come to pass that Emperor William is suspected and feared most when he proclaims the loudest his peaceful purposes.

The Spectator speaks the truth when it says that many well informed Frenchmen believe the Germans have decided to attack them and that they will be attacked with all the suddenness and overwhelming force that modern military organization renders possible. The SUN's Paris correspondent, writing to-day, after consulting the French Foreign Office, says:

"France is not misled by the Kaiser's private pacific utterances. Nothing has passed officially to confirm the newly developed peace views of the Emperor. The French authorities are surprised that official representatives of Germany in France are as frigid as ever; at least they show no eagerness in bringing officially to French ears the change of soul in their illustrious master."

The best answer to all these alarms is contained in the question: Is it reasonable to expect that Germany will attack France to-day after she is forewarned and ready. when she held her hand last summer at a moment when France was unprepared and almost at her mercy? The time for Germany to have struck, if ever, was last June. That opportunity will not recur. It is now a matter of common knowledge that war was only averted then by Great Britain's firm declaration that she would make common cause with France if Ger-

wantonly attacked her

cause of dispute. This would mean that

on which to base fears which find general expression to-day. Whatever may be said of the German Emperor nothing in his words or deeds justifies a belief so ab-

Turning from the immediate crisis to the general European situation, there is nothing to arouse fears of a cataclysm. The Russian insurrection is strictly domestic. No one can forecast its end. Whether the country remains one nation or splits into several sovereignties need not involve the destiny of other Powers. The balance of power in Europe has undoubtedly been destroyed by the Russian collapse. It must be restored by one method or another, but the problem need not in-

volve the arbitrament of the sword. No nation in Europe, except perhaps Germany, has any territorial ambitions on the Conti-

nent

for years.

The desire for peace in the world at large was never before so strong. The Morocco conference itself instead of involving dangers to the world's peace may furnish the inception of that league of peace between Great Britain, France and the United States which is gradually looming large in

the domain of practical politics. H.R.C.

a synonym for danger to the peace of the PRESS CLIPPINGS FOR THIEF.

Eminent Chicago Porch Climber Subscriber to Bureau.

Frank Brown, the eminent Chicago porch climber, who robbed the house of ex-Senator La Roche at 31 Plaza, Brooklyn, of \$3,000 worth of jewelry and several hundred dollars in money on November 24. started for New York yesterday in the custody of Detective Sergeant Graham of Brooklyn. Brown was arrested in Chicago on November 26,

Since then he has been fighting extradition. Charles M. Russell, son-in-law of Mr. La Roche, went to Chicago and identified Brown as the man he saw leaving the house on the night of the robbery. To offset Mr. Russell's testimony, Brown brought man after man to swear that he was in Chicago at the time of the robbery.

Mr. Russell says that most of Brown's witnesses were crooks. One of them is known as Chicago's policy king.

When Brown was arrested \$30,000 worth of loot was discovered in his flat. It filled an entire room in the property clerk's office

Mr. Russell was curious to know why Brown had picked out Senator La Roche's house and how he came to know of the valuables it contained. Russell discovered that Brown had subscribed to a clipping bureau and had a complete collection of hours. newspaper descriptions of every public

function that had taken place in the East There were descriptions of Mrs. Clarence Mackay's home at Roslyn, L. I., of the diamonds worn by Mrs. James Hughes, to twenty minutes. wife of Representative Hughes of West Virginia, and many other clippings relating

to the jewels of prominent people Brown and his pal, Smith, who is still down to the Battery no trains were run resisting extradition, carried on all their for the half hour. Local trains were running around the City Hall loop. Two or operations in the East, but made their headjuarters in Chicago. Until two years ago three of them were switched on to the ex-Smith was a constable in Chicago and was press tracks and run uptown as express About 8:45 the express trains began to at the same time directing robberies in the arrive in a rush from uptown. While they East and even taking part in them at times. were coming back trom the Battery they Both men have strong political pulls, Mr. Russell says.

NIGHT OF SUBWAY MISHAPS. FIRE ON TRAIN-TIEUP AT

BRIDGE-HARLEM TUBE ALEAK. Detonations Startled Power House When Feed Wire Burned Out on Lenox Ave. Express-No Panie Among Passengers -Airbrakes Give Out and Stop Trains.

Express service in the subway was deranged seriously last night for more than half an hour, shortly after 8 o'clock, by a series of mishaps. A car caught fire on the Lenox avenue branch and filled the tunnel with smoke. The car was taken out of service at Seventy-second street. Then a switch got out of order at the Brooklyn Bridge, just when it was most needed for the shifting of local trains into

One of the tubes under the Harlem River sprang a leak, and it was necessary to put the pumps at work to keep traffic going. of it

bound Lenox avenue express. When it left 110th street the lights began to grow

car, which was one of the copper lined vehicles. By the time the train reached Ninety-sixth street the lights were very

office and the office of the superintendent on Ninety-sixth street of trouble In the power house a series of explosions

out startled the workmen in the building. By the time the train reached Seventy second street the lights were out, and orders

smoke.

second was reached they had all fled into forward cars. The theatre rush was over and the train was not crowded. The guard calmed the frightened ones and there was no panie

men and to notify the Fire Department.

25, in West Seventy-seventh street. WHITE PLAINS, N. Y., Dec. 30.-Under a decision of the Appellate Division of the

The train crew had used sand to put out

stopped every local train and ran into the cars to get extinguishers. Soon all the fire was put out, but the smoke filled the tunnel and did not fully pass off for two

a dead track just above the Seventy-second

the Brooklyn Bridge. From the Bridge

platform.

Altogether the officials had a lively night The train that caught fire was a south-

dim, and a smell of smoke filled the rear

dim and word was sent to the despatcher's

such as always occur when a fuse is blown

were given to sidetrack the train. The feed wire from the shoe of the car to the motor had grounded. The insulation became so heated that it gave off dense The paint on the iron work of the car began to frizzle and give out a pungent odor. The passengers in the car

began to get nervous before Ninety-sixth street was reached and by the time Seventy-

Sergt. Bauer of Inspector Flood's staff, who was sitting in the car, got out at the station and telephoned to the West Sixtyeighth street police station, asking the sergeant to send over a couple of police-

Sergt. Rehan sent over Policemen Cav-Son, Who Was Forced by His Guardian to anagh and Brady, and telephoned to Truck

The policemen and a couple of firemen with axes arrived at the station about the same time, but found that there was nothing for them to do.

has won her fight to have the will of her the smouldering fire. The platform men husband sustained after a contest which has lasted four years. Middlebrook, the guardian for the son, who contended that as the signature of the testator contained fourteen vertical marks

The southbound express traffic was held up for thirty minutes, while the fire was being put out and the train switched to street station. Local trains on the Lenox venue line were also held up for from ten

was carried on by the guardian against the The greatest inconvenience was below wishes of young Hopkins, who, being under age, was forced to fight his mother, as it was contended that if the will was set aside he would be \$500,000 richer than under its

ZIMMERMAN BIFFS MOTORMAN. Elderly and Lame Wall Street Banker Does Up Burly Bad Name Caller.

FRANK STEUNENBERG BLOWN Leopold Zimmerman of Zimmerman & Forshay, at 9 Wall street, started up town TO PIECES WITH DYNAMITE. yesterday. He is quite lame from a bad hip, and he had with him as aid and escort Bomb Placed at Gate of His Home and Ex-John S. Scully, Jr., banker, of the same address

They tried to get on a car at the Post Office loop. It was a Second avenue car in a hurry, and it passed them up. Two other cars which went just before it had done the same thing.

Scully, who is young and active, lost his temper. He mounted the car on the fly and jerked the bell hard. That brought the conductor, who said things. Scully talked back, and they mixed it on the back

explode when the gate was opened. At 6:40 P. M. the Governor reached home Three policemen swung aboard and started an investigation. The inevitable and as he pulled the gate open, the bomb crowd gathered and the motorman, Ben exploded. Both of this legs were torn off H. Gaffen, walked back to get in the game. and he lived only twenty minutes. All this time Mr. Zimmerman had been To the first persons who reached him tagging the car as fast as his lame hip would after the explosion, the Governor said: allow. He butted through the crowd and limbed aboard. He is small and past "Who shot me?" He also asked to be his youth, but stout. On the platform turned over, then lapsed into unconscioushe tackled Gaffen, who is tall and young. ness and soon expired. "Do you expect a lame man to get on His clothing and shoes were torn to

your car on the jump?" he asked. "Who the hell are you?" asked Gaffen "I don't propose to take any back talk

The outrage is charged to the Western from a Mick," said Zimmerman. Federation of Miners, whose Coeur d' The words that Gaffen uttered in answer Alene dynamiters were relentlessly prosereally couldn't be put into print. They cuted by Steunenberg when he was Govwere decorations to the epithet "Sheeny. And he swung his right at Zimmerman. ernor Zimmerman ducked and smashed the Gov. Goodin has already been consulted motorman right, left and right in the face. by county officers and will put the full power It happened so suddenly that two police of the State at work in running down and men who were standing on the platform punishing the perpetrators. The best men didn't pull Zimmerman off before he had of the Pinkerton service will be employed split Gaffen's lip and bloodied his nose. One policeman held Gaffen while the other in the work, and the Governor and county dragged Zimmerman, still struggling to get have offered a large reward for the appre-

at his man, into the car. They soaked three hension of the guilty persons. handkerchiefs on Gaffen's face before they stopped the bleeding. Policeman John Reilly took all four to

City Hall. There the desk sergeant, after hearing what Gaffen had said to provoke Zimmerman, wanted to call it off, but Gaffen insisted on making a charge of assault marked for assassination by the same against Zimmerman, and Cahill, the concircles of the Western Federation. ductor, against Scully. Uhl Felder gave \$500 bail each for the two bankers, and they Frank Steunenberg was the Populist departed. Zimmerman to the Savoy and Governor of Idaho in 1897, 1898 and 1899. It Scully to Brooklyn.

MRS HOPKINS WINS SUIT.

**Oppose Her**, Loses.

Supreme Court filed to-day Mrs. Fanny

Hopkins, widow of the late Major Robert

E. Hopkins, who left an estate of \$6,000,000,

The contest was made by Joseph W.

Surrogate Silkman admitted the will when

now after years of battling in the courts

The contest was made famous because it

the Surrogate's contention is sustained.

was originally offered for probate, and

That position remains the same, for Sir Edward Grey, the British Minister of Foreign Affairs, has taken the earliest opportunity to announce the Liberal Government's adhesion to this policy. In addition, the French military, position has completely changed in the last six months; and never was the French army so powerful as to-day.

There is some confirmation from Berlin itself that the German Government realizes that the time has gone by for attacking France. It is reported that there is a growing coolness between Chancellor von Bülow and the Kaiser. The latter sees now that the Chancellor has played his cards badly. Instead of separating Great Britain and France, he has thrown them completely together and has given France an opportunity to make all necessary military preparations. So, it is said, the Kaiser has abandoned the idea of reducing France to impotence.

There is little doubt that Germany's attitude at Algeciras will be as aggressive and blustering as is apprehended, and nobody knows how to play this game better than the Kaiser. Heavy bluffing in a serious international crisis is dangerous, but it is least so when all the other participants are sincerely pacific in their intentions. The whole attitude of the French nation is admirable and there is small chance of their being harried into a bellicose spirit or tactics. The panic of last summer has entirely disappeared. They are still intensely pacific, but are possessed of a stern determination to defend themselves to the uttermost.

The attempt of a section of the German press in the past few days to make it appear that the new Liberal Government of England cannot be relied upon to support France has not had the slightest effect in Paris. In fact all the Governments which are to be represented at the Morocco conference are  $\epsilon$ arnestly determined to settle all questions fairly and peacefully. Germany alone may have ulterior ends in view. It is difficult to see how she can bring about a rupture save by the most wanton provocation. Even the Kaiser, inordinately ambitious as he is, can hardly put himself in the attitude of forcing an unnecessary war upon an unwilling world. Alarmists are justified, perhaps, in believing that he will attempt to create inextricable confusion, in which the responsibilities will be obscured and any outcome may be possible, but if he succeeds in this it will be the fault of the members of the conference.

It is not too much to assume that the Governments will select representatives of sufficient ability to make this impossible. He can, of course, always turn to some other

Bedford Sparkling Water-"TheVintageWater" Ideal for the table-highball or rickey.-Ade.

LABOR TRUST ENJOINED.

Printing Trades Unions Alleged to Be Violating the Anti-Trust Law.

ST. LOUIS, Dec. 30.-An injunction to restrain the printing trades unions from interfering with the business of the Greeley Printery Company was granted by Judge Taylor in the Circuit Court to-day. In the application it is alleged that the unions are trying to form a trust controlling the labor employed in the printing business

and are therefore violating the State anti-trust law. It is also charged that officers of the unions have attempted to bribe employees of the petitioners to leave their work.

The Greeley printery is still holding out against the strike instituted last August by the typographical union and is running an open shop.

\$800,000 FOR Y. M. C. A.

The Conditional Gift of \$200,000 by J. D. **Rockefeller** Secured.

Owing to the fact that John D. Rockefeller has subscribed \$200,000 to the Brooklyn Young Men's Christian Association. that organization has been enabled to secure \$800,000 for the building fund which they have been hard at work collecting during the entire year. The executive committee of the Y. M. C. A. announced yesterday that they had managed to secure the large amount they had been working for, and in doing so had made absolutely safe the money which Mr. Rockefeller had

subscribed. Among the non-residents who have subcribed are Miss Helen M. Gould, \$25,000; R. Fulton Cutting, \$10,000; D. Willis James, \$10,000; James A. Jarvis, \$5,000; J. Pierpont \$10,000; James A. Jan M. Store, J. H. Ponter, St. 2000;
Frank J. Gould, \$2,000; George J. Gould,
\$1,000; Seth Low, \$1,000; Morris K. Jesup,
\$1,000, and William A. Nash, \$1,000.
The objects for which this fund has been the objects for which the been the objects for the been the been

devoted are as follows: New building, Eastern District Branch, \$275,000; new build-ing, Bedford Branch, \$350,000; new building, reenpoint Branch, \$135,000; mortgages Prospect Park Branch, \$16,700; mortgages, Twenty-sixth Ward Branch, \$10,000, and improvements to Central Building, \$14,000. The executive committee which has been The executive committee which has been working hard to secure the fund is com-posed of Daniel W. McWilliams, Edwin Packard, Frederic B. Pratt, William C. Redfield, Charles J. Peabody, William McCarroll, Samuel Rowland, William E. McCarroll, Truesdale, M. H. Dorman and Edward P.

BAINBRIDGE COLBY TO LEAD In the Twenty-ninth in Place of Senator

Lyon

Elsberg Bainbridge Colby has been chosen by the Republican general committee of the Twenty-ninth Assembly district to succeed Senator Nathaniel A. Elsberg as the executive member from the district. Mr. Colby has for several years been an active Re-publican worker in the district and at one time represented it in the Assembly. While Senator Eleberg has given up the leadership of the district, he will retain the chairman-bin of the general committee of the ship of the general committee of the Twenty-ninth district organization.

met another check A local train at the southern end of the Bridge platform was stopped and could go no further because the compressed air which operates the switching machinery

would not do its work The trains were held up for fifteen minutes, and the northbound expresses had to be shunted to the local tracks and then turned on to the express tracks at the northern end of the station. The quick change in traffic arrangements kept all hands on the

jump Just as the officials thought that they had affairs straightened out word came of the leak in the tube under the Harlem River, and workmen were hustled up there to get the pumps going. The officials said that that part of the annoyances of the evening was not serious.

WRECKED IN GRAVESEND BAY.

Crew of the Schooner Snow Save Themserves With Difficulty.

The down east schooner Woodbury N. Snow, Capt. Warren McFadden and crew, John Kenny and Stephen Howard, put into Bath Beach early yesterday morning with a cargo of lime from Rockland. Me. The cargo was discharged in due time and the schooner put out into Gravesend Bay in the early afternoon, about 200 yards, and was anchored there. The captain and crew were tired from their exertions and went down for the watch below. A gale sprang up in the afternoon and the schooner tugged fiercely at the anchor and at length began to drift. The captain and crew woke with a start

when the schooner brought up with a crash against a stone pier formerly used by the Bensonhurst Yacht Club. The timbers forward were crushed in by the impact and the boat began to settle. The three sailors took to the lifeboat, and although it was only 100 yards to the shore they had a lot of trouble to make it, owing to the rough weather. They were cared for at the hotel of Carl Pizo at the foot of Twentyfifth avenue. The schooner, which is of 200 tons burden, listed to an angle of about

45 degrees. It is expected that she will be a total loss. Her value is not known. MRS. TUBBS SEEKS FREEDOM.

Daughter of Herreshoff Alleges Photographer Husband Doesn't Support Her. PROVIDENCE, R. I., Dec. 30.-Mrs. Kathe-

rine K.H. Tubbs, daughter of John B. Herreshoff, president of the Herreshoff Manu facturing Company, has filed a petition for absolute divorce from her husband, Walter J. Tubbe, a photographic artist, on the ground of non-support.

Latest Marine Intelligence. Arrived: Ss Arkansas, Copenhagen, Dec. 1 Heathgien, Newport News, Dec. 23; ss Yuc Havana, Dec. 26; ss Idaho, Hull, Dec. 6.

SOUTHERN'S PALM LIMITED THE ROYAL TRAIN, New York to St. Augustine also carrying Pullman alceping car, Alken and Augusta. Electric lighted Leaves New York 12:55 P. M. commencing January 8th. Two other fast trains daily: 3:25 P. M. and 12:10 A. M. Dining and alceping car service. Southern Railway's N And sleeping car service. Southern Y. offices, 271 and 1185 B'way-Adv.

original provisions. The battle over the will reached the Appellate Division three times, the Court of Appeals once.

through it the will was lliegal.

Surrogate Silkman admitted the will to probate once, and two juries decided that the will was legal.

GIRL GYMNAST KILLED.

#### Lena Wirth, Practising in Sunday School Class, Fractured Her Spine.

Seventeen-year-old Lena Wirth of 2260 First avenue died in St. Luke's Hospital, yesterday, from a fractured spine. She fell on Friday night while doing some practice work on a horizontal bar in the gymnasium of the East Harlem Presbyterian Church at 233 East 116th street.

Miss Wirth helped her father, Alfred Wirth, in his hardware store on First avenue, and was also an active member of the church. When the pastor, the Rev. C. H. Scholey, organized a gymnasium class among the Sunday school pupils some months ago she was one of the first to join. She was fond of athletics and soon took rank as one of the best performers in the class

The girls were having a practice drill Friday night, and she was the liveliest of them all. She went through a number of exercises. When it came her turn to perform on the bar she told some of the others that she was going to do her best to make a flying turn. She made a grab for the bar, but in some way did not get a firm hold and fell to the floor, striking on her head. She rolled over on her back and lay motionless.

Some of the others in the class ran to her side, and somebody sent for Dr. Louis Rosenbaum of 103 West 117th street. When he arrived at the church he found the girl's body paralyzed from the waist down. Her father was summoned, and he had her taken to St. Luke's Hospital.

While the doctors were considering whether an operation would do her any good she died.

### AGAINST THE ALDERMEN.

Appellate Division Unanimous for Validity of Franchise Law.

The constitutionality of the act passed at the last session of the Legislature depriving the Board of Aldermen of the franchise giving power is affirmed by the unanimous decision of the Appellate Division.

Two cases were pending on appeal, one brought by Clermont H. Wilcox as a taxpayer and the other by Franklin Pettit in the same capacity. Each attacked the constitutionality of the law and questioned directly the authority of the Board of Estimate and Apportionment, in which the franchise power is now vested, when it refused to refer to the Board of Aldermen certain applications for franchises

Wilcox is interested in a number of rapid transit extension enterprises, while Pettit's energies were directed to getting franchises for the Atlantic Telephone Company and several surface roads in the various boroughs.

There is an opinion in each case, written by Justice Laughlin, but it was not filed vesterday.

## THE BLACK DIAMOND EXPRESS

runs daily to Buffalo, with through sleeping car to Chicago. Leaves New York 11:55 noon. Lehigh Valley R. R.-Adv.

purpose Gov. Steunenberg testified in March and April, 1902, before the Congressional Committee on Military Affairs, which made an investigation of the Cœur d'Aline labor riots. At the close of the hearing the com-

mittee commended the Governor highly (Signed)," etc. paid for this license.

Cœur d'Alene district by Gov. Steuenberg's vigorous action went to the Cripple Creek, Col., district, and it was at Victor, Col., that, in the fall of 1900, when Theodore Roosevelt was campaigning for the Vice-Presidency, these men pelted his train

# NOT SHOT ACCIDENTALLY.

# Horner Before He Died.

NORTHPORT, L. I., Dec. 30.-A statement came to light through the Rev. Dr. Charles Craig to-day that Bartley T. Horner, who was killed by the discharge of a gun in the hands of Dentist Simpson, his son-in-law, told a physician before he died that he was not shot accidentally. The feeling is strong here against the dentist.

The funeral of Horner will take place from the house to-morrow afternoon. The Rev. E. C. Platt, pastor of the Episcopal church here, will officiate. After the services the body will be taken to Huntington and placed in a vault, where it will remain until a tomb is built on the family plot in the Northport cemetery. The body will be taken to Huntington because there is no receiving vault in the cemetery here. Mr. Horner was an advocate of cremation, and had often expressed the desire that his body be reduced to ashes, but his wishes

will not be carried out, owing to the oppo-sition of his wife. Dr. Simpson, who was taken last evening to the county jail in Riverhead to await arraignment before Justice of the Peace

Charles Partridge on Tuesday next, has re-tained a New York lawyer named Wilkinson as his counsel. Mr. Wilkinson is said to be the lawyer whom Simpson consulted about the expressed determination of his fatherthe expressed determination of his father-in-law, Mr. Horner, to make a will putting his property in a trust fund so that the sonin-law could not get possession of any part of the estate

30 IN PERIL ON SCHOONER.

Thirty men on the schooner seem doomed Volunteers have tried a dozen times to send a lifeboat to the Advance, but each time the craft has been overturned a few hundred yards from shore. The life savers are yards from shore. The life savers are continuing their efforts, and a glass shows that the men on the schooner have pre-pared to launch a raft. It is believed, how ever, that no raft could live through such storm

Aid has been summoned from seame all along the coast. More than a hundred one, conveying holiday greetings. A year men are on the shore expecting the schooner ago Bob sent the President a horseshoe to go to pieces at any time.

#### FLORIDA'S FAMOUS TRAINS.

"Fia. & West Indian Ltd.," 9:25 A. M., A. C. L press, 9:25 P. M. Unexcelled service via Per Atlantic Coast Line, 1161 B'way, N. Y.-Afr.

copy of the following licens "Valid for one year; twelve months shoot-

ing license for his Majesty, the Kaiser and King, living and being good from December 1, 1903, till November, 1904. A footnote says fifteen marks must be

LAND GRAFTERS CONVICTED.

Two in Colorado and Two in South Dakota Sentenced to Prison

WASHINGTON, Dec. 30 .- The Secretary of the Interior is advised that A. A. McKean, District County Clerk of Yuma county, Col., indicted for fraudulently securing timber culture entries in the Akron land district, has been found guilty as charged on sixteen counts of the indictment and has been sentenced to a term of two years at hard labor in the penitentiary at Leavenworth, Kan.; that the case against D. W. Irwin and others on similar charges has been set for trial on January 19 and 20, 1903.

In the case of Stearns and Horsnell, indicted on the charge of having secured fraudulent entries for lands in Pierre and Chamberlain land districts, South Dakota, the trial resulted in the conviction of both, and Stearns was sentenced to one year and six months in the State prison at Stillwater and to pay a fine of \$1,000, and Horsnell was sentenced to nine months in prison and to pay a fine of \$500.

Reports from a number of special agents in other localities indicate that many persons will be brought to trial within the next few weeks for violating the land laws.

TEST OF STOCK TRANSFER TAX.

#### Appellate Judges Tied, It Is Suppo Reargument Ordered.

The Appellate Division of the Supreme Court ordered yesterday a reargument of the stock transfer tax case, in which Albert J. Hatch, a broker, in a test case, sued out a writ of habeas corpus because of his arrest for failing to pay the tax on sales or transfers of stocks which went

into operation on June 1. The reargument will take place in the second week of January. Supreme Court Justice Clarke upheld the

validity of the tax law, and four Justices of the Appellate Court heard the appeal. In view of the reargument order it is presumed that there was a tie.

## PRESIDENT WROTE TO FITZ. sent Holiday Greetings to the

Champion Prizefighter. WASHINGTON, Dec. 30 .- In explanation of

the report that President Roosevelt wrote a letter to Bob Fitzsimmons expressing his sympathy with the pugilist in his recent defeat, it was admitted at the White House to-day that the President had sent a letter. It was denied, however, that the President had made any reference to the fight in which

inkstand made with his own hands.

roadway .- Adv.

SEABOARD FLORIDA LIMITED. Handsomest and quickest Florida train. Elec-tric lighted. Seaboard Air Line Offices, 1183

"I saw a story about Gen. Jake Smith the other day. He's in just my fix. Smith said that he had to live abroad because this country is no place for a man to loaf in. I agree with that. I'm also aware of the fact that it's no place for a man to live on half pay. And it looked to me like a choice between going abroad to live or getting into harness somewhere else. I looked myself over. Here I'm only 47; sound in every way except my leg, years and years of work in me yet. I cast out lines for something in the engineering line. I'd pretty nearly got it when Mc-Clellan surprised me, and now I've got to call off one or two propositions

"I lay awake last night and thought it out, and I'm glad that it's the police job, after all. It will be a fight-I know it-and that's why I'm glad. My army career is over. Whatever it was, it is rolled up and put away. Here's a chance to do thing while I'm still young, and I'm all fof it.

Gen. Bingham passed lightly over his six years at the White House, but his mind, steered on to the autobiographic tack, went back to his subaltern days

"I went to West Point from Yale. After I graduated they stationed me at Willets Point, and next at Chattanooga. I had, well, a disagreement with my commanding officer there. I still think I was right, but I was a Second Lieutenant and he was a Major, and when I woke up I was attached to Gen. Crook's staff, away out in Arizona. Those were the days when, as you hopped

off a train from the East, they asked you: " 'Well, pardner, what did you do?' "I've often told Mrs. Bingham that those

were the bulliest years of my life-for me; but not for her, ecause it was no place to take a woman. I hiked pretty nearly all over the Territory, and I made the best military map of Arizona-after that the country got too civilized. I missed any Indian work. The Territory was disgustingly peaceful in those two years. After that I was secretary of the Missouri River Commission for four years more. And then; for contrast, they attached me to the American Embassy at Berlin. I had three years of that, and two more at Rome. The fellows at home used to envy me and say I had a snap chasing around in European capitals, but, let me tell you, it was the hardest work I ever did. Did you ever tackle the German language? You've missed it! Twas the only time my eyes ever broke

down. "I got the Roman fever, and wasn't quite fit when I came back. They put me in com-Fitzsimmons lost. The letter was a brief | mand at Chattanooga-that did me goodin view of what happened there-but I took

The Train of the Century is the Twentleth Century Limited, the 18-hour train between New York and Chicago by the New York Central Lines. Leave New York 2:30 F. M., arrive Chicago 8:30 next morning -a night's ride.

One Hundred Life Savers on Shore Unable to Lend Assistance. BANDON, Ore., Dec. 30.-Buffeted by heavy seas and a fierce storm, the three masted schooner Advance is on the rocks at the mouth of the Coquille River and is apparently about to go to pieces

with stones and eggs

Statement Said to Have Been Made By

for the action he took as well as commending President McKinley for sending troops to Shoshone county on the Governor's applica-Many of the miners driven out of the