

# BOTH ROLL IN MUD

## Count Boni First Spits in His Relative's Face

### BIG BUTCHER STOPPED FIGHT

## Prince de Sagan to Pursue the Matter in the Courts—Boni Had His Brother's Help.

Paris, Jan. 3.—Count Boni de Castellane, from whom his wife, who was Miss Anna Gould of New York, recently was divorced, and Prince Helle de Sagan, who on several occasions has been reported to be engaged to Mme. Gould, had a personal encounter yesterday at the Church of St. Pierre de Chailot, while a service to the memory of Lady Stanley Wellington, a relative of both men, who recently died in England, was in progress.

Beginning inside the church, where Count Boni claims the prince insulted both him and the sacred edifice, it was resumed at the doorway, where Count Boni, followed by his brother, Count Jean de Castellane, overtook the prince. Count Boni spat in his cousin's face.

### Land in the Gutter.

Then came the clash of canes, followed by a rough-and-tumble fight on the pavement which ended in the gutter, where the men finally were separated by a big butcher. Count Boni at the moment of separation, was holding down the well-known in-sensible prince, while Jean, according to eyewitnesses, was administering to him a severe kicking.

When the police arrived the butcher was holding the two principals in the fight, who were covered with mud. The prince was bleeding profusely from a wound in the right temple, where he had been struck by Count Boni's heavy stick. With the butcher's hand on his collar, Boni was haranguing a crowd which had gathered as to why he had spat in the prince's face.

### Invited to Police Station.

The police invited the two men to go to the station house, and this, after some disputing, they agreed to do. All three of them, bespattered with mud, accompanied the police and, followed by several thousand persons, they marched off to the station, where they made "explanations."

Both Count Boni and the prince gave their own version of the quarrel, each claiming that the other was the aggressor, but the prince alone lodged a complaint, charging the brothers with assault.

### Prosecutor to Decide.

A "process verbal" having been written out, according to the French law, the three men signed it and then were released. The case now will go before the public prosecutor, who will decide what, if any, steps shall be taken.

In view of the fact that the prince Helle de Sagan, elected to pursue the matter in the courts, the idea of a duel seems to be precluded. Besides, Count Boni declared last night that it was doubtful whether he would receive the witnesses of the prince, even if the latter could find anyone to act in that capacity.

Last night Prince Helle was laid up in bed with his head swathed in bandages, while Count Boni spent a part of the evening visiting the newspaper offices to make the story of the encounter.

### Count Explains Episode.

When seen by The Associated Press correspondent he was in splendid humor. Throwing back the lapels of his fur coat in order better to display one of his famous white silk waistcoats, he began with the recital of the history of his cousin, whom he painted in the blackest colors, declaring that Prince Helle had been ostracized by his own family, none of whom would permit him to enter their house.

Count Boni then proceeded to explain the episode and declared that it had nothing to do with Mme. Anna Gould, but was the result of an old grudge between him and the prince. He added that the prince had not been invited to the ceremony at the church.

The count said he was surprised to find the prince sitting within three feet of him. Count Boni said he took no notice of the prince during the service, which proceeded without incident until the elevation of the Host when the prince rose.

### "Looked Insulting at Me."

"As he passed me," said Count Boni, "he jammed his hat on my head and looked insultingly at me, this within 20 feet of the altar. I immediately got up and followed him and when I reached the vestibule outside I said:

"I have not given you your Christmas present, and spat fall in his face. He raised his cane and struck me, but I got in the first blow, opening his temple. We then closed."

Count Boni dramatically acted the part as he told the story, and declared at the conclusion that he had only resented what he regarded as an insult to himself and the church. He was convinced that the prince, on account of his past career, would not dare to prosecute the complaint.

### Calls Boni a Madman.

Prince Helle de Sagan, when seen by The Associated Press correspondent in his bedroom could only account for what he termed a brutal and deliberate attack by Count Boni and Count Jean de Castellane on the theory that Boni was a madman. He therefore did not intend to appeal to the courts, but allow the case to take its course in the Criminal court. He declared that the attack was waivered unprovoked. He was sitting

# IN BEHALF OF HUGHES

## Governor's Up-State Boom Organized at Albany.

### TO CRYSTALLIZE SENTIMENT

## Provisional Committee Will Be Formed by Assembly Districts—Raines Did Not Attend.

Albany, N. Y., Jan. 3.—Governor Hughes last night expressed ignorance of a conference of his friends at the Hotel Kenmore held yesterday afternoon to further his candidacy for the presidency aside from the newspaper comments on the conference. This conference was called by a sub-committee appointed at a Hughes conference held at the Hotel Manhattan in New York the night before.

The New York County Republican Committee postponed action on the endorsement of Governor Hughes for President.

The sub-committee comprised Senator Alfred R. Page, Charles H. Young of New Rochelle, who is president of the Republican Club of New York, John H. Selicher of New York and Albany, who is a member of the State Water Board, A. B. Humphreys, who introduced the Hughes endorsement resolution recently adopted by the Republican Club, and A. B. Smith of New York city, who acted as secretary of yesterday's conference. Senator Page was the chairman.

Although the conference was an informal affair, it was planned to organize a provisional committee up-State by Assembly districts for the purpose of crystallizing the Hughes sentiment up-State. Senator Page said the organization thus formed in Assembly districts would work in conjunction with the regular Republican organization where the latter were friendly to Hughes, thereby inferring that independent Republican organizations would endeavor to get Hughes delegates who the regular Republican organizations were inclined to be non-committal or against the governor. Senator Page said that no word had been received from Governor Hughes regarding the conference nor had he discussed it with the governor.

Speaker James W. Wadsworth Jr. was in town yesterday, but Senator Page said he had not invited him to attend.

Senator Raines and Assemblyman Merritt, the Republican floor leader of the lower house, were in town yesterday. Senator Page had invited both of them to attend the conference, but neither appeared. Senator Raines said he would get there if he could, but to friends afterwards remarked that such questions as the conference was to consider should be left to the people.

Besides the members of the sub-committee there were present: State Superintendent of Prisons Cornelius V. Collins of Troy, the representative of Frank S. Black at Albany, whose term of office expires in April and who is a candidate for re-election; Representative George E. Wald of Brooklyn; Horace G. Tennant, a deputy State clerk, who is chairman of the Seneca County Republican Committee; where the present agricultural commissioner, whose term expires in April, holds from Senator Sanford Smith and Mayor Henry Hudson of Hudson, representative of Lou Payne of Albany, representative of Albany, and Senators Cobb of Watertown, Fancher of Cattaraugus, Cassidy of Schuyler and Tully of Steuben.

Senator Page announced that, as soon as the papers were submitted for the provisional organization another meeting would be held.

"All those present at the conference," Senator Page said, "declared that there was a strong public sentiment in favor of the nomination of Governor Hughes, and it was agreed that a provisional organization should be instituted by the selection of a man in each Assembly district. Further meeting was left subject to the call of myself as chairman."

"Do you intend that the organization should be organized to Republicans?" the Senator was asked.

"Oh, yes. It will be composed of Republicans," Senator Page replied. "I believe the Republican convention will instruct its delegates for Governor Hughes."

### BY DIRECT VOTE.

Ohio Republicans Will Express Choice for the Presidency.

Columbus, O., Jan. 3.—The Republicans of Ohio will be given an opportunity to express by direct vote their choice for the party's candidate for President at the primaries to be held on February 11, when delegates and alternates to the Republican State convention will be elected.

The convention will be held March 3 and 4, and it will select in addition to four delegates at large to the Republican national convention candidates for governor and other State officers.

The call for the primaries and convention was adopted last evening by the Republican State General Committee after a protracted and lively session. The friends of William H. Taft, secretary of war and candidate for the Republican nomination for President, were in control of the committee, casting 14 votes to 7 for the supporters of Senator Joseph Benson Foraker, also an avowed candidate for the presidency.

The vote stood 14 to 7 on every proposition, which required a roll call except the selection of a tem-

porary chairman for the State convention. James R. Garfield, secretary of the interior, was the choice of the Taft supporters, receiving 13 votes to 8 for Harry M. Daugherty of Columbus. Richard McCloud of London, a close personal friend of Mr. Daugherty, but a Taft supporter, voted for him as against Mr. Garfield.

The State Committee decided that it had nothing to do with the selection of national delegates in the congressional districts and declined to make any suggestions in regard thereto.

A committee representing the supporters of Senator Foraker also called on the governor and asked him to permit his name to be presented for chairman of the State convention, but the governor declined.

Several amendments to the call were proposed by the friends of Senator Foraker, but in each case they were voted down. The chief fight was made against the direct primary plan for the selection of delegates to the State convention. They proposed that delegates to county conventions be chosen by direct vote, the county convention to choose the delegates to the State convention.

The call as adopted provides for a total of 815 delegates to the State convention. The Australian ballot is to be used in the primary. If petition is made the names of candidates for delegates may be printed under the name of the person who may be their choice for presidential candidate.

HUGHES DOING HIS DUTY.

Senator Armstrong Says New York Republicans Are for Him.

Washington, Jan. 3.—State Senator Armstrong of Rochester called at the White House yesterday morning. He saw the President only for a moment. "I did not come here representing anybody," he said, "and I did not talk politics with the President."

The failure of the New York Republican County Committee to endorse Mr. Hughes does not represent the feeling of the up-State Republicans," he said. "What the New York County Committee does is not of concern to us up the State. We don't always like the things the committee does. There was that matter of fusion, for instance."

"If Hughes pursues his present course, do you think he will have the State delegation to the national convention?"

"He will not change, you may be sure of that; and the Republicans of the State are for him. There is nothing mysterious about Mr. Hughes. He is doing in the State administration just what we supposed he would do. Public office has no charm for him, but he is doing his duty, and his administration speaks for itself."

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Comstock's testimony will point clearly to the insanity of Thaw, and testimony which corroborated that theory was very distasteful to Thaw during his first trial. During Thaw's first trial Comstock was not called because it was feared that his testimony would help the district attorney to establish symptoms showing Thaw's incurable insanity.

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Mr. Littleton has a list of the 300 taxmen who have been summoned to appear Monday, Tuesday and Wednesday in the Criminal branch of the Supreme court, and detectives are investigating the record of each. Mr. O'Reilly and Mr. Peabody called at the Tombs yesterday and consulted with the district attorney.

There is evidence that the second trial will attract much less attention than did the first. The applications from out-of-town newspaper representatives and press bureaus for seating accommodations are noticeably fewer. The space in the court room available for correspondents and spectators will be slightly less than last year.

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Jerome and Jackson Differ.

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According to correspondence given out here last night by Mr. Jackson, it appears that recently Mr. Smyth of the district attorney's staff informed Deputy Attorney General DeFord that the evidence submitted "was not of a character sufficient to warrant an investigation by the grand jury."

John D.'s New Year's Gift.

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Justice Deuel said that this decision would have a sweeping effect upon incorporated hospitals, sanitariums and medical institutions and all the corporations doing business on the strength of the employment of licensed physicians. It is the individual alone, according to Justice Deuel's opinion, who, in his own name, has legally qualified to practice and who has secured registration, that may advertise to practice his profession.

When the County Medical Society's case was presented before the court, exhibits against the defendants were samples of advertisements, pamphlets and circulars, in which there was set forth the names of the defendants, human noses made Grecian, fan-like ears glued close to the skull and crows feet transformed into classic lines of beauty. The prosecution set forth that this was advertising the practice of medicine by the Woodbury Dermatological Institute.

Because the statutory construction provides that the term "person" includes a corporation, Justice Deuel reached his decision, bringing the institution under the provisions of the laws of 1907, forbidding anyone, not a registered physician, to practice medicine.

After rendering his decision, Justice Deuel, with his associate justices, fined the defendants \$100 apiece. Counsel for the County Medical Society will move through the attorney general's office for the revocation of the Dermatological Institute's charter.

### BIENNIAL SESSIONS

Some Sentiment in Legislature for a Meeting Once in Two Years.

Albany, Jan. 3.—While Governor Hughes did not incorporate in his annual message a recommendation for biennial sessions of the Legislature, it is believed that he is in favor of such action and may recommend it in a special message later in the session. The politicians, too, are talking in favor of biennial sessions, as a stop-gap to other reforms more tangible and easier to achieve. Biennial sessions cannot come with the passage of a bill and the sweep of the executive pen in approval.

To secure biennial sessions it is necessary that the constitution of the State be amended. This is an involved process. It may be done in two ways: First, in a constitutional convention held every 20 years; second, by the people in general election, approved by the people in general election. In pursuing the second method, it is required that the proposed amendment be passed by the Legislature, then that it be repassed or reapproved by the first subsequent Legislature assembled after State senators are elected.

To have biennial sessions before 1917, say in 1911, it would be necessary to pass the required legislation amending the State Constitution as to terms of legislators and also as to annual sessions of the Legislature through the Legislature, approved by the people in general election. It is believed that the proposed amendment be passed by the Legislature, then that it be repassed or reapproved by the first subsequent Legislature assembled after State senators are elected.

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