

MAC DOUGALL OUT

As Marshal for Northern New York District.

UTICA MAN NAMED BY TAFT

Is Van Rensselaer Weaver, a Personal Friend of Vice President Sherman.

An Associated Press dispatch from Washington this afternoon announces the appointment by President Taft of Van Rensselaer Weaver of Utica as United States marshal for the Northern District of New York.

This means that General C. D. MacDougall, of this city who has held the office for several years has been turned down in his candidacy for re-appointment.

General MacDougall was nominated for reappointment by President Roosevelt but the confirmation of the appointment was not made by the Senate.

It was known that General MacDougall's reappointment was opposed by certain banking interests in New York, growing out of the bankruptcy proceedings of the Birdsell Company.

Representatives of some of those institutions threatened to prevent General MacDougall's confirmation and his discharge in bankruptcy has been stubbornly contested.

His friends here, however, have been confident that he would be ultimately confirmed and the news of the appointment of his successor comes as a great shock.

The appointment of Mr. Weaver will mean the removal of the office from this city to Utica and probably the loss of positions by the local office force including Chief Deputy James B. McCreath, Deputies Maurice F. Murphy, William J. Pierce and J. M. Bennett.

When the appointment was called to the attention of General MacDougall he expressed absolute surprise and said that he did not know Mr. Weaver nor did he know that he was a candidate for the position.

It is said that Mr. Weaver is a personal friend and had the backing of Vice President Sherman and only in this way can the appointment be accounted for, as it is known that General MacDougall was backed by Congressman Payne and also was supposed to have had the endorsement of Senators Root and Dewey.

IN JANUARY TERM.

Non Suit Denied in Smith Case and Defense Is On—Grand Jury's Work.

The case of the plaintiff in the \$20,000 negligence action brought by John E. Smith against the International Harvester Company was finished in Supreme court shortly before noon today.

Attorney Frederic E. Storke for the defendant company made a motion for a non-suit which was denied by Justice Benton with leave to renew at the close of the submission of evidence.

Mr. Storke then opened the case for the defendant.

This morning the grand jury considered two cases. They were The People against William Rabotti. He was arrested some time ago on the charge of stealing the sum of about \$128 from one George Benton at Port Byron.

The other case was that of The People against John Sliimak on the charge of robbery. Sliimak was arrested for holding up a woman named Anna Lees on the New York Central tracks and robbing her of the sum of about \$85.

The presentation of the *Lucchetti* murder case was finished yesterday afternoon, and several witnesses before the grand jury were held to await the trial of the case.

The Smith-International Harvester Company negligence action is still on in Supreme court this afternoon, the defense presenting its side of the case.

The day calendar for tomorrow consists of the following cases: Nos. 32, 28, 22.

The grand jury is considering the case of the two Italians arrested recently for stealing chickens from the Raynor farm on the Grant avenue road in the town of Bennett.

DECISION IS REVERSED.

In Case Tried Before Justice King at Port Byron.

An order granted by County Judge Greenfield reversing a judgment rendered by Justice of the Peace L. H. King in the action brought by James Caldwell against Ira Luddington, was filed in the county clerk's office this morning.

The plaintiff secured a judgment of \$68.60 against the defendant before Justice of the Peace King of Fort Byron on September 2, 1908. An appeal was taken by the defendant to County court and argument on the appeal was made by Frank C. Cushing for the defendant appellant, and James J. Anderson for the plaintiff respondent. The decision of Judge Greenfield reverses the judgment with costs in favor of the defendant-appellant.

TO HIGHEST COURT.

Case of Lane vs. Koenig Will Be Taken Under This Decision.

Attorneys J. Henry Kerr and F. S. Coburn for the defendant and Oscar Tryon for the plaintiff in the action brought by Mary E. Lane against C. A. Koenig, received word this morning from Albany that the Court of Appeals had denied a motion made by the plaintiff to have an appeal of the action to that tribunal dismissed.

In Equity court in this city Justice Clark granted a judgment for costs and injunctive relief and denied any allowance of money damages in favor of the plaintiff. The defendant appealed to the Appellate Division and the decision of Justice Clark was unanimously affirmed.

The defendant then appealed to the Court of Appeals and Mr. Tryon for the plaintiff at once made a motion to dismiss the appeal. The argument on the motion was made on January 3 and the decision of that court is that the motion be denied with \$10 costs and defendant will now go to the court of last resort.

PRaise AMERICAN SURGEONS

Equal of Any in World Says Doctor Jonneco, Leaving for Home.

"I found American surgeons to be the equal of any in the world," said Dr. Thomas Jonneco, the eminent advocate of stovaine in surgical operations, as he sailed from New York today on the steamship Adriatic for Europe.

Doctor Jonneco performed 23 operations while in the United States with the use of stovaine.

"Naturally the doctors here wanted to have the usefulness of my method proved," said the surgeon. "And I think it will be found that within two or three years stovaine will have displaced chloroform as an anesthetic in surgical operations."

Doctors Heazlit, Cheesman and Laurie, the Auburn surgeons who amputated both the legs of Miss Anna Donovan by the use of stovaine, must be given high rank by Doctor Jonneco.

Miss Donovan is doing well.

STUPP RESERVED DECISION

After Hearing Both Sides in Alleged Perjury Case.

The examination demanded by Willard D. Stone, charged with perjury and arrested on that charge on January 8 on complaint of Benjamin S. Coates of Meridian, was held all day today before Recorder Stupp and at the conclusion of the presentation of evidence this afternoon he adjourned the case indefinitely, reserving decision as to whether he will hold Stone for the grand jury.

The prosecution was represented by Attorney Amasa J. Parker for Coates, and by District Attorney R. J. Burritt. The defendant was represented by Attorney F. S. Reple. The complainant alleges that Stone perjured himself in giving evidence over a horse transaction in which Stone received a verdict against Coates in City court. The defendant alleges that the perjury charge is one brought out of spite because of the City court judgment.

GIAMBACURTA INSANE?

Such the Belief of Father Robotti After Visit Today.

Rev. John Robotti this afternoon saw Luigi Giambacurta, who is condemned to die in the electric chair the week of February 21 for killing his cousin in Buffalo.

After the visit Father Robotti said: "It is a shame that Luigi must die. It is certainly crazy. He does not even realize that he has got to die."

"When I saw him this afternoon and started to talk to him he started to recite the Gospels and then drifted on to the life of Christ. When I asked him if Warden Benson had told him anything, meaning that he had notified him, he said: 'No, only he told me that I was a good boy.'"

"That is the trouble of being poor. He has no lawyer and there is no one to go to the governor to ask him to appoint a commission. I am certain that Luigi is not right and should not die."

KILLED NEAR CLYDE.

Unknown Man Badly Mutilated on Central.

Clyde, Jan. 12.—An unknown man, apparently a tramp, about 55 years old, was struck by a fast eastbound freight on the Central-Hudson railroad and killed Monday afternoon. The accident happened half way between Clyde and Lyons.

The terribly mutilated remains were brought to Clyde by the east-bound accommodation, which reached here about 4:30. The man's left arm was cut off, his skull was fractured and his clothing was almost entirely torn off his body.

The remains were taken to Collier's morgue and Coroner Allen notified.

Died in Montezuma.

The many friends in this city of Helen Tyler, wife of Thomas Moroney, of Montezuma, will be sorry to learn of her death which occurred at her late home in that village last night at about 10:15 o'clock. Mrs. Moroney had been ill only since Saturday and her death will be a surprise to all who knew her. Besides her husband she is survived by five sons and two daughters. Funeral services will take place at St. Michael's church, Montezuma, Friday morning at 10:30 o'clock. Burial will be made in Woodport.

THE PROBATE COURT.

McGordon Will Admitted to Probate Contest—The Cosgrove Estate.

Petition was filed by H. Leona Thayer and Carl J. Thayer for the judicial settlement of their accounts as administrators of the estate of Frank H. Thayer. The administrators charge themselves with \$516.28, credit themselves with \$682.36, leaving a deficiency of \$166.08. Citation was issued to January 25.

Petition was filed for the probate of the will of the late Eliza Adams of Auburn. The estate consists of \$200 personal property. Citation was issued to March 15.

The will of the late Andrew McGordon of Leeward, and Holyoke, Mass., was admitted to probate and letters testamentary were issued to Mary McGordon, the widow, to whom the entire estate was left by the terms of the will executed September 8, 1909, at Holyoke, Mass. The estate consists of \$500 personal and \$10,000 real property. The testimony of witnesses to the will was taken by a commission at Holyoke and the admission of the will to probate this morning disposes of a threatened contest over the will.

Petition was filed by Margaret Cosgrove for the judicial settlement of her accounts as administratrix of the estate of the late William Cosgrove of Auburn. The administratrix charged herself with \$485.15, credited herself with \$423.33, leaving a balance of \$61.82 subject to commissions. Citation was issued to January 25.

FLINT AND KOHN.

Lawyers Victorious in Latest Round in New York.

Sitting in Supreme court in New York Monday, Justice Newburger upheld the contention of Attorney Stewart M. Kohn that a judgment issued against him by Justice W. W. Clark in Rochester was invalid on the ground that no action had ever been begun against Kohn by Albert H. Flint, who was named as plaintiff in the complaint.

The Kohn-Flint imbroglio arose from litigation involving certain rights of way that are claimed by the New York, Auburn & Lansing railroad which operates the short line along the east shore of Cayuga lake between this city and Ithaca.

Kohn acted as Flint's attorney in the action until August, 1909, when Kohn disagreed with his client. At that time Kohn was prosecuting a suit against Ewers H. Leonard of this city in trying to compel Mr. Leonard to turn over certain rights of way to the railroad company of which Flint is president. Kohn claimed an attorney's lien on the action, and the matter was referred to a referee, who found that Kohn had no lien. Through an inadvertence the papers were prepared as if Flint had brought a suit against Kohn.

At Monday's hearing Kohn certified to the court that he had never been served with papers in the case. Flint, who was present, announced that he intends to sue him for the money.

At the time of the break between Flint and Kohn the former was thrown into voluntary bankruptcy, but has since been discharged, after meeting all his obligations.

Flint, besides being president of the New York, Auburn & Lansing road, is also at the head of the Ithaca Street Railway Company.

MRS. WILCOX WINS.

Given Verdict of \$3,217.50 Against Royal Arcanum.

After a fight for more than three years in the courts, Mrs. Frank E. Wilcox has won her suit against the Supreme Council of the Royal Arcanum. Justice William S. Andrews yesterday at Syracuse directed a verdict in her favor for the full amount of the insurance policies carried upon the life of her deceased husband, with interest. The outcome is of interest to thousands of members of the order.

Mrs. Wilcox, a native of Auburn, was expelled from the organization because of her attacks upon supreme officers for the increase in rates of insurance. He instituted proceedings for reinstatement, but died before the termination of the action. The suit was continued by his widow, Mary C. Wilcox, who was given a verdict for \$3,217.50 yesterday.

THE CAUSE OF SUFFRAGE.

Interesting Meeting With Address by Mrs. Mary Fordyce.

The Cayuga County Political Equality club met yesterday afternoon in the parlors of the Woman's Educational Union, Dr. Amelia W. Gilmore, president of the association, presiding.

The session was commenced with the calling of the roll, each member responding with an interesting item of suffrage reform. Other routine business was transacted, after which Mrs. Mary Fordyce of Moravia, the association's secretary, made an address. What the Ladies Will Do for the Home. It was enthusiastically received and Mrs. Fordyce's auditors applauded frequently.

Test of His Love.

Chicago Record-Herald.

"Tell me," he pleaded, "what can I do to win your love. There is no danger that is too great, no task that I will not undertake, to make you mine."

"Give me the tail of Haley's comet to put on my hat."

His Brain.

Houston Post.

"I disagree with the scientists who claim that the brain is the seat of reason."

"Don't get excited about it, they probably don't mean your brain."

FITZGERALD WON

Elected Mayor of Boston by Narrow Margin.

STORROW DEMANDS RECOUNT

Most Remarkable Political Contest in Hub Ends in Victory for Former Mayor.

ENDORSE PINCHOT.

And Live Stock Growers Demand Many Reforms.

Denver, Colo., Jan. 12.—Many governmental reforms are demanded in resolutions presented to the National Live Stock Association for adoption today.

Railroad rate legislation formed the basis of the morning discussion. The granting of power to the Interstate Commerce Commission to review classifications to annual changes in regulations and to institute proceedings on its own motion as recommended by President Taft are favored by the resolution, which opposes the appointment of an Interstate Commerce court.

The Pinchot administration of the Forest service is endorsed in the resolutions and resolutions are made for a laws law governing the use of public lands for grazing. The resolutions also favor the continuation of the fight against free high A. D. Melvin, chief of the Bureau of Animal Industry of the Department of Agriculture, spoke on Sanitary Conditions of Our Live Stock.

TWO FATALLY BURNED.

And Two Others May Die as Result of This Fire.

Philadelphia, Jan. 12.—Two negro children, Alice and George Dickson, were burned to death and a third was so badly injured that it probably will die in a few days that damaged their home in the southern section of this city. The grandmother of the children was also badly burned and is in a serious condition at a hospital.

The fire was caused by the explosion of a lamp.

TWO CHILDREN KILLED.

In Fire Which Destroyed House on Jamestown Exposition Grounds.

Norfolk, Va., Jan. 12.—Two children lost their lives and several others were seriously burned in a fire of unknown origin which early this morning destroyed several of the small buildings on the Jamestown exposition grounds.

The children who perished were Neva and Walter Halstead, whose father, W. H. Halstead, occupied the Baltimore city building as a residence. It was in this building that the fire started and the children were suffocated and burned before they could be gotten out.

STRICKEN AT PHONE.

Indiana Woman Saved from Death in Peculiar Manner.

Princeton, Ind., Jan. 12.—Mrs. Zenas Finney was saved from a horrible death yesterday in an unusual manner. She had called her daughter, Miss Jessie Finney, over the telephone, when, without warning the daughter heard a clattering of the instrument and was unable to get her mother again. She hastily telephoned a neighbor to investigate and when the neighbor ran into the Finney home she found Mrs. Finney unconscious with her head about almost in the open fire place. Mrs. Finney had been stricken suddenly with paralysis. Her condition is still serious.

FOR ARBITRAL COURT.

Several European Powers Said to Favor Uncle Sam's Idea.

Washington, Jan. 12.—State department officials have received with satisfaction during the past few days tidings leading them to believe that several of the principal powers of Europe are considering favorably Secretary Knox's proposal to the nations looking to the establishment of a permanent international court of arbitral justice.

While no formal or definite answers have been received to the joint note addressed to the powers, diplomats here and abroad recognize the great importance of the proposition from an international standpoint.

One More Annual Report.

The annual report of the New York Central Mutual Fire Insurance Company of Edmonston, N. Y., was filed in the county clerk's office this morning. The company was organized in May, 1899, and insures farm dwellings, stores, hotels and specialties. During last year 2,927 policies were written, making a total since organization of 21,561. There were 4,693 policies in force on December 31, 1908. The insurance written last year amounted to \$2,689,151.98 and there was insurance in force at the close of last year of \$4,219,778.89. The total receipts of the year were \$57,821.77, disbursements \$28,174.65, leaving a balance on hand at the close of the year of \$29,647.12. In the disbursements the sum of \$17,642.52 was paid out for fire and lightning losses.

Both Died.

First Farmer—Ere, you remember telling me you gave your 'oss turpentine when 'e ad colic?
Second Farmer—Ay!
First Farmer—Well, I gave my 'oss turpentine an 'e died.
Second Farmer—Well, mine died, too!

PITTSBURG'S YEARLY PLIGHT

Danger of Grave Damage by Flood Following Thaw.

Pittsburg, Pa., Jan. 12.—With the temperature mounting and a thaw at hand the local lumber situation today resolved itself into Pittsburg's yearly problem—how to save itself from a flood?

Thousands of tons of ice gorged in the Monongahela, Allegheny and Ohio rivers at this point present a menace which the United States government is investigating with a view of blasting the ice dams in an effort to save valuable shipping and harbor property.

At Freeport, the government river station, ice is piled 15 feet in the Allegheny river. Back of this gorge is a solid wall of water which when let loose by the thaw will probably cause incalculable damage. Low lands about Freeport are already under water.

Within 24 hours the crucial test of the gorge menses, it is expected, will have passed.

RECOMMENDATIONS ARE MANY

State Really Controls 1,800 Miles of Streams for Purpose of Navigation.

Albany, N. Y., Jan. 12.—In his annual report to the Legislature, State Engineer and Surveyor Frank M. Williams will make several important recommendations. One concerns streams, which from early usage or legislative act, have become navigable public highways. He says that there is little general realization of the number and extent of these streams over which the State is sovereign and retains control for navigation purposes. They total about 1,800 miles. Public money has been spent on some of these, but generally, except on streams forming part of the present canal system, no State official or department has charge of them.

"Steps should be taken," says the State engineer, "looking toward the better understanding and the inspection, protection and better utilization of these properties of the State. There is a strong tendency toward usurpation for private purposes such as power-development, water-supplies, etc., objects worthy in themselves but which should never be permitted to interfere with the pre-eminent right of the State. Doubtless the State has frequently been compelled to pay for rights previously purchased or never acquired legally passed from its possession and has suffered through a lack of accurate information concerning the rightful possession of its waterways."

Mr. Williams recommends legislative provision for instituting a broad investigation of the whole subject, including the compilation of the history of all important navigable streams and a general engineering reconnaissance, to determine their characteristics and the steps which may best be taken for their development, together with a study of the probable utility of greater navigation facilities.

He also recommends a monumental of the canal "blue line," before any portion of the new channel supersedes the existing locations, inasmuch as the State owns valuable property within these lines and adjacent deeds are referred to them as starting points. It is old canal lines obliterated, he says, the State would doubtless lose valuable rights and possessions and an endless amount of trouble would come to near by individual property owners.

The State engineer calls attention to the need of safe depositories for the valuable maps and records of his department which he says no amount of money could replace. As evidence before the courts especially, their value is incalculable and much depends upon their preservation. He recommends suitable fire-proof vaults or buildings, if necessary, before some catastrophe renders their replacement impossible and causes a loss to the State many times the cost of proper housing.

PHILADELPHIA STRIKE.

Girls Much Encouraged by Aid Extended by Suffragists.

Philadelphia, Jan. 12.—Encouraged by the aid extended to them by the Pennsylvania Women's Suffrage Association and prominent society women who not only have furnished ball for them when arrested but have assisted them in doing picket duty, the girl shirtwaist makers in this city are more determined than ever to close down the factories which have not granted their demands.

Police courts in the central section of the city were crowded at the morning session today with girls arrested in several small riots which occurred last night when the police interfered with the efforts of the strikers to persuade workers to join their cause.

Society women and lawyers engaged by them to defend the girls were on hand to assist the prisoners.

Mrs. O. H. P. Belmont and a number of her friends who have been assisting the New York strikers will be the guests of honor to-night at a meeting under the auspices of the Pennsylvania Woman's Suffrage Association.

Delegations from the leading women's clubs and many college women will be present.

Couldn't Do It.

Boston Transcript.

Servant—"There's no coal, mum, an' the fire is goin' out."
Mistress—"Why, Norah, you should have told me that before!"
Servant—"I could 've told you there was no coal, mum, when there was coal."

STATE WATERWAYS

Considered at Length in Engineer's Report.

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AGAINST SLAVE TRAFFIC.

House by Vita Voice Vote Passes the Bennett Bill.

Washington, Jan. 12.—By a viva voce vote the House today passed the Bennett "White Slave" bill.

The "white slave" bill is the result of an investigation of traffic in alien women made by the National Immigration Commission. Provision is made for the deportation and exclusion of immoral aliens and for the exclusion and punishment of their procurers. Traffic in immoral women becomes subject to the restrictions of Interstate Commerce laws. Immigration laws are amended so as to include persons who are supported by or who receive proceeds from the prostitution of aliens.

The measure makes it a crime, punishable by a fine of not more than \$5,000 and imprisonment for not more than 10 years, for any person to procure a ticket for any person to go from one State to another to engage in prostitution.

The latter provision aroused vigorous protests from many members of the House on the ground that it was unconstitutional in that it was an infringement of the police powers of the States.

WHITE SLAVE PROBE.

Hopes of Greater Results Than Indictments Already Found.

New York, Jan. 12.—Every day's progress of the white slave investigation draws the line a little closer about the inner circle where control of the traffic is believed to lodge.

While the two indictments found by the grand jury headed by John D. Rockefeller Jr. are of minor individuals, the official probes today renewed their investigation with the conviction that it would be possible soon to place a finger on men higher up.

It was understood in the Criminal Court building when the inquiry opened today that the scope of the investigation was to be broadened so as to include the Raines law hotels and tendorlin resorts in an effort to pick up links in the chain believed to bind the interests of the illicit traffic together.

It is still hoped that the way of the probe may yet be made easier by some one's acceptance of the prosecutor's offer of immunity to one with inner circle knowledge who is willing to tell what he knows.

BIGGEST CONVENTION HALL

In World Is Planned for Long Beach, L. I.—Contracts Signed.

New York, Jan. 12.—A great convention hall planned to be the largest of its kind in the world, will be a feature of the immense pier, extending 1,500 feet over beach and ocean at Long Beach, L. I., contracts for the construction of which were signed today.

More than half the structure will be devoted to the convention hall and amusement pavilion. The hall is expected to be available for political and other great conventions, while the construction of the amusement pavilion will be such as to permit of hippodrome performances and exhibitions of various sorts.

MEAT STILL HIGHER.

Is the Comforting Prospect as Offered by Swift.

Denver, Colo., Jan. 12.—Harold Swift of Swift & Co., in discussing the cost of living said: "Prices of meat are very high now but there is every indication that they will go still higher. This is attributable to the high price of corn and the consequent scarcity of hogs stock. As long as the scarcity continues it is well to educate people to use the cheaper cuts of meats. The cheaper cuts are just as good as more wholesome if properly cooked."

Mr. Swift admitted that the retailer is making a large gross profit on meat.

JOB FOR LABOR MAN

And Gaynor Makes Speech in Favor of Robinson Law.

New York, Jan. 12.—Mayor Gaynor today appointed Herman Robinson, general organizer of the American Federation of Labor, to be commissioner of licenses at a salary of \$5,000.

Mayor Gaynor, in administering the oath of office to Mr. Robinson, made one of his characteristic plucky little speeches.

"If all labor leaders had your sense, habit of thought and discretion and always looked before they leaped," said the mayor, "it would be well for all of us."

Herman Robinson is an enrolled Democrat, has been identified with the organized labor movement since 1885 and connected with the Central Federation of Labor of this city since 1898.

Prominent Broker Drops Dead.

New York, Jan. 12.—Charles Head of the Stock Exchange firm of Charles Head & Co., dropped dead of apoplexy in the firm's office in the Mills building in Broad street today.

Mr. Head has long been a member of the Stock Exchange, his firm being an old time house and one of the best known in the financial district. The headquarters of the firm are in the Exchange building largely because of personal attention to his business on the exchange here.