

NEW INDICTMENT IN OSBORNE CASE

Defect in Perjury Charge Rectified. Warden Hopes to Plead To-day.

WEEKS OPPOSES PLEA FOR SPEEDY TRIAL

Justice Sets Date for February 14—Westchester Lawyer to Aid Defence.

Because the indictment on which he was arraigned charging perjury was based on insufficient evidence, Thomas Osborne will this morning be allowed to plead to a new bill setting out the same state of facts alleged in the indictment returned on December 14.

The new indictment became necessary when District Attorney Frederick Lewis discovered that it had not been established that Osborne was under oath at the time he is charged with having sworn falsely.

This defect in the indictment had been remedied by putting Dr. Rudolph Tienery, on whose complaint all the charges against Osborne nominally rest, before the grand jury, which is still in session.

Mr. Osborne also hopes to be permitted to plead this morning to the indictment charging immorality, Justice Lewis has decided this morning to enter a plea issued by Justice Lewis.

until the District Attorney arraigns him before he may plead?

"Exactly," said the District Attorney.

The answer, which evidently surprised the court, led to Justice Morschauer asking for authorities to back up his contention.

"There are no authorities against it," replied Mr. Weeks. "It has been the practice for twenty years. Mr. Battle here has been an assistant District Attorney, and he knows that to be the fact."

George Gordon Battle denied that he had any such knowledge.

"It is in the inherent power of the court," said he, "to compel this District Attorney to allow Mr. Osborne to plead. It is common justice. This man has been indicted on six counts of an infamous character and he has not been allowed to put in even a formal denial."

The court disposed of the matter temporarily by asking for briefs to be submitted this morning.

Then the matter of Osborne's trial on the perjury indictment was taken up. Though Justice Tompkins ordered that the minutes of the grand jury be furnished the defence, District Attorney Weeks has not yet furnished them.

"We want a speedy trial," he went on, "but we cannot well proceed until we get these minutes."

Mr. Weeks protested, but Justice Morschauer saw no reason why the case should not go over until February 14.

It is expected that one effect of the superseding indictment for perjury will be to make necessary another motion for the minutes. If this proves to be the case additional delay may result.

Another indictment handed up yesterday is understood to name a lawyer, who has been accused of writing to members of the grand jury.

The presence in court yesterday of Michael J. Tierney, of New Rochelle, was the first intimation that Osborne will have a lawyer familiar with Westchester affairs to aid in his defence. Tierney was District Attorney Weeks's Democratic opponent for the office.

BOMB HURLED FROM 'L' SHATTERS BUILDING

Several Cut by Flying Glass in Macaroni Feud.

The building at 2074 Second Avenue, between 106th and 107th Streets, was wrecked shortly before midnight last night by a dynamite bomb, which the police believe was thrown from the "L" road.

The explosion was heard at 162d Street. Windows in every house on both sides of the street for the entire length of the block were broken and several men were cut by flying glass.

The ground floor of the building is occupied by the grocery store of Joseph Bruck, and from the story told by the police believe that Italian who feel that the intention of Bruck to manufacture and sell macaroni on a large scale would hurt their business were responsible for the bomb.

Vincenzo Guzzo and his wife and child, occupants of the top floor, were thrown from their beds and rushed to the glass littered street. Tenants in the six story tenements on the block were panicking.

BOARDER KILLS WIDOW

Suitor Uses Revolver on Landlady and Himself.

Infatuated with his landlady who ordered him to find other quarters, Sylvester Mano shot her dead yesterday morning. Then he turned the weapon upon himself. He died last night in the Volunteer Hospital.

Mano boarded with Mrs. Anna Loyacano, a pretty widow who lived with her ten-year-old daughter, at 51 Oliver Street. After a conference with her cousin and a friend over Mano's disagreeable attentions Mrs. Loyacano told him he must leave.

"Well, if I have to go I'll give you this first," Mano shouted, drawing a revolver.

JOSEPH H. CHOATE, 84, CELEBRATES.



Venerable lawyer and ex-Ambassador to the Court of St. James's, photographed yesterday leaving his home.

FRIENDS CELEBRATE CHOATE BIRTHDAY

Ex-Ambassador, 84, Gets Messages from Hundreds—Honor Guest at Dinner.

A small party of friends gathered at 8 East Sixty-third Street last night at dinner to honor the eighty-fourth birthday of Joseph H. Choate, former Ambassador to the Court of St. James's and dean of American jurists. It was the only official observance of the day by Mr. Choate, but that it was not forgotten by the host of friends who hold him in high esteem was evinced by the number of messages of congratulation which came from all parts of the country and also from England, where Mr. Choate's diplomatic sojourn is still remembered with affection.

Ever since Mr. Choate's graduation from Harvard, in 1854, when he came to New York and joined the firm of Evans, Choate & Rosman, he has been identified with the legal history of the city, and later his sphere of influence was broadened by his appointment as Ambassador to Great Britain, in 1899, to international affairs, to which he imparted that dignity and graciousness for which he had become famous at home.

Since his retirement from active public life Mr. Choate has kept in close touch with the affairs of the day, only a few weeks ago offering to aid Thomas Mott Osborne in his fight.

"I have been trying all these years to secure a fair hearing," said Dr. Cook, "and I will welcome a chance to face any unprejudiced tribunal. The proofs are our data, and I am ready to submit mine."

"Any reports that I was not well received in Denmark are absolutely untrue. I had a very kind reception when I stopped at Copenhagen and there has never been any thought of their withdrawing the degrees and medals they gave me. The Danes have been unable to find Peary's channel and Crocker's land. The reason is that they do not land."

Dr. Cook has never relinquished his rivalry with Admiral Robert E. Peary, in fact, that brings him back. He is going to Washington because five bills are pending before Congress calling for an investigation of the question and a final settlement.

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1,000 Have Measles; Eleven Die. Toledo, Jan. 24. One thousand cases of measles, with eleven deaths, were reported today by local health authorities. Further spread of the epidemic is feared, and drastic precautions have been taken by the Health Department.

DR. COOK HAS TEA WITH WILD MEN

Borneo Warriors, Tamed Into Gracious Hosts, Gossip Over Skull Cups.

SAUERKRAUT PUT SPY TAIN ON EXPLORER

After Open Boat Trip and Cheers in Denmark He Returns to Beard Peary.

Old Doc Cook sprang a new one yesterday. The explorer who made the North Pole famous returned on the Kristianiafjord from an inspection of Borneo. He shattered the island's reputation by declaring that the "wild men" there are not really wild at all.

Dr. Cook's original purpose, however, in making the seven-months' trip he has just completed was not to destroy Young America's conception of the original wild man as inculcated by P. T. Barnum. (Step right up, ladies and gents! Watch him eat the raw meat! Hear him roar!) With Dr. F. P. Thompson, a naturalist, and E. S. Brooke, photographer, he set out to climb Mount Everest, in the Himalays.

The Borneo trip was planned only after British authorities at Calcutta refused to entrust the world's highest peak to Dr. Cook's mercies.

On the way to India the Cook tour had paused for a meal with the doctor's old friend Roedick, agent for the Pacific Mail at Honolulu. It was a fatal error. Teutonically tainted by that friendly consumption of sauerkraut, Allied interests were forever suspecting them of being German spies. It was not until they finally reached the friendly boundaries of Denmark that they were really free from suspicion.

Blocked again by the authorities when he tried to get passage on a Dutch ship from Singapore to Borneo, Dr. Cook and his companions had to make the trip in a twenty-eight-foot boat by way of the Philippines. Altogether the explorers travelled about two thousand miles in their small craft.

The "wild man," before he moves to an American side show, they found, is a moderately rational person. His only unconventional diversions are head-hunting and polygamy. In fact, a more delightful chap never sipped his tea from a hollowed skull.

"The head-hunter is really a charming fellow," said the doctor. "His entire life is a proof of his mental development. He only took the heads of his enemies. Diplomacy required that we should keep on friendly terms with him. We spent some time on the island studying and talking with him through a German who spoke the natives of these aborigines. The head-hunter is almost white and of magnificent physique. The entire village lives in one hut, or warren, if you wish. And the chief keeps as many wives as he can support."

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Sheriff Brad Milligan had a hunch that the Governor of California was a human being. That hunch enabled Peter B. Kyne to call the best story he has ever written "Light in Darkness." Don't miss it, in this week's

Collier's THE NATIONAL WEEKLY

RULES OUT MOHR DIVORCE RECORDS

Court Admits Wife's Petition Only—State Will Rest Its Case To-morrow.

The state will rest its case in the Mohr murder trial on Wednesday. At the close of the afternoon session to-day Attorney General Rice stated that he had five or more witnesses yet to call. The opening argument for the defence probably will be made on Wednesday afternoon.

Arthur Cushing, senior counsel for Mrs. Mohr, intimated to-night that Mrs. Mohr would take the stand. He added that the defence would take a week or ten days.

The Attorney General and counsel for the defence clashed frequently to-day, when Mr. Rice tried to introduce as evidence court records of divorce and equity suits and other litigation in which Mrs. Mohr and her husband had participated.

Mrs. Mohr's petition for a separate bed and board was admitted by Judge Stearns, as was also an application to restrain the doctor from disposing of his property before the court procedure. The Attorney General tried to have accepted the doctor's cross-action for divorce and other papers, after a long argument the state withdrew the papers.

The greater part of to-day was spent in identifying court records. Testimony was given that there was nothing in the records to indicate that the divorce suit was done for a hearing in September, 1915. George Healis, the doctor's chauffeur, who turned state's evidence, had testified that Mrs. Mohr had urged him and his alleged accomplice to kill the doctor on the night of August 31, as it was "the last chance" before her suit came up for a hearing the first of the next month.

Robert C. Root, assistant clerk of the Superior Court, testified that the divorce petition of Mrs. Mohr had never been heard, that there had been no final disposition of the contempt proceedings brought against her and that there had been no hearing on an equity suit filed by Mrs. Mohr to recover certain real estate from Dr. Mohr.

Coroner Convicts Interborough.

The Interborough Rapid Transit Company was yesterday found guilty of negligence by a jury sitting with Coroner Borden in the inquest on the death of Mrs. Catharine Cole, of Coney Island, who was killed in the Grand Central subway station on December 21. It was ruled that the company should have provided safety bars for the narrow stretch of platform where

Saks & Company Broadway at 34th Street. Beginning today, we shall offer 16,000 Pairs Men's Silk Half Hose, at 35c. 3 pairs for \$1. Regular 50c hosiery, offered at this low price because they are slightly imperfect. Clocked, fancy and hairline striped seamless full-fashioned silk hose. Plain colors and in black or white. Also—Plaited silk and lisle full fashioned hose in black and colors. Judging by present market conditions, this will very likely be the most important hosiery offering this season. Also—for today 1,400 Pairs Clocked Silk Full Fashioned Hose, 35c. Regularly 55c pair. 3 pairs for \$1. Gordon and Aristo first quality half hose. Colors: purple, cadet, Burgundy, and helio. Sizes incomplete.

WIDOWER, FARMER, 80, WILL TAKE BRIDE OF 46 Drops In from Connecticut to See Clerk Scully. Moses Edson Banks, a wealthy farmer eighty years old, left his home, in Fairfield, Conn., yesterday on a romantic journey to this city. He appeared in the afternoon with his prospective bride, Miss Mary Rebecca Buxton, of 20 West Seventy-fifth Street, before City Clerk Scully for a license. This is Mr. Banks's second venture into matrimony. His fiancée gave her age as forty-six. Mr. Banks is the father of Dr. Charles Lincoln Banks, of Fairfield. Mr. Banks, one of the wealthiest and heartiest men of that town, owns two farms there and is said to be interested in a publishing firm in this city. The happy couple entertained a few friends at dinner last night at the home of Miss Buxton, where they will be married in February. Mr. Banks and his bride expect to settle down in Fairfield after a brief honeymoon.

82,540 CONVICTED OF CRIME One Per Cent of New York State's Population Found Guilty in Year. Albany, Jan. 24.—Almost 1 per cent of the state's population was convicted of crime in courts of special sessions and of record during the year ended October 31, 1915, according to the report of Secretary of State Francis M. Hugo, presented to the Legislature to-night. Exactly 82,540 men and women were convicted of crimes, an increase of 1,812 over the preceding year. Women were convicted in 4,336 cases. Every crime on the calendar is represented in the report. Figures on the more serious offenses follow: First degree murder, 22; second degree murder, 36; manslaughter, 84; blackmailing, 25; kidnapping, 3; arson, 40; bigamy, 42; conspiracy, 11; receiving stolen goods, 406; inciting riot, 15; robbery, 271; burglary, 2,000 (approximate); extortion, 49; violation of the election law, 11, and violation of the banking law, 3.

SAFE ROBBERY SIMPLE, SOLUTION A MYSTERY Strange Message Sends Detectives Direct to Cigar Store Loot. A half dozen members of the Police Department safe squad and men from the Bronx Detective Bureau were investigating a safe robbery in the United Cigar Stores Company shop at 2741 Webster Avenue, The Bronx, yesterday, when a mysterious message reached Inspector Gray's office. Gray immediately assigned Detectives McLaughlin, Raftis, King and Clark to go to 190 Stanton Street to look up Harry Ladish, who at times is called Harry Morganstein. McLaughlin and Clark guarded the entrance to the tenement while Raftis and King went up the fire escape. Ladish and Abe Feinberg met the detectives as they jumped through a window after kicking out the glass. After a short struggle Ladish and Feinberg submitted to arrest. The mysterious message to Inspector Gray was so complete that the four detectives knew just what board in the flooring to raise. Beneath it they found \$176 and about 5,000 United Cigar Stores coupons. The store manager, David Hartfeld, upon his arrival at 6:55 o'clock yesterday morning, had found that the place had been visited during the night and the safe ripped open with a "saw opener." On the floor were a section-jimmy, a brace and bit. Out of the safe had been taken \$245 and a large number of coupons.

Tecla Pearls are different from ordinary scientific pearls. Many women buy scientific pearls under the impression that they are buying Tecla Pearls, which is a serious mistake. It is not sufficient to buy scientific pearls, one must buy Tecla Pearls, just as in ordering a book one must designate the title. We emphasize this particularly because Tecla Pearls have not escaped the penalty of success—they have been freely copied. Only in the Little Pearl Salon, at 398 Fifth Avenue, can you find the perfect counterpart of the deep sea specimen—the matchless Tecla Pearl. Tecla Pearl Necklaces \$75 to \$350. Copies of fabulous originals. Tecla 398 Fifth Avenue

EM GATTLE & CO. Platinumsmiths, 630 FIFTH AVE. Jewelers. Every piece of Gattle Jewelry is the result of specialized study in modern jewelry creation. Opposite St. Patrick's Cathedral.

Thursday Feb. 3

The New York City Telephone Directory GOES TO PRESS. All new telephone listings and all changes in present listings should be arranged for on or before that date in order to have them appear in this new issue. Residents of apartment houses having Private Branch Exchange Telephone service may have their names listed in this new directory in connection with the apartment house telephone number for only \$3.00 a year. Arrangements for advertising in this "most used and most useful book in New York" should be made at once. Advertising forms close January 25th. Telephone, write or call at our nearest Commercial Office for full information about telephone service, listings or advertising in the new directory.

NEW YORK TELEPHONE COMPANY. MANHATTAN-BRONX. Address Telephone No. 15 Day St. Cortland 12000. 130 Orchard St. Orchard 12090. 88 W. Houston St. Spring 12090. 83 E. 26th St. Madison Sq. 12090. 115 W. 38th St. Greeley 12090. 74 E. 44th St. Murray Hill 12090. 9 E. 59th St. Plaza 12090. 907 Broadway. Riverside 12090. 173 E. 124th St. Harlem 12090. 109 W. 129th St. Morningside 12090. 373 E. 149th St. Melrose 12090. 453 E. Tremont Ave. Tremont 12090. 1106 Hoe Ave. Intervale 12090. BROOKLYN. Address Telephone No. 81 Willoughby St. Main 12000. 323 Ninth St. South 12014. 560 Nostrand Ave. Bedford 12014. 5110 Fifth Ave. Sunset 12014. 897 Flatbush Ave. Flatbush 12014. 928 Havemeyer St. Williamsburg 12014. 1030 Gates Ave. Bushwick 12014. JAMAICA. 8 Hardenbrook Ave. Jamaica 12000. FLUSHING. 70 Main St. Flushing 12014. RICHMOND HILL—684 Napier Ave. Richmond Hill 12014. LONG ISLAND CITY—Bridge Plaza North. Astoria 12014. FAR ROCKAWAY—Birdsall & Central Aves. Far Rockaway 12014. TOMPKINSVILLE—444 Tompkins Ave. Tompkinsville 12004. PORT RICHMOND—70 Richmond Ave. West Brighton 12084.

Franklin Simon & Co. Fifth Avenue. Men's Clothing Shop. 8 West 38th St.—Separate Shop. Sale—Men's Suits To-Day at Greatly Reduced Prices. Men's Hand Tailored Suits 33 to 46 Chest 15.00 Heretofore \$21.50 and \$24.50. Men's Custom Tailored Suits 33 to 46 Chest 20.00 Heretofore \$27.50 and \$30.00. Our regular stock of two, three or four button models of the newest Invisible Overplaid, Overplaid combined with Stripes, Pencil or Combination Stripes, Checked Velour, Oxford Vicuna, English Tweed or Blue Serge. Approved custom tailored models.