

of its contract with the city under which they operate the city owned subway.

"I also called your attention to the fact: 3. That the counsel for the Interborough had appeared for the accused officials in answer to these charges and that your son, who is in the office of this attorney, had at his request procured a transcript of the court minutes of the District Attorney's application to the court for permission to present evidence against the Interborough officials.

All Minutes Wanted.

The motion which evoked the accuser's affidavits and the letter from Mr. Swann was made yesterday in support of Mr. Swann's contention, first announced several weeks ago, that the jury first indicated a disposition to publish its minutes, that they should be published in their entirety.

It became more determined than ever that they should be published in full, at all, when on last Wednesday the Grand Jury after a long inquiry into matters connected with Interborough, decided upon a settlement setting forth that they should be published in full.

Justice Weeks interrupted him promptly: "I call your attention to the language you use and that you are reading from a written paper."

Scope of Testimony.

"It plainly appears," insisted Mr. Talley, "that all of this testimony was taken as part of the investigation of the traction charges. The so-called investigation of public officers in pursuit of the 'overhauling crime' was part of that investigation. Public statements of the Grand Jury and Mr. Almirall show that to be so.

"Upon what did the Grand Jury or Mr. Almirall make the insinuation of misconduct on the part of public officials? What was the basis for the charge of the 'overhauling crime'? Let us have all the evidence or none of it so that this mystery and pretence may be dispelled. The public wants the truth and we wish to tell it. It is a fact within your knowledge that while Mr. Almirall was making the charge of the 'overhauling crime' in such a manner as to create the impression in the public mind that evidence existed and had been developed in the traction investigation your Honor was holding private conferences at which no other members of the Grand Jury nor the District Attorney were present, and that your Honor was engaged in conducting an investigation in Wall Street brokerage houses.

Appears With Affidavits.

Mr. Talley appeared with his affidavits at the afternoon session of court. One was by himself and the other by Assistant District Attorney McQuaid, referred to in the letter by Mr. Swann. In his own affidavit he admitted that "as a fact, and a fact within the knowledge of Justice Weeks, that Judge Weeks was frequently in private conversation with Mr. Almirall, the manager of the Grand Jury, at which no other member of the Grand Jury was present and at which neither the District Attorney nor any member of his staff was present" and as a fact "that on more than one occasion Mr. Almirall stated to me and to the District Attorney that certain methods of the Grand Jury were based on advice received from Justice Weeks."

Mr. McQuaid's affidavit was principally a recital of what investigations he had made in Wall Street, how he had found no evidence of stock trading by city officials and, had reported solely to Justice Weeks.

In receiving Mr. Talley's affidavits, and permitting them to be filed Justice Weeks made the following comment upon them: "I think it necessary to state that there was no consultation between the foreman of the Grand Jury and the court on the matter other than matters relating to the Grand Jury's business. I therefore fail to find that the statement in the affidavits has any bearing except to infer that such consultations were improper."

"In regard to the conduct of the investigation of Wall Street brokerage houses, that was for the purpose of assisting a representative of the District Attorney's office, who was assigned that matter by the District Attorney, and the assignment to the investigation was made after the District Attorney, Mr. Swann, was shown an anonymous letter referred to and after Mr. Swann, as District Attorney, had specifically requested this particular Grand Jury to conduct an investigation.

M'AULEY WINS DAMAGE SUIT.

Awarded \$100,000 Against Theodore B. Starr for False Arrest.

Alexander P. McAuley, a mining broker of Toronto, won a verdict of \$100,000 yesterday before Justice Tierney and a jury. The verdict is against Theodore B. Starr, a jeweler, on a charge of false arrest. Two other damage actions brought by McAuley against other jewelers are pending trial.

DEFER STRIKE SINCE I. R. T. IS NEAR BROKE

Union Officials Satisfied They Cannot Get Any More Money at Present.

TAKE HEDLEY'S WORD Will Go After Promised 25 Per Cent. When Times Are More Propitious.

Until the Board of Estimate's traction inquiry yields or fails to yield, as the case may be, some remedy for the financial deprivations of the Interborough Rapid Transit Company, the 15,000 employees of that system will not press their application for another 25 per cent. raise in wages.

P. J. Conolly, acting president of the employees' brotherhood, asserted positively last night, after he and fellow officials of the brotherhood had talked for a second time with Frank H. Hedley, president of the Interborough, that no strike is impending, inasmuch as the thirty-six locals comprising the union are convinced of the company's inability to pay out any more for hire, or even to meet fixed charges at present.

Not that the brotherhood is abandoning its plea for more money. In settlement of last August's strike a 25 per cent. wage increase was granted, with the understanding that 25 per cent. more—the men's demand then was for 50 per cent.—would be considered later on. The locals, representative of all working elements, stand just as firm as ever for the increase, but are willing to give the Board of Estimate the benefit of the doubt and await developments from that source, so Mr. Conolly explained.

Yesterday's session of the unions' delegates with Mr. Hedley was brief and harmonious. At least Mr. Hedley, who went on, laid emphasis on the harmony and was corroborated by much nodding of heads by laborer officials.

STATEN ISLAND CAR. CRISIS STIRS MAYOR

Legal Action Planned and Buses May Be Run.

George P. Nicholson, Assistant Corporation Counsel, was directed yesterday by the Board of Estimate either to take steps for a revivification of the Staten Island trolley line or for the issuance of an injunction, which will prevent the company from carrying out its announced decision to suspend operation of all cars at midnight tomorrow.

John E. Bove, Commissioner of Public Works of Richmond appeared before the board to request some action that they might take to prevent the company from carrying out its announced decision to suspend operation of all cars at midnight tomorrow.

CHINA SALE

DESPITE the prevailing scarcity of good china and table crystal, Ovington's is now holding its January sale of china and table crystal.

OVINGTON'S

"The Gift Shop of Fifth Ave." 314 Fifth Ave., near 32d St.

Pierce-Arrow Roadster

Owner going abroad for extended trip. Will sell either my new four passenger touring roadster, dual valve, 38 H. P. Recently delivered, or Three passenger runabout, series four latest model, preceding dual valve. Just rebuilt, re-finished and retired. Six new Kelly-Springfield tires.

Sure Relief



board made the authorization good until March 31. No money for buses was appropriated, however, though Mr. Hyman recommended it and refused to refer it to the traction inquiry.

BUS SYSTEM CALLED VIOLATION OF LAW

Counsel for Brooklyn Trolley Lines Argues in Court.

The Brooklyn City Railway's fight against competitive municipal buses was carried into the Brooklyn Supreme Court and argued yesterday before Justice Crosey, who reserved decision on the company's petition for a temporary injunction against Grover C. Whalen, Commissioner of Plant and Structures in New York.

Jackson A. Dyckman, counsel for the trolley lines, contended that operation of the buses was in violation of law and of traction franchises and that Mr. Whalen and the Board of Estimate had set up an oligarchy and dictatorship under a false plea of "emergency."

FOUR KILLED BY RIPE OLIVES; THREE ILL

Grocers Stock Seized—Copeland Urges Boiling.

A total of four deaths within five days from the same bottle of ripe olives was reported last night by the physicians at Fordham Hospital, where two men and a girl are still patients in a critical condition. The victims are:

- DELBENE, PAUL, 29, of 2225 Hugher avenue, The Bronx, who died yesterday.
- DELBENE, ANTHONY, 5, his son, who died yesterday.
- DELBENE, Dominic, 15, his son, who died Wednesday.
- DELBENE, MARTIA, Mrs., the mother, who died Monday.
- DELBENE, Constance, 7, only surviving member of the Delbene family, critically ill.
- DELBENE, ANGELO, 15, an uncle of the child, critically ill.
- DELBENE, DOMINIC, 46, another uncle, was admitted to the hospital yesterday and is also seriously ill.

Dr. Royal S. Copeland, Health Commissioner, made a rigid investigation of the poisoning of the Delbene family and issued a warning last night declaring that the safest way to avoid being poisoned by ripe olives was to boil them before eating them. A quick trip by Dr. Copeland and Ole Salthy of the Bureau of Food and Drugs resulted in seventy-one bottles of the ripe olives being seized in an Italian grocery store in East 175th Street, near First avenue. It was at this store that the olives which were served at the Delbene table had been purchased.

The symptoms of botulinus poison showed in all the patients who died at the hospital. They had great difficulty in swallowing, paralysis of the muscles, drooping eyelids and died from strangulation of the respiratory organs.

DRY DOCKS WORKERS MUST QUIT UNIONS

Baltimore President Gives "Supervising Force" Thirty Days to Comply.

BALTIMORE, Jan. 16.—Holden A. Evans, president of the Baltimore Dry Docks and Shipbuilding Company, today issued an order to its employees requiring that members of the supervisory force withdraw from their unions within thirty days. This action grew out of the strike of about 100 electrical workers a few days ago to enforce the reinstatement of a foreman who had been discharged for refusing to employ an electrician's helper because he did not hold a union card.

The strike was ordered by the business agent of the Electricians Union upon the company's refusal to reinstate the foreman.

Declaring that it always had been the policy of the company that there should be no discrimination against union or non-union labor, Mr. Evans informs the supervisory force, in the order, made public today, that "this company does not believe that it is either to the advantage of union labor or the interests of this company that members of the supervisory force who have authority to hire or fire or make recommendations upon which the employment or the discharge of men depends should belong to unions."

The order says that within thirty days from date, January 15, "any member of the supervisory force who has not obtained a withdrawal card from his union, will be reduced to mechanic in his respective trade."

DESIRE NOW TO LET DEAD REST IN FRANCE

Relatives Change Views on Return of Bodies.

WASHINGTON, Jan. 16.—A changing sentiment on the part of widows and relatives of American soldiers dead in France is reflected in letters received at the War Department. It became known today that more than 500 letters had been received within the last few days asking that the bodies be left in France after transfers were abolished. A real emergency existed, he argued, necessitating the buses to relieve the overcrowded street cars.

MOTOR CAR DRIVERS FIGHT \$2 LICENSE

State Accused of Charging Double Legal Fee.

Special Despatch to THE SUN. ALBANY, Jan. 16.—As a result of complaints of New York city autoists that Secretary of State Francis M. Hugo is charging \$2 for renewing operators' licenses, instead of \$1 as prescribed in the law passed last year, Melvin T. Bender, counsel for the New York State Automobile Association, today announced that he would bring proceedings to test whether the \$2 charge is legal. About 100,000 operators' licenses were issued in New York city last year, so the amount involved in an alleged overcharge of \$100,000.

MORE NEW CASES OF "FLU" IN CHICAGO

Pneumonia Also Spreading—122 Deaths Reported.

Special Despatch to THE SUN. CHICAGO, Jan. 16.—For the fourth time in as many days new cases of "flu" in Chicago has doubled overnight. To-night 750 cases and 10 deaths were reported. Pneumonia Monday skyward also. New cases numbered 144 and deaths 25.

There now are more than 1,200 cases of "flu" which have been reported to Health Commissioner Robertson, and an equal number, it is estimated, not reported. Eighteen persons have died from the disease in the last week. Pneumonia has killed 122, and there have been 594 new cases of it in the same period. "FLU" ALARM UNWARRANTED.

Santa Luisa In From Valparaiso.

The steamship Santa Luisa arrived yesterday from Valparaiso, Chile, after a rough voyage of eighteen days. Among the fifty-three passengers on board were Mr. and Mrs. Warren Deleano Robbins of Tuxedo and their three children. Mr. Robbins was secretary to the legation at Santiago, Chile.

**E. M. GATTLE & CO.**  
Platinumsmiths 630 FIFTH AVE. Jewelers

Marquise and Emerald Cut Diamonds in Platinum Rings of marked individuality of design

Opposite St. Patrick's Cathedral

**JEWISH philanthropic activities are cut in half by the dollar that buys only 48 cents' worth of food, medicine and service.**

Give **DOUBLY** this year to **EQUAL** your gifts of former years.

**Safeguard Federation**

The Federation for the Support of Jewish Philanthropic Societies of New York must raise \$1,700,000 additional to meet the high cost of living. The 91 great Jewish institutions in Federation care for the sick, aged, destitute, orphaned, blind and handicapped Jews of New York.

Send checks to "Federation" 114 Fifth Avenue, New York City.

CHART OF RED NESTS HERE BARES PERIL

Colonies Shown Most Fertile Propaganda Fields at Lusk Hearing.

New York's alien colonies were shown yesterday to be the most fertile fields of "Red" propaganda, by means of a map produced at a session of the Lusk legislative committee at City Hall. This chart, which had been prepared by experts, was shaded to indicate the percentage of foreign born inhabitants in the various districts, and Archibald E. Stevenson of counsel for the committee brought the attention of the members to the fact that all of the most heavily shaded portions were places where the greatest number of radical organizations were to be found.

The committee had as witnesses a number of experts on education, and it was announced that they would call President Nicholas Murray Butler of Columbia University and others today in an effort to get a symposium of opinions on constructive measures for Americanization.

Sugar Lost in Lighter Fire.

A cargo of 5,100 bags of sugar was damaged by fire yesterday on the lighter Alsco, docked at the foot of Vesey street. Two fire boats towed the burning ship into midstream and sent fire crews aboard. The three vessels drifted to the foot of Cortlandt street before the flames were put out. The light structure and a section of the stern were burned out, but it was believed the sugar would not be a total loss. It was said the fire was started by a falling ship lantern, blown down while Capt. David Ferguson was inspecting the cargo.

THE GIRDLE OF GRIDDLES

"Traveled all over Europe in search of griddle cakes," wrote Mark Twain.

His quest ended only when he returned to the U. S. A., the home of the CHILDS restaurants with their gleaming girdle of griddles stretching from ocean to ocean—

Griddles which the health experts, after many experiments, pronounce "unequaled for cooking the cakes through".

Too Busy Making Sugar to Revolt.

WASHINGTON, Jan. 16.—Minister Cenedices, on behalf of the Cuban Government, declared today that reports of revolution in the western provinces of his country were without foundation; that the island was at peace, and "everybody working hard to produce sugar."

U. S. Battleship at Valencia.

VALENCIA, Spain, Jan. 16.—The United States battleship North Dakota arrived here last night on route to home waters from Italy by way of Gibraltar and the West Indies. She will remain five days.

**James McCreery & Co.**

5th Avenue 35th Street Second Floor

Today is the **Last Day!**

It's a case of Now or Never

**January Clearance Sale of Overcoats**

Formerly priced	Formerly priced	Formerly priced
\$60.	\$80.	\$125.
\$55.	\$75.	\$110.
\$50.	\$70.	\$95.
\$45.	\$65.	\$85.
REDUCED TO	REDUCED TO	REDUCED TO
<b>\$37.50</b>	<b>\$53</b>	<b>\$64.50</b>

**Large Ulsters . Town Ulsters . Ulsterettes . Slip-Ons . Chesterfields and Form-fitting Models**

**SAVINGS**

of almost HALF in some cases and of ONE-THIRD in others. And please observe that every kind of model is included. There are no hold-backs because we have no hold-overs. The purpose of this clearance is to clear. And in order to clear you've got to cleave. To-day is the wind-up. It's a case of now or never—of getting in right or getting left!

NO C. O. D.'S NO RETURNS NO APPROVALS EXTRA SALESMEN, TAILORS & FITTERS