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TRANSIT BOARD IS FLAYED BY MAYOR

Says It Fixed Terms of Connecting Road Grant "Hit or Miss"

WANTS 12 AMENDMENTS

At Meeting of Commission the City's Chief Executive Bitterly Arraigns Body for "Guesswork."

METZ AND ORR STRIKE BACK

Franchise Held Up for Conference with Committee from Board of Estimate and Apportionment.

Members of the Rapid Transit Commission were attacked in a savage manner by Mayor McClellan yesterday in the course of a speech at the beginning of the meeting outlining his objections to the terms of the franchise for the New York Connecting Railroad as prepared by the commission's Committee on Plans and Contracts and reported for adoption at the meeting of the commission three weeks ago.

Several times during the discussion the arguments between the Mayor and Controller Metz became particularly bitter, and the Mayor was interrupted again and again by Alexander E. Orr, president of the commission.

Mayor McClellan's attack was carefully planned, and the principal points of his speech were in the form of a typewritten brief, which he filed with the commission. He went to the meeting with Mr. Hoyt, the assistant corporation counsel assigned to his office; Harry P. Nichols, chief engineer of the Franchise Bureau, and two of the assistants in his office.

May Block Whole Plan.

As a result of his stand on the franchise of this company, the whole question was referred back to the Committee on Contracts, upon the motion of the Mayor, for consultation with a committee of the Board of Estimate and Apportionment, to be appointed by the Mayor. From the statement made by the Mayor, it is evident that the connecting railroad will not be built unless a surrender is made on several points which those responsible for it have already declined absolutely to yield.

Mayor McClellan began his attack as soon as the meeting of the commission was well under way by raising a point of order that the connecting railroad was the only unfinished business before the Board and should be taken up at once. He said he had always undertaken to deal fairly with corporations and to treat them upon a broad basis, believing that they should deal with equal fairness with the city. He pointed out that he had high regard for the members of the Rapid Transit Commission and believed that they were seeking to do their duty honestly and fairly. "The only difference between us," said the Mayor, "is that we look at the terms of franchise for this connecting road differently. You apparently view the situation from the standpoint of the Pennsylvania Railroad Company.

Would Retard the City.

"I am convinced that whether the connecting road gets this franchise or not the city will continue to grow as it has in the past. It may be that the construction of this road will hasten the growth of some parts of it, although I believe that for the present at least it will retard the growth of those very sections. What does the connecting road propose to do for Queens? Establish a great railroad terminal! And to those of you who think railroad terminals are excellent things I say, 'Look at Jersey City!'"

After explaining further that he thought the road would be harmful to the boroughs of Queens and Brooklyn unless built as a subway, the Mayor took up the question of compensation, declaring that it was entirely too low, and in comparison referred to the terms to be paid by the New York and Port Chester Railroad Company. He then charged the commission with taking only the word of Samuel Rea, president of the company, and accepting the terms he was willing to pay without question. "Instead of extracting from the company every cent which the franchise is worth, the committee has merely accepted the terms of the company," he said. Mr. Orr declared that this was not the case, and explained that the question of fixing terms upon a franchise of this kind was very difficult, as it was an entirely new proposition.

Denies Mayor's Accusation.

"In the meantime you took Mr. Rea's word for it without question," said the Mayor.

"No; we did not," said Mr. Orr. "We made the terms what we considered fair and the company agreed to them."

"Did you call in any expert traffic managers, engineers and others qualified to testify to the value of this franchise? You might at least have made some honest effort to find out what it was worth instead of going at it hit or miss, by guess work."

"If it was guess work," exclaimed the Controller, "it was worth just as much as the report of Mr. Nichols. His terms were more guess work than the terms we agree upon."

Continuing, the Mayor attacked the commission for not sending him a copy of the report upon which the commission was about to act three weeks ago, charging it with trying to keep the terms from him. "Even after coming here I was unable to obtain a copy," he said, "until the attorney for the Pennsylvania Railroad finally loaned me his. I don't like"——

Makes Flat Contradiction.

This sentence was not completed, as Mr. Orr interrupted at this point by saying: "Mr. Mayor, that statement is not so. You know it is not fair to me or this Board. I don't want any insinuations that I have tried to keep anything from you, for I haven't and you know it."

Controller Metz said:—"What's the use of spending all this time on the question? If the Mayor has the power to kill it, why should we bother about it? Why not turn the whole question over to him and let him settle it himself."

In his speech the Mayor demanded twelve amendments, including a higher rate of compensation, the restriction of the width of the road, the approval of the plans for the road and bridge by the city authorities, the construction of the elevated stations on a steel structure, instead of the earth embankment as proposed; for a five cent fare within the limits of the city over the New Haven, Connecting and Long Island Railroads, instead of over the Connecting Railroad only; the right for the city to open the streets over the yards at any time at the expense of the railroad, and the power of the city to govern the size of the proposed yards.

Subway for Brooklyn.

Resolutions laying out a subway route in Brooklyn to Coney Island, as a branch of the line laid out in Fourth avenue to Fort Hamilton, were adopted. This line leaves Fourth avenue at Fortieth street, proceeding through New Utrecht avenue, Eighty-sixth street and Stillwell avenue to Coney Island. It is expected that it will be approved without objection by the Board of Estimate, and will be advertised in the fall as a part of the subway system for Brooklyn.

Plans for the terminals in Manhattan, at Church, Dey and Fulton streets and at Herald square of the two McAdoo tunnels from New Jersey under the North River were approved.

That the gross receipts of the Interborough Rapid Transit Company from the subway will be in the neighborhood of $3,000,000 this year was indicated by George S. Rice, the chief engineer of the commission, in his report to the commission on the subway train service.

YES, YES; BUT WHO GOT IT?

JUDGE DEUEL QUITS BAR ASSOCIATION

Sends Resignation to Organization and It Will Be Acted Upon at Next Meeting.

HIS FRIENDS ARE ASTONISHED

Action Comes on Eve of Presentation of Petition Asking for His Removal from the Bench.

Judge Joseph M. Deuel, of Special Sessions Court, has sent his resignation as a member of the Bar Association, of this city, to the secretary of that organization, and it will be acted on at the next monthly meeting of the organization, which will be held on April 6.

This announcement, coming on the eve of the presentation to the Appellate Divisio nof the Supreme Court of a petition signed by William Travers Jerome, Edward M. Shepard and James W. Osborne, asking for the judge's removal from the bench, caused much astonishment. It was believed by Judge Deuel's friends, except his most intimate advisers, that he would take any such action. For he is known to be a fighter and his announcement that he would not resign from the bench, nor had he ever contemplated doing so, was taken as including his determination not to retire from the Bar Association, at least voluntarily.

His letter of resignation was forwarded to the association a week ago Wednesday. This was after the March meeting of the organization, and the committee which has such matters in charge decided that the resignation should be accepted, but the full membership of the association will pass upon the Judge's retirement.

While Judge Deuel was in Florida, recuperating after the strain and defeat he encountered in his action for criminal libel against Norman Hapgood, of Collier's Weekly, it was said that charges against him, based on the revelations made at that trial, had been taken up by the Grievance Committee of the Association, and that action looking to the dropping of his name from the membership roll would be taken. But it was decided at that time to delay action, as it was believed by many of the members and some of his friends, that when he returned he would retire of his own volition.

S. Sydney Smith, treasurer of the Bar Association, said last night that Judge Deuel's resignation had been received, but he refused to say what reasons had been given.

Elnar Chrystie, attorney for the Grievance Committee of the association, said:—

"Judge Deuel presented his resignation from the Bar Association to the committee of the organization, and the committee agreed to accept it. We are only concerned with his connection with the Bar Association, and his retiring has nothing to do with the application to be made to the Appellate Division to-day for his removal from the bench."

Judge Deuel was absent from his customary place on the bench yesterday, and Judge Zeller presided. The Judge, however, was in his chambers at noon, talking with his colleagues, but he did not give any hint that he had severed his connection with the Bar Association.

Over the telephone, from his home, No. 125 West Eighteenth street, last night, he said, concerning his resignation:—

"I am not talking to the New ork newspapers on any subject, and I will not talk on that. If it is true, it is for the Bar Association to say."

FOR OLD AGE PENSIONS.

Project Unanimously Favored by the Newfoundland Legislature.

ST. JOHNS, N. F., Thursday.—The Colonial Legislature unanimously adopted a resolution to-night favoring old age pensions, the terms to be determined by a commission which shall investigate the subject during the next twelve months.

Premier Bond said he believed the adoption of the policy would not unduly strain the colony's finances. The cost of the pensions is estimated at $150,000 or $200,000 a year.

Packers' Decision Halts President's Trust Plans

Administration Convinced That There Is Now Small Chance of Successful Prosecution of Violators of the Sherman Act.

WILL SEEK RELIEF IN A NEW LAW

HERALD BUREAU,
No. 734 FIFTEENTH STREET, N. W.,
WASHINGTON, D. C., Thursday.

Not only is the administration firmly convinced that there is small hope of taking an appeal in the case of the members of the Beef Trust who were acquitted in Chicago yesterday, but it is beginning to realize that if the decision of Judge Humphreys holds good there is no prospect of obtaining the conviction of any individual promoter of monopoly if he or his associates have made any disclosures to James R. Garfield, Commissioner of Corporations.

In view of the activity of Mr. Garfield immunity has been won by a great many of the violators of the Sherman Anti-Trust law and the Interstate Commerce act. The administration has had in mind proceedings against the Standard Oil Company. Mr. Garfield, as Commissioner of Corporations, acting under instructions from the President, has investigated the Standard Oil Company. Under the decision of Judge Humphreys, although the Standard Oil Company may not have asked for protection, and it may not have been held out to them, and they may not have been examined under oath, immunity "flowed" to them naturally. This would mean that, no matter what the government's intention might be, John D. Rockefeller, William Rockefeller, John D. Rockefeller, Jr.; H. H. Rogers, John D. Archbold and all the other members of the Standard Oil group are absolutely safe from any prosecution which the government may bring.

COAL ROADS IMMUNE.

Mr. Garfield has been investigating the great combination of railroads and coal companies which control the mining, transportation and sale of anthracite coal. The Interstate Commerce Commission has also conducted an investigation of the same subject in the suit against the Temple Coal and Iron Company. If Judge Humphrey's opinion holds good the presidents and officials of the Philadelphia and Reading, the Pennsylvania, the Lehigh Valley, the New Jersey Central, the Lackawanna and the Delaware and Hudson Railroads, together with the presidents and officials of all of the auxiliary companies, including the Temple Coal and Iron Company, are as safe from prosecution as though they had never done anything in their lives except distribute religious tracts. Indeed, it would seem that all the individuals engaged in the coal combination were not only once immune but twice immune, because they have been investigated twice; and they are in a fair way to be thrice immune because of the third investigation about to be undertaken by the Interstate Commerce Commission at the instance of Congress. It has been generally understood that if there seemed to be the basis for proceedings against the officials of the hard coal combination when the Interstate Commerce Commission made its report in the Temple case, Attorney General Moody would take the field against them. But now he will have to confine his activity to an equity suit and to prosecutions of the corporations as corporations.

Mr. Garfield has been investigating the United States Steel Corporation. A great many persons calim that this is a monopoly in violation of the Sherman Anti-trust law, because it controls eighty per cent of the ore in the country, is engaged in the transportation business and manufactures eighty per cent of the iron and steel supply. The Supreme Court decided that the control of eighty per cent of a product constituted in effect a monopoly. The officials of the Steel Trust need have no fear, in view of Judge Humphrey's decision, Mr. Garfield has made them immune.

Mr. Garfield has been investigating the operations of the American Tobacco Company. He started on this investigation about the same time that the Department of Justice instructed district attorneys in various parts of the country to collect evidence against the Tobacco Trust. But the individual members of the Tobacco Trust are safe from prosecution. The Supreme Court decided the other day that the Tobacco Trust must produce its books, but that decision only had reference to the corporation and not to the individuals comprising it.

At best the only penalty that can be imposed upon a corporation for violating the Sherman Anti-trust law is a fine of $5,000. The trials and indictments against the corporations comprising the Beef Trust will go in Chicago and the corporation can be fined any sum up to the maximum amount, but the individual cannot be fined one cent.

CRUSHING BLOW TO PRESIDENT.

President Roosevelt and the members of his Cabinet are keenly alive to the gravity of the situation as it effects their future war on the trusts. This is the first defeat of any magnitude that the Roosevelt administration has suffered, but it is a crushing one. It is said that when Attorney General Moody went to Chicago personally to argue the case against the packers, he went in order to emphasize the attitude of the administration. It had been the desire of the President and the Attorney General to put the beef packers in jail if they could be proved guilty.

There was a long conference to-day between the President, Attorney General Moody and Mr. Garfield, the Commissioner of Corporations, and Senator Knox, who instituted the first proceedings against the Beef Trust when he was Attorney General, was called in. It is stated that the Department of Justice will make every effort in its power to obtain an appeal to a higher court from the decision of Judge Humphreys. But the administration is not at all hopeful that it will succeed.

Indeed, there is now pending before Congress a bill which is designed to give the government the right of appeal in criminal cases where it suffered defeat, as it has in Chicago. This bill has been favorably reported by the Committee on the Judiciary of the House. Every effort will now be made to have it pass at this session of Congress, in order that such miscarriages of justice as this is characterized to be may be taken to the Circuit Court and the Supreme Court of the United States.

Even if this bill giving the right to the government to appeal criminal cases passes the House there is no likelihood of its passing the Senate. It was considered a few days ago by the Senate Judiciary Committee and there was practically no support for it.

BUILT WALL OF SAFETY.

The outcome of the Beef Trust prosecutions is a particularly severe blow to the administration, because the anti-trust legislation which was passed in 1903 and which President Roosevelt signed has been the instrument by which they have escaped. In this legislation it was provided that there should be in the Department of Commerce and Labor a bureau of corporations which should have authority to investigate the affairs of the corporations. The object of this bureau was to procure information which should be given to the President and should be used by him in making recommendations to Congress. This scheme has been somewhat broadened, and Mr. Garfield has frequently been busy investigating corporations which were at the same time under investigation by the Department of Justice.

It is contended by the Department of Justice that Mr. Garfield in his investigation of the Beef Trust did not obtain any information whatever which would aid the prosecution, but it is also a fact that during the trial Mr. Morrison, the District Attorney, had Mr. Garfield's report before him, and used it as the basis of questions to witnesses.

Attorney General Moody absolutely declined to say anything for publication regarding the decision of Judge Humphreys, but he takes the view that if Judge Humphreys' position is to stand no capitalist whose trust has been investigated by Mr. Garfield can be prosecuted.

James R. Garfield, the Commissioner of Corporations, and the cause of it all, is very much depressed. There is no disposition on the part of the administration to blame Mr. Garfield, and there is really no room for blaming him. Every step that he took in his investigation of the Beef Trust seems to have been taken after consultation with the President.

MAY TAKE APPEAL FROM DECISION

[SPECIAL DESPATCH TO THE HERALD.]

CHICAGO, Ill., Thursday.—United States District Attorney Morrison, discussing today the possibility of appeal from Judge Humphrey's decision in the packers' case, declared that in some respects the immunity plea is not of a criminal nature.

"Of course, if it is a criminal prosecution the prosecuting attorney is not permitted to appeal," said Mr. Morrison. "The question upon this phase is a new one and has never come before a court before. In case it is decided that appeal may be taken it is likely that the subject would be taken into the United States Circuit Court of Appeals."

John S. Miller, attorney for the packers, was asked if the packers would plead immunity if the government pressed the injunction case.

"While I think the immunity plea would apply to the violation of the injunction, I do not think we would use it, but would prefer to try the case on its merits," said Mr. Miller.

Mr. Miller, when asked if the corporations that are still to stand trial for violating the Sherman Anti-Trust act, would plead guilty in preference to a long litigation, said:—"The packers have shown no disposition to lie down."

100 ENTOMBED IN MINE, MANY DEAD

Gas Explosion Cuts Off Men from the Surface and Rescuers Are Baffled.

16 ARE TAKEN OUT, 5 DEAD

Feared That None Left in the Headings is Alive—Relief from Nearby Towns.

FAIRMONT, W. Va., Thursday.—An explosion of gas in the mine of the Century Coal Company, at Century, a small mining town fifty miles south of here on the Phillipi and Buckhannon branch of the Baltimore and Ohio, at four o'clock this afternoon, entombed at least one hundred miners, many of whom are believed to be dead. At six o'clock to-night sixteen men were taken from the mine, six of whom were dead and the rest terribly injured.

A relief band headed by Superintendent John Ward entered the mine at half-past six o'clock, but since that time nothing can be heard from the accident.

The mine is owned by Shaw Brothers, of Baltimore, and is one of the largest in northern West Virginia. Two hundred and fifty men are employed, but many of these came out to-day before the explosion took place.

Following the explosion relief trains were run from Buckhannon and Phillipi taking physicians to the scene. The main heading has been cleared, but there are fourteen sub-headings yet to be explored. It is feared that none of the men still in the mine are alive. The mine is not seriously damaged by the explosion, except that the brattices have been blown out.

NO THIRD TERM, SAYS THE PRESIDENT

Tells Representative Foster, of Vermont, That Second Nomination Is "an Impossibility."

HERALD BUREAU,
No. 734 FIFTEENTH STREET, N. W.,
WASHINGTON, D. C., Thursday.

Representative Foster, of Vermont, today took to the White House for the purpose of introduction, two of his constituents, John A. Mead and J. S. Manning, both of Rutland. The latter said to the President that he had been a delegate to the last republican convention and had had the honor of voting for Mr. Roosevelt as a Presidential candidate and that he hoped to have an opportunity to help in his nomination for another term.

The President thanked him, but said that a second nomination was an impossibility.

BROTHERS DIED AT SAME HOUR

Also Buried at the Same Time, Captain Churchill Here and Ephraim Churchill in Georgia.

When funeral services were being held yesterday at No. 669 East Second street, Kensington, over the body of Captain Thomas W. Churchill, word came from Savannah, Ga., that similar services were being held there for his brother, Ephraim, who had died the same hour on Monday evening that Captain Churchill did.

These brothers, both natives of Yarmouth, Nova Scotia, had been devoted to each other, and it was regretted by Captain Churchill's family that there could not be a double funeral. Captain Churchill was sixty-three years old, and his brother somewhat younger. Heart failure was the cause of death in each case. Captain Churchill was stricken when paying a social call on a neighbor.

NEAR DEATH IN TRAIN WRECK.

Passengers Flung from Their Seats in a Collision When Going Fifty Miles an Hour.

Travelling fifty miles an hour, an express train broke in two yesterday at a switch on the West Jersey and Sea Shore Railroad, near Atlantic City, and a combination car, in which were the passengers, took the switch and crashed into a train of standing flat cars. The car was ripped from its trucks and thrown into the air and then landed on a flat car. The passengers were flung from their seats, but all escaped with a few cuts and bruises.

INSURANCE FIGHT STARTS IN SENATE

Brackett Flays Jerome and Says There's Great Cabal to Defeat Changes.

MALBY PLEADS DELAY

"Must Be Conservative," He Warns, in Hot Debate Over First of Armstrong Bills.

PUT OFFICIALS OUT FOREVER

In Fierce Reply Saratoga Senator Declares It Is Time to Rush to Radicalism.

[SPECIAL DESPATCH TO THE HERALD.]

ALBANY, N. Y., Thursday.—That a powerful combination has been formed in the Senate to take charge of the insurance reform bills as they come from the investigating committee was shown to-day. This combination will either defeat the bills or alter them as it sees fit, if it can by any means, fair or foul, get the power.

There was an acrimonious preliminary skirmish over the general insurance question when the proxy and election bill which was sent up from New York city by Senator Armstrong and Charles E. Hughes, was handed down in the Senate this morning by Senator Tully. He asked that it be advanced to the order of third reading, and the remarks which followed touched upon the manner in which the measures recommended by the committee should be treated. Senator Malby insisted upon deliberation and conservatism, while Senator Brackett made a vehement plea for prompt action.

Senator Brackett was the pioneer in the attack upon the methods of the insurance companies which were disclosed in the insurance investigation. He has followed the subject with close attention and he has intimate knowledge of the plans of the companies and of the purposes of his colleagues in the Senate, with whom he has served for ten years.

"Do you anticipate serious opposition to the insurance bills?" he was asked after the session to-day.

"It looks as though there might be," he replied cautiously. "When I hear people beginning to talk solemnly of 'resisting clamor' and 'conservative treatment' and 'careful consideration' I begin to smell burning leather. That's the way it looks to a man north of the Mohawk."

"From what quarter do you expect the opposition to come?" was asked.

"You know that better than I do," was the reply.

"To what features of the bills will the objection be raised?"

"To any feature that will change existing conditions," Senator Brackett replied.

Truce in Insurance?

There are definite rumors in Albany today that the men who control the great insurance companies and their resources have made a truce in their private quarrels for the sake of preventing control from being taken from them and placed beyond their reach. With this end in view these interests are said to have enlisted the services of political leaders who are able to control votes in the Legislature and have engaged some of the ablest lobbyists in the country.

Knowledge that this combination had been formed is said to have actuated the investigating committee in reporting for passage the bill which was submitted to the Legislature to-day. The election of the New York Life will take place April 11, and the committee deems it important that the bill wiping out all proxies until September 15 and forbidding any election until November should be passed immediately. Senator Tully's motion that this bill be advanced to third reading in the Senate was the signal for the first gun in the insurance fight.

"I do not propose to do anything to prevent the speedy passage of the bills which have been prepared by the committee with so much effort," Senator Malby said, "but I am aware that the public mind, owing to recent exposures, is in a very inflamed condition and is not in a state to consider the bills with deliberate judgment.

"I know that in all these assaults upon the companies it is the policy holders who must suffer. I am a policy holder four or five times over and I do not intend to cut off my nose to spite my face. The time is ripe for conservative, not precipitate, action. I am willing to concede that the committee may be right in legislating out some of the directors at once, but if some of them are continued no great damage will be done. If they all go I see a period of chaos ahead. It is time for conservative action."

"Restore the Stolen Goods!"

Senator Brackett replied vehemently:—"I am astounded that any one should say here that this is a time for conservative action. God knows that after what has been done in this body for twenty years in perpetuating the most colossal crime of centuries, the time is ripe at last to restore to the real owners of the insurance companies what rightfully belongs to them. It is time to rush to radicalism to root out thieving and to restore the stolen goods. I am sorry that the bill does not go further and prevent the present directors from ever holding office again. It ought to, since judgment has already been pronounced on them, and the judgment of the courts is soon to follow.

"Does the Senator believe that this body will pass a bill barring men who have not been convicted of wrongdoing?" Senator McCarren asked.

"I am not surprised that this conservative motion is broached," Senator Brackett resumed. "It matters not what situation confronts us or how much drastic action is needed, some one is sure to get up here and say that this is a conservative body, and then to debate and to work until the legislation that we pass don't amount to a continental, as I am afraid this will not when we get through with it.

"What is the Senator anxious to protect—the men who do not themselves own the corporation under whose management the grossest kind of wrongs have been done to the corporation? Shall we have solicitude against legislating these men out and giving control of the company to the men who rightfully own it? For God's sake, who ought to control it? All the dangers to the policy holders in passing this legislation are not a circumstance to the dangers they have been in for the last ten years, and all the damage that might follow is not a circumstance to the damage that has already been done by the gentry who are now in control.

Jerome Sits Around.

"For my part, I wish they were to be legislated out on July 15, and yet the Senator urges conservatism and other people in this body say, 'Let us go slow.' And the District Attorney of New York sits around, or stands around, or sleeps around, solemnly adjudging that no crime has been committed, when in so doing he violates the fundamental doctrine of law. The time has come when we should rush to action."

"I have no desire to provoke a spasm of insurance virtue," Senator Malby responded, sarcastically. "I have no apologies to make for my motives in the past, and no Russian with a bull whip, no red hot irons, no electrical storm of denunciation will disturb me much. Look at the report of the committee which came to us three weeks ago under the guarantee of letter perfect. Now the committee has hied itself to New York city, and the word has gone forth that as a result of the hearings there are many amendments to be made. I for one believe that when they have done their work it will still be possible to inject a little grain of sense into these bills."

HAMILTON MUST TELL WHERE HE SPENT A MILLION

Despite Deathbed Letter of John A. McCall Vindicating His Friend, He Is Called Upon.

CLARENCE MACKAY MAKES A DEMAND

Alexander E. Orr Gives Out at Same Time Last Words of Late President.

ANSWER OF COMMITTEE

Fowler Investigating Body Challenges Former Legislative Agent and Reproduces Cable Messages.

Two letters were made public yesterday both of which have to do with the relations of Andrew Hamilton to the New York Life Insurance Company.

Their simultaneous publication serves to emphasize the divergent views now held by different members of the New York Life Board of Trustees—a divergence which threatens to align the Board into two unharmonious factions, one of which might be not inappropriately designated the McCall party and the other the Hornblower party.

Alexander E. Orr made public the letter written to him by John A. McCall from his death bed. It was dated and began on the day before Mr. McCall's death and after he had received the rites of the Church. Weakness compelled the dying man to postpone the dictation of the latter part of the letter until the morning of the day he died, when he affixed his signature with painful effort. It was Mr. McCall's last autograph.

McCall's Last Letter.

"I am conscious that I have but a slight chance to recover," Mr. McCall wrote, "and I am desirous that you and the company officials through you shall have no doubt of the nature and character of the employment of Andrew Hamilton if I am not here to be heard when the time arrives to have it made known.

"He was employed by me in 1895 on behalf of the company to attend especially to matters of taxation and legislation in the United States and other countries affecting the company's interests.

"He refused to accept the duty unless it was made confidential and secret and that no accounting of moneys advanced to him should be asked of him or rendered by him, and I assented to that proposition.

"He told me that this condition he would impose as an absolute one, and unless it was accepted he would not undertake the work.

"Whether my action was legal or not it will be left for others to say. I believed it was and that I was clothed with full power so to act, and that the interests of the company and the policy holders demanded steps of this nature be taken; but aside from this the main reason for my present writing is that there may remain no doubt as to what my statement would be if I were here as to the nature and character of Judge Hamilton's retainer and contract."

Hamilton Called On.

There is a strong element in the New York Life's Board which believes that, in view of Mr. McCall's reiteration almost in his last hour, of his statement that Andrew Hamilton was never expected to give a detailed accounting of moneys spent for his taxation and legislation account, that the effort to force him to do so in a court of law must prove futile. The same men believe suits against the McCall estate never will be pushed by the company, and that to push them now, after Mr. McCall had impoverished both himself and his family, would be, as one of them expressed it, little less than a crime.

On the other hand, the disposition of the Fowler committee is to push the case against Hamilton to a definite conclusion, whatever course may be taken toward the McCall estate. The Fowler committee was in session more than four hours yesterday, after which it made public a reply to Andrew Hamilton which was mailed to his Albany address last night:—

"ANDREW HAMILTON, Esq.:—

"SIR—I am directed by the Special Committee of the New York Life Insurance Company to acknowledge the receipt of your letter of the 21st inst. and to send you this reply:—

"At the first meeting of the committee after your return to this country it sent you, by registered mail, a letter under date of March 9, 1906, of which the following is a copy."

Here follows the letter already published, after which Clarence H. Mackay, acting chairman of the committee, continues:—

"That letter was received in Albany on March 10, 1905, and was receipted for by J. F. McCullough as your agent. At the same time the committee requested counsel in charge of the action directed to be brought against you by the Board of Trustees to defer the service of papers until you had a reasonable opportunity to reply to this invitation. Having waited until onday, March 19, without heaving from you, it withdrew that request. It must be said that your previous actions did not encourage the committee in the hope that you would avail yourself of the opportunity to appear before it.

Information Demanded.

"The committee, as you will recall, has endeavored in vain before this to secure through your attendance information which you alone can give of the disposition of the large sums of the company's money placed in your hands.

"On January 4, 1906, the following cable was sent to Mr. Ingersoll, the general manager of the company, in Paris:—

"Special Committee Board of Trustees requires Hamilton return at once to assist it in making report to Board of moneys received by him from company. Leave nothing undone toward his immediate return. Committee has authentic information that he is physically able to come now.

"To this the following cable was received from Mr. Ingersoll in reply:—

"Your cable received. Party in question is in Paris. Left hotel this morning. Has not yet