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TIMOTHY D. SULLIVAN 'INSURGES' IN SENATE

Regular of Regulars Threatens Revolt When His Bill Is Opposed—His Smile Comes Back.

[SPECIAL DESPATCH TO THE HERALD.] ALBANY, N. Y., Tuesday.—Senator Timothy D. Sullivan, regular of regulars, showed symptoms of incipient insurgency to-day. He introduced an amendment to the insurance law which was necessary to permit brokers up to the State to write insurance, and asked that it go to the third reading, which can only be done by unanimous consent. Senator Wagner objected on the ground that it was establishing a bad precedent.

"Watch me hold up every one of your bills," cried Senator Sullivan, as his face flushed. Senator Cobb explained how important the matter was, and Senator Wagner withdrew his objection and asked Mr. Sullivan to renew his motion.

"It is in your hands now," said Senator Sullivan. But the frown was gradually fading, and when the bill went to the third reading the smile was back.

Famous Boston Hotel Burns Down. [SPECIAL DESPATCH TO THE HERALD.] BOSTON, Mass., Tuesday.—With all of the 150 visitors at the Revere House accounted for the famous old hotel, which harbored the late King Edward when Prince of Wales, Charles Dickens, Jenny Lind and other celebrities, stands to-night a fire destroyed hulk with no chances of ever being rebuilt. The loss is put at \$150,000.

In the New York Hotels. Hoffman House.—Mr. S. T. Morgan, Richmond, Va., and Mr. Arthur Binney, Boston. Victoria.—Mr. T. M. Roche, Detroit, and Mr. E. J. Creed, Rochester, N. Y. Adams.—Mr. A. N. Goodfellow, Philadelphia, and Mr. James Parker, Boston. Navarre.—Mr. G. C. Foulk, Wichita, Kan., and Mr. J. W. Gregory, New York City. Rector.—Mr. D. S. Fraser, Denver, and Mr. P. D. Slacum, Boston. Gotham.—Mr. George W. Rogers, Cleveland, and Mr. Charles F. Marden, Boston. Hotel Astor.—Mrs. J. S. McFarlane, Mansfield, Ohio, and Dr. and Mrs. G. Winter, Berlin. Woolcott.—The Rev. and Mrs. John Wallace Sutter, Boston, and Mr. S. B. Williamson, Panama. Herold Square.—Mr. M. C. Jackson, Washington, and Mr. C. H. Peterman, York, Pa. Albert.—Mr. E. D. Gerner, Roswell, New Mexico, and Mr. B. H. Davies, Minneapolis. Brestell.—Mr. and Mrs. W. H. Buck, Indianapolis, and Mr. and Mrs. C. S. Carson, Philadelphia. St. Regis.—Mr. and Mrs. John Wagner, New York, and Mr. and Mrs. William V. Keenan, Boston. Stratford House.—Bishop Alfred Harding, Washington, and Mrs. Roger Wolcott, Boston. Savoy.—Mr. and Mrs. A. M. Fletcher, Philadelphia, and Mr. and Mrs. G. H. Ferguson, San Francisco. Prince George.—Mrs. F. L. Bourdais, Lyons, and Mr. H. L. Aldrich, Providence, R. I. Maria Antonette.—Mr. A. E. Lane, Chicago, and Mr. W. F. McClurg, St. Louis. Greenoble.—Mr. Underwood Cochran, Atlantic City, and Mr. Samuel M. Wells, Albany.

Governor Dix Will Appoint Successor to Dr. Doty To-Day

Dr. Joseph P. O'Connell, Indorsed by Mayor Gaynor, Is Probable Choice for Post—No Evidences of Break Between Executive and Mr. Murphy.

[SPECIAL DESPATCH TO THE HERALD.] ALBANY, N. Y., Tuesday.—Unless there is a change in the plan before to-morrow, Governor Dix will send to the Senate to-day the name of Dr. Joseph P. O'Connell as Health Officer, to succeed Dr. Alvah H. Doty. It will mean that in this instance, at least, the Governor is being guided by the advice of Mayor Gaynor rather than that of Charles F. Murphy.

It is understood that the Tammany leader submitted two names for the place, Dr. E. S. Potter and Dr. John A. Irwin, the latter the family physician of Justice Daniel F. Colahan. Until to-night it was believed that the choice of the Governor was between Dr. Irwin and Dr. O'Connell, who had the indorsement of Mayor Gaynor either directly or indirectly, and of many prominent democrats in and out of the Brooklyn organization. It is learned here to-night that Dr. Irwin's name had been taken out of the slate, and while it might go on again in the morning, Dr. O'Connell is believed to be the man.

Public Service Posts. The Governor will send the nominations of two Public Service Commissioners to the Senate to-morrow. One will be a Brooklyn man, but it could not be learned here to-night who will draw the \$10,000 a year prize. A delegation of Brooklyn men was here to-day urging the Governor to appoint a man of the type of Representative William C. Redfield or David A. Ruddy. It is understood that both John

McCooey and Herman A. Metz are out of the running. For the second district Herbert P. Bissell will be named unless he can be persuaded to forego the honor and salary and take the chairmanship of the State committee, which no one believes he will do.

There was nothing in the appointments made by Governor Dix to-day to show that Charles F. Murphy had anything to do with them, and at the same time there is not quite the evidence the anti-Tammany men want to show that there is a break between the Governor and the Tammany leader.

85,000 Berth for C. J. Huson. Calvin J. Huson, appointed Commissioner of Agriculture for three years, at \$5,000 a year, is an old lieutenant of David B. Hill. His strongest endorsements came from the agricultural societies and live stock organizations of the State who wanted a practical man as commissioner. There was really no political significance in his appointment. His home is at Penn Yan.

Duncan W. Peck, Commissioner of Public Works, the most important place in the State, from a patronage standpoint, although a member of the Syracuse organization, which has maintained friendly relations with Tammany, was recommended by the retiring Commissioner, Charles E. Treman.

The appointment of George M. Janviri, of Brooklyn, as Port Warden, was a personal one. He is a newspaper man and has been the Albany correspondent of the Brooklyn Citizen for several years. His appointment and that of Mr. Peck were confirmed by the Senate without reference.

The appointment of Dr. James V. May as president of the State Land and Survey Commission; George W. Driscoll as State Fair Commissioner; and C. Gordon Reel were recess appointments and were sent to the Senate to-day for confirmation.

There was no significance in the naming of these men, but the state of mind between the Governor and Mr. Murphy.

PLAN TO REVOKE INCOME TAX VOTE INSURGENTS DROP FIGHT AT ALBANY

Republican Members Propose to Reconsider Approval by Last Legislature of Constitutional Amendment.

[SPECIAL DESPATCH TO THE HERALD.] ALBANY, N. Y., Tuesday.—Although they admit it will be no good, the republican members of the Legislature are discussing the plan of rescinding the income tax resolution adopted by the last Legislature. There are some members who think it might have a moral effect on States which have not voted on the income tax, but they can see no way to change the vote of New York.

Senator Brackett said he did not believe the resolution could be legally rescinded. The action of the several Legislatures is filed with the Secretary of State, and the president has been established that when a State certifies that it has voted in the affirmative on a constitutional amendment that action cannot be rescinded or changed. Senator Newcomb said he had made an exhaustive search of the reports and could not find any court decision on this, and it might be well to get a judicial decision.

Professor Ralph W. Thomas, a Senator who made one of the strongest speeches against the income tax resolution, is preparing one to rescind the action of the last Legislature. It will be decided by the republicans whether or not the matter shall be pressed. The democrats are taking no interest other than asking where the republicans expect to get the converts to change the action of the Senate. There is little doubt that the income tax plan will be voted down if it comes to a vote in the Assembly.

Members of Congress Deny State's Right to Revoke Action. [SPECIAL DESPATCH TO THE HERALD.] ALBANY, N. Y., Tuesday.—Senator Charles F. Murphy, chairman of the Senate Judiciary Committee, was asked to-night about the report from Albany that the present Legislature proposed to rescind the action of the last Legislature in favor of the income tax amendment to the federal constitution. He said: "It is held by many good constitutional lawyers that such an act would be invalid, even though the requisite number of States had not ratified the proposed amendment."

Senator O'Gorman, of New York, declared unequivocally: "The present Legislature has no power to rescind the action of the last Legislature in this matter."

Mr. Clayton, chairman of the Judiciary Committee of the House, said: "That question has been debated at length in Congress, but the issue was left in some doubt. My own opinion is that action in favor of a proposed constitutional amendment by one Legislature is not revocable by a subsequent Legislature."

Beginning in next Sunday's NEW YORK HERALD is "Chance," a new novel by Joseph Conrad. The author of stirring sea yarns has turned out another story of the deep that appeals strongly to women.

CANADA NOTES. [SPECIAL DESPATCH TO THE HERALD.] OTTAWA, Ont., Tuesday.—Secession from Ontario and annexation to Manitoba of the northwestern section of this province, known as the Thunder Bay and Rainy River district, are asked for in petitions presented to the federal government to-day from many municipalities there. The complaint is that this part of Ontario is being neglected as regards its share of public improvements. There is also talk of forming a new province out of Northern Ontario, in which are the Cobalt and Porcupine mining districts.

Freight rates on all roads in Western Canada are being attacked by farmers' organizations, boards of trade and industrial concerns, and an inquiry by the Railroad Commission will begin on February 13. Notice has been served on the railroads that if the charges made are substantiated the rates must be reduced. The federal government has taken a hand in the inquiry by appointing H. W. White, of Winnipeg, counsel for the people.

Respecting the bill before Parliament to establish a federal marriage law and especially to annul the effect in Canada of the New-England divorce of the Catholic Church the Minister of Justice, C. J. Doherty has expressed the opinion that the Dominion House has no right to interfere with provincial legislation.

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STENOGRAPHERS TO FIGHT FOR FEES

State Employees Want Extra Pay for Transcribing Tax Reports.

Differences of opinion regarding the legality of the payment by lawyers of fees to stenographers in the State service who transcribe reports of proceedings in transfer tax cases has caused a split between Wallace S. Frazer, appointed a Deputy State Controller on January 1, and nine stenographers employed in his office.

It has been the rule for the stenographers who take the minutes to exact a fee for furnishing copies to attorneys of reports or testimony taken in the appraisal of estates of deceased persons. The State Controller made a rule a year ago prohibiting such charges. Immediately upon assuming his new duties, Mr. Frazer inserted an advertisement in the Law Journal notifying lawyers not to pay the fee and to report to him the name of any stenographer who demanded payment for such work.

On the following day the nine stenographers inserted another advertisement, in which, over their signatures, they declared that they would not work for the State until they had been paid for the work they had done outside working hours and at their homes, they believed they were entitled to remuneration for it. They announced they would employ counsel to bring their rights determined. In the meantime, it is understood, the rule made by Mr. Frazer is being obeyed.

PASTOR LAWYER'S ACCUSER.

The Rev. Mr. Scott Says He Estimates Mr. Loder Got \$40,000 from Him.

The Rev. John F. Scott, of Mount Vernon, was a witness yesterday afternoon before Justice Davis, in the Criminal Branch of the Supreme Court, where Noah Louder, pastor of the First Baptist Church, Greenwich, Conn., is on trial on a charge of grand larceny, preferred by Mr. Scott. The indictment charges the larceny of \$4,000.

Charles Stoddard, counsel for Mr. Loder, asked if most of the amount mentioned during the trial at Mr. Loder's trial had been the fee for which the pastor had been accused. "Didn't you consult him frequently about the Freda Jansen affair?"

"No, I did not. I told him what I had done. Freda was employed in my home as a maid. After she left my employ, she began to make grave charges against me, and attempted to blackmail me. I denied the charges then and I deny them now under oath."

FOUR KILLED IN TRAIN CRASH.

Empty Cars Hit Crowded Ones and Locomotives Explode Near Louisville (Ky.).

LOUISVILLE, Ky., Tuesday.—Four trainmen, the engine drivers and firemen, are dead and two perhaps fatally injured as the result of a head-on collision to-day at Long Run, on the east side of the city, between an inbound Louisville and Nashville passenger train and a Chesapeake and Ohio train of empty cars. Virtually all the passengers on the Louisville and Nashville train were more or less injured. Among them was H. W. Grashorn, of New York City. Two Chesapeake and Ohio brakemen suffered severe injuries.

Both locomotives exploded, according to passengers, bits of the wreckage falling on the roofs of the cars, terrorizing the passengers, who had been thrown into masses in the forward end. Passengers, among them Judge W. G. Dearbig, general attorney for the Louisville and Nashville, were hastily set to work helping the injured.

The Chesapeake and Ohio train, running on the Louisville and Nashville tracks from Lexington to Louisville, was "dead heading" back to Lexington. Several hours before the same train started out, it had collided with cut-off freight cars. Officials expressed the belief that the wreck was due to misunderstood orders.

ASK NICARAGUAN LAW DELAY.

American Minister Has Changed to Suggest, Says Aid.

[BY MEXICAN CABLE TO THE HERALD.] SAN JUAN DEL SUR, Nicaragua, via GALVESTON, Texas, Tuesday.—It was announced in the Assembly to-night that the American Charge at Managua, D. C. Gumbert, desires the Assembly to suspend promulgation of the new constitution until the arrival of Minister Weitzel, as the latter wishes to add some amendments to the document.

THE PROVIDENT LOAN SOCIETY

Loans from \$1 to \$1,000 upon pledge of personal property. OFFICES: MANHATTAN AND BRONX. Fourth Avenue, corner 25th Street. Eldridge Street, cor. Rivington Street. Seventh Ave., bet. 45th and 49th Sts. Lexington Ave., cor. 124th Street. Grand Street, cor. Clinton Street. Courtland Ave., cor. 14th Street. BROOKLYN. Graham Avenue, cor. Beverley St. Pitkin Avenue, cor. Rockaway Ave.

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[SPECIAL DESPATCH TO THE HERALD.] ALBANY, N. Y., Tuesday.—William Barnes, Jr., chairman of the Republican State Committee, cannot be punished for contempt of court for refusing to answer questions relating to the stock owned by him in the J. B. Lyon Company and for refusing to produce the books of the Albany Evening Journal Company, as he was ordered to do by the legislative committee investigating the charges of corruption in Albany. The Court of Appeals, by a divided vote to-day, held that the questions asked were not legal and pertinent.

There will be a debate in the Senate as to whether the time for the committee to make its report shall be extended. It was said here to-night that Barnes made his fight as a matter of principle and was considering the advisability of his answering the questions now that the highest court had held he did not have to.

The section of the Code of Civil Procedure which was attacked as unconstitutional was upheld by the Court, but it was held that notice must be given to the defendant charged with contempt before he can be punished.

"What is to be done?" says Judge Werner, in the prevailing opinion, "whether a private citizen can be compelled to divulge to a legislative committee his purely private and personal affairs when it is not perceptible