

# REFUSES TO RESIGN

## Insurance Superintendent Kelsey to the Governor.

# DISGRACE TO RETIRE NOW

## Friends of Hughes Confident the Senate Will Vote to Retire Head of Department.

Albany, Feb. 18.—Otto Kelsey, State superintendent of insurance, made public yesterday his letter to Governor Hughes, in which he says he cannot comply with the latter's request for his resignation from office. In referring to the difficulties encountered by him since May, 1906, when he assumed office, the superintendent of insurance makes two important statements:

"In the arduous task I consulted frequently with the attorney general and advised Governor Higgins fully as to progress in the department. In several conferences and their results advice was sought and obtained from a prominent member of the former investigation committee. My social conduct has received the approval of Governor Higgins and has never been censured by any responsible person familiar with the facts and thereby appreciating the difficulties encountered."

**Mr. Kelsey's Letter.**

Mr. Kelsey says further:

"The office was assumed by me May 17, 1906, after appointment by Hon. Frank W. Higgins, then governor, and confirmation by the Senate, the vote being unanimous therefor.

"I have served faithfully through months of overcrowding work and critical conditions, arising from the San Francisco conflagration affecting the branch of fire insurance and new statutes and changed circumstances resulting from the legislative investigation and report upon the affairs of life insurance. The department supervision of the elections of directors in domestic life insurance corporations added an immense volume of technical labor to the ordinary routine, and under new laws preparation was necessary for the extended and complex statistical statements, standard forms and reports hereafter required from life insurance corporations, and the rulings and interpretation of new provisions regulating the transaction of their business exacted continuous deliberation upon and decisions of questions presented.

"Within a few weeks after my accession to office a plan for reorganization of certain branches of the department was suggested by me and has been since determined upon and will be carried out with the assistance of the Legislature and State Civil Service Commission. Information of this intention was also given to Governor Higgins and was approved by him.

Has Tried to Co-operate.

"I most deeply regret what I believe to be a mistaken opinion upon your part prompting a demand for my resignation. There is no obstacle to my receiving from the insurance department under my charge the most cordial, disinterested and effective co-operation in all measures for the betterment of administration. There is no other desire in serving the people of the State than to discharge my full duty to them and to the officers they have placed in control of the State government.

"May I respectfully allude to the fact that until the moment of announcing your purpose that I must retire from office, no intimation had ever reached me of your dissatisfaction with my department. You will recall that immediately after your inauguration as governor I addressed to you a brief letter stating my readiness at your pleasure and convenience to advise you as to affairs of the insurance department, to which a written reply was received to the effect that you hoped to make an appointment for me within a few days thereafter. Subsequently at my suggestion you received a typewritten copy of the text of my official report and expressed a favorable comment upon it.

No Expression of Views.

"Between the time of your taking office and your request for my resignation you have not given to me any expression of your views of my conduct of the insurance department nor have you called my attention to methods needing correction, nor to changes of plan or policy to bring the department closer to a different conception of practical administration. So far as I am aware there has been no opportunity afforded upon any matter to test the promptness of your criticism and the view of bringing the department into accord therewith if possible.

"To resign under executive compulsion a trust imposed upon me by your predecessor would to the public appear as an admission of wrongful conduct in office and would leave my character and reputation defenseless against any odious calumny inspired by any purpose and from any source. For many years I have borne an active part in State affairs and have steadily endeavored to merit the favor and confidence of good citizens. It has been my greatest reward to feel that I had succeeded in a measureless degree.

Will Not Sacrifice Family.

"From my point of view a surrender of my position in the manner required would result in criticism and inevitably incur distrust in me by those whose good opinion I value. I feel most

# TRIAL OF SCHULTZ

## Many Detectives of National Reputation Will Be There.

# BAR SPECTATORS AT FIRST

## But They May Be Admitted After the Jury Has Been Chosen—The Crime.

Rochester, Feb. 18.—One of the peculiar features of the preparations for the trial of Fred Schultz, one of the three eggs accused of the murder of Edward Pullman, night watchman in the village of Sodus, which brings today is the number of local detectives and Pinkerton sleuths that will be scattered about among the audience in the Court house. It is expected that every "crook" in the country who feels reasonably safe from detection and has the whereabouts with which to come to Rochester will be in the court room at one time or another during the trial of these three men, who are the acknowledged leaders in their "profession."

No spectators will be admitted during the first three days of the Schultz trial, because of the fact that there are 200 men from whom the jury will be chosen to accommodate, and the south supreme court room, where the trial will take place, accommodates 200, but no more.

In taking Schultz behind the jail and the court house extraordinary precautions will be taken to prevent an attempt to escape. In addition to the deputy sheriff, who will be handcuffed to the prisoner, there will be several plain clothes men in the office, ready to go into action at any moment.

The crime for which Schultz and his two pals, Ed Kelly and James McCormick, are to be tried was committed nearly a year ago, at 2 o'clock in the morning of March 23, 1906. It is alleged that they were in Sodus for the purpose of making a haul and were surprised as they worked by the watchman, whom they killed to avoid arrest.

When Mr. Pullman did not return from his duties at his usual time, which was 6 o'clock in the morning, the members of his family became alarmed and, instituting a search, they found his body in Charles A. Knapp's private bank. Investigation proved that an attempt had been made to rob the safe and that the cashier in the morning took the money in the Rome, Watertown and Ogdensburg station in the village had been cracked and a small sum of money stolen.

Circumstances led the village authorities to believe that the murder was done by yegmen who had come to Rochester, and the local police were notified. Lieutenant McEaster received the message from Sodus and a few seconds later Detective O'Brien detailed Detectives Maguire, Whaley, Lewis and McDonald in one squad and Detectives Spillings, Nagle, Barnett and McCormick in another to locate the murderers, if they were in this city.

It was found that early in the morning a horse and a cutter was abandoned at the corner of Bay and Clinton streets and three men were seen to walk rapidly away from it by a pedestrian named Louis Wanner. Then it was found that the trio had been seen enter a house in Big B Place, across from the P. W. & O. station.

Captain Zimmerman detailed Sergeant Mehl with Special Officers Weidman, McClerny, Seiber, Weidman and Officer Vaughn to make arrests. They gained entrance to the house, but were denied admittance to a front room, which was found to be locked. The door was forced, but in the meantime three men, who were asleep in the apartment, had awakened and were rapidly dressing.

When the officers reached into the place one of the men, who had since been identified as Big Ed Kelly, a crook with a national police record, drew a gun and stuck it under the nose of one of the officers. He then attempted to get away, but the police outnumbered the yegs and they were "iron'd" in short order.

At noise headquarters Kelly's two companions gave their names as Fred Schultz and James McCormick, both of whom were thought to be notorious. From the fact that there were two ex-transit of clothes in the room when the officers broke in, it is thought two other yegs had escaped without any outer wearing apparel.

The horses which the yegs are thought to have abandoned was found to have been stolen from Millard F. Boyd, and the cutter and another horse from William Weiburn, both of them on the road from Sodus to Rochester. The abandoned cutter was discovered later near West Webster. The prisoners refused to make any statements to the police and were a few days later removed to the Wayne county jail.

At Sodus, where the victim of the alleged murder was a prominent and highly respected citizen, feeling ran high against the prisoners, and when John J. McInerney was appointed attorney for them, he demanded that the trial take place in Monroe county, as he feared his clients would not be given a fair trial in Wayne.

District Attorney Joseph Gilbert of Wayne county and Attorney George Raines of this city, who was retained as counsel for the prosecution, opposed this, but Attorney McInerney won his point after securing over 100 affidavits of Wayne county residents who asserted that they did not believe the men could be fairly tried there, and the authorities there were warned that the men would try to escape and the three were soon transferred to the local jail, together with the warning to look out for their plans to make a "get-away."

The warnings were not without foundation, for within a comparatively short time after they were brought here, jailer Birdal discovered that they were in their cells and that of William Brasch, who has since been convicted of wife murder, were sawed away, and all plans had been made for an attempted escape. The men were searched and tools were found on the persons of

# THE TRIAL OF THAW

## (Continued from First page.)

# HE PREDICTS ACQUITTAL

## Boston Pastor Believes Thaw Will Escape Chair and Mad House.

Boston, Feb. 18.—Rev. E. A. Wiggin, in a sermon on The Unwritten Law, yesterday predicted that Harry K. Thaw would go free for the murder of Stanford White. The speaker said:

"Thaw will go free, even from the mad house. He is not insane any more than any of you are insane. He has been insane of course. The storm cloud came to him as it has many times so come to most men. A storm cloud came to Thaw and then he was insane."

Evelyn Thaw was declared by Rev. C. J. Hawkins at the Central Congregational church to be "not bad; she had just lived to be happy."

Of Captain McVey of the steamer Larchmont, which was sunk off Watch Hill last Monday, Rev. Stephen H. Roblin at the Second Universalist church said:

"All proof seems to point to the fact that Captain McVey believed a live coward is better than a dead hero."

**SURROGATE'S COURT.**

Letters issued in Hovey Estate—Will of John E. Myer.

Letters of administration issued to Abram S. Sawyer in the matter of the estate of the late Oliver S. Hovey of Auburn. The estate consists of \$200 personal and \$200 real property. Bond in the sum of \$500 filed and approved. Letters of guardianship were also issued to Abram S. Sawyer for Lydia E. Hovey, an infant in the same estate.

In the matter of the contested probate of the will of the late Frances A. Waldron of Sterling, costs against the contestants were taxed in the sum of \$70. Attorney Irving Bacon was allowed \$24 for services as special guardian in the estate.

Petition filed for the proof of the will of the late Dan McEwen of Auburn. The estate is valued at \$50. Citation issued to February 26.

The will of the late John E. Myer was admitted to probate and letters testamentary were issued to Sarah L. E. Myer. The estate consists of \$100 personal property.

Application was made by Levi Elson, a creditor, for the revocation of the letters testamentary issued to Charles A. Dayton in the matter of the estate of the late William W. Thompson, unless said Dayton furnish a bond. The proceedings were held open.

**A Plunge into Cayuga.**

Cayuga, Feb. 18.—P. C. Freese, the local contractor, a conspicuous figure in the campaign against slot machines in this village, took an involuntary plunge into the cold waters of Cayuga lake this morning. On account of his advanced age and the bitter cold weather some fears are entertained as to the result of his misfortune. Mr. Freese, who was employed by an ice company, operating south of the village, lost his foothold while assisting in clearing the channel. He was driven to his residence by one of the employees of the company and given every attention.

Beides being active in the crusade against certain alleged gambling dens, Mr. Freese has taken an prominent part in the organization of the Law Enforcement league, the chief object of which is the defeat of the license proposition at the polls tomorrow.

**An Extension of Time.**

Utica, Feb. 18.—Through application by Charles D. Thomas of Herkimer, one of the attorneys for the defense of Chester Gillette at his recent trial and conviction of murder in the first degree, in causing the death of Grace Brown at Big Moose, an extension of time to prepare the case and taking it to the Court of Appeals was granted by Justice DeAngelis Saturday. The time was extended from today, the original limit, until March 20.

**PART OF THAW WILL READ**

Provision Setting Aside \$50,000 for Prosecution of Expected Assassins.

New York, Feb. 18.—District Attorney Jerome this afternoon permitted the reading of the provision in Thaw's will setting aside \$50,000 for the prosecution of persons suspected of having caused his death by violence.

# THE AUBURN & TITHACA.

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The Tithaca News of Saturday said: "Sherman Collins, one of the promoters of the Auburn-Tithaca Traction Company, returned last evening from Utica and Albany, where he had been for several days completing arrangements and having an railroad certificate verified by the railroad commissioners.

"When seen by a representative of the News this morning, he said that the extension of time asked for before the Common Council at the last meeting was to give a further opportunity merely, and did not involve the franchise. The amended certificate will take some time as the law requires that it shall be published for three weeks prior to any action. The directors of the road will have to call a meeting and then the matter will be taken before the railroad commissioners as an application.

"They will issue a date for a hearing either in this city or Auburn. "When the commissioners' decision has been rendered we shall begin work immediately by letting out contracts all along the road. The work will be rushed as fast as possible."

"When questioned in regard to talk that the company will sell its rights and privileges to the Lehigh Valley railroad, Mr. Collins said: "We have never had any negotiations whatever with the Lehigh Valley at any time, and the thought of it is absurd. Why should we go ahead with our work and use the amount of money necessary in getting legal papers out, if we intended to sell out?"

**Franchise Has Mayor's O. K.**

Mayor Alken is spending a few days in New York. Before leaving for the metropolis the mayor approved the franchise granted by the Common Council to the Auburn & Tithaca Traction Company at the last meeting of the Council.

**Three Come to Auburn.**

Prisoners who had pleaded guilty were sentenced by Judge W. M. Ross in County court at Syracuse Saturday. William Sloan, colored, was sentenced to Auburn for 15 years. He was indicted for burglary in the first degree. He entered the house of Rural Delivery Carrier Albert Clark at Lafayette. They had a tussle, in which a lamp was overturned, setting the house on fire. Sloan is 23 years old.

Louis Casler, aged 36, and Clarence Shaw, aged 30, indicted for burglary, third degree, in stealing a load of corn from the Woerner Preserving Company, were sent to Auburn for not less than one year and not more than four years and three months.

**Carriers Not Eligible.**

Fred Day a rural mail carrier of Union Springs is the Republican nominee for supervisor. A question having been raised as to his eligibility to hold the office and continue as a mail carrier, Postmaster Clark wrote to the postmaster general and he has received an answer to the effect that a rural carrier cannot hold the office of supervisor.

If Mr. Day should be elected he will have to resign as mail carrier or decline the office.

**Death of John McDonald.**

John McDonald, an old and highly respected citizen of Springport, died yesterday afternoon after a short illness of pneumonia, aged 78 years. Mr. McDonald was well known and a man who was well liked by all who knew him. He had resided on the one place in Springport for nearly half a century. He is survived by his wife, one sister and eight children who will have the sympathy of the community in their affliction. The funeral will be held at his late home Wednesday morning at 9 with services at St. Mary's church, this city, at 10 o'clock. Burial will be made in the family plot in St. Joseph's cemetery.

**Two Federal Prisoners.**

Two United States prisoners were received at the prison today. Michele Lizzi was brought here from Albany for forging the signature of Vincenzo Lizzi to a postal money order in Albany.

From Elmira was brought Joseph N. Klein convicted of using the post office as a part of a scheme or artifice to defraud under section 5,436 of the revised statutes of the United States. Klein was sentenced to one year and six months and to pay a fine of \$500 and stand committed until the fine is paid.

**Want a State Job?**

The State Civil Service Commission will hold examinations March 16 for the following positions: Assistant actuary, \$3,600, and chief examiner, \$5,000, in the insurance department; assistant inspector of gas, \$1,360 to \$1,200; food inspector, Department of Agriculture, \$1,200 to \$1,500; page, State and county offices, \$360; guard, State prisons and reformatories, \$660; State instructor, State institutions, \$690 to \$720 and maintenance.

The last day for filing applications for these positions is March 11. Full information and application forms for any of these examinations may be obtained by addressing the Chief Examiner of the Commission at Albany, Charles S.

# GEORGE IS APPRECIATED.

## California Quack to Welcome Founder of Junior Republic.

# IN PRISON HERE.

## And Buffalo Friends Are Seeking Pardon for Harver.

The Ithaca Journal in its editorial columns of Saturday had the following regarding W. R. George, founder of the George Junior Republic at Freeville and well known in this city:

"W. R. George, familiarly known as 'Daddy,' who is in California making arrangements to establish a republic at Los Angeles, has been released everywhere with great enthusiasm. Everywhere that he has spoken crowds have come to hear him. The daily papers have given much space to his addresses. The people of the Pacific coast seem to appreciate the genius and character of Mr. George. All this is most gratifying to us who have always known the man and who are thoroughly familiar with the great work he has done. It is not given to many men to achieve such great results as the founder of the Junior Republic has achieved in the 10 years of its existence. One of the Pacific coast journals says of him:

"'Like a fountain of cool, crystal water welling up in a white, glistening desert, or 'the shadow of a great rock in a weary land' to the traveler at the burning noon-time, is the story of William R. George's life. Industries are great things and prosperity should beget hymns of thanksgiving in every heart, and these should spring spontaneously from all human lips. These industries mean comfort instead of misery, contentment instead of despair, decency instead of squalor.

"But Mr. George recalls us to the higher aims and purposes of life. "And so we turn away and see through the smoke of factory chimneys and blue sky with its infinite depth that lead into the heaven of heavens.

"He hushes the hum of spinning wheels and lets us hear the murmur of infinite seas and the whispering of the winds that breathe of other worlds than ours. He sets a window in the breast and shows us the throbbing and pulsating of the human heart. Lifting a finger beyond the stars, he tells us that our Father lives there still and that He made man a living soul. He warns us not to earn the fate of Cain, who said, 'Am I my brother's keeper?' and that Cain's philosophy means murder for our fellow-men and banishment from all that's holy and that makes for peace for its followers.

"The marvelous combinations of the Morgans of the world become small; the success of the Herrimans becomes insignificant; the wealth of the Rockefellers becomes poverty, compared with the achievements wrought in human hearts and human souls in the George Junior Republic. Millions make money. George makes men. Russell Sage saved dollars. George saves souls. Morgans creates industries. George creates happiness."

**Sudden Death at Woodport.**

Woodport, Feb. 18.—Alonso Putnam, 87 years old, a well known retired farmer, died suddenly at 4:30 o'clock Saturday afternoon at his home in Bell street. He had been shopping and in front of Travoy & Son's store he became ill. He was taken home, where he died before medical assistance arrived. Acute indigestion is thought to have been the cause of death. A widow and one brother, Harvey D. Putnam, survive.

**The Congressional Speaker.**

Cleveland Plain Dealer.

"Yes," said the congressman who was home for a day or two on private business, "I guess we'll spend a couple of billions or so before we finally adjourn. How much are those eggs?"

"Thirty-two cents," the storekeeper replied.

"Thirty-two cents!" cried the extravagant congressman. "That's an outrage! I've never paid more than 20 cents for eggs, and I'll be blamed if I pay any more now. Gimme a pound of codfish."

**Steps to Higher Jobs.**

Indianapolis News.

Eventually it may turn out that the larger Panama canal jobs are quite as good stepping-stones to important and remunerative positions as are the cabinet portfolios.

A Hillsdale lady, overcome with shopping cares, went into the meat market and asked for a yard of pork. When she got home she discovered the clerk had given her three pig's feet.

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## And Buffalo Friends Are Seeking Pardon for Harver.

Lockport, Feb. 18.—District Attorney Burt G. Stockwell has received from Governor Hughes a request for a statement of the facts connected with the conviction of John D. Harver of Buffalo in this city with such recommendations as the district attorney can give relative to the application made by parties in Buffalo backed up with a strong petition asking for the pardon of Harver, who is serving a term in State's prison. District Attorney Stockwell has the matter under advisement. It is understood that a similar move is to be made for Joan D. Moisanac, a pal and alleged confederate of Harver, and who was convicted in this city with the latter.

Moisanac and Harver were two of the cleverest men with whom the local authorities ever had to deal. It was claimed by a man named Gypsy King of Niagara Falls that they purchased personal property from his Elmwood hotel, so-called, in that city, and gave, as he thought, a check for \$500. Later he found that the paper was a 30-day note and practically worthless. He had Moisanac and Harver arrested. They were convicted but fought and dilly dallyed about the matter into the Court of Appeals where their conviction was affirmed. They are now serving terms of one year and nine months each in Auburn.

Chester Charles Williams died yesterday at No. 235 West Fayette street of tubercular meningitis and tuberculosis of the hip joint, the result of injuries received last summer. Mr. Williams, who was a summer in the College of Law of Syracuse university and worked for the Folger Company at the Thousand Islands last summer, broke his nose and injured his hip in a game of baseball in August at the Islands.

**FOR SALE**—Missouri horses, 40 head of draft farm driving and general purpose horses and mares to be sold at private sale on and after Monday, February 18, 1907. J. M. Griffin, 22 1/2 Later street. 1114-1A-12

**IOWA HORSES**—Draft, farm chucks and bred. Extra driving No. 10 South street. Shotwell & Sunderlin. 1216-sw-12

**FOR SALE**—Twenty-five good Iowa mares. On and after Friday, February 15, 1907, will have a new lot of good mares and a large pair of six-year-old mules, at 50 Van Anden street. J. W. Carris. 1216-sw-12

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**BORN.**

**MITCHELL**—To Mr. and Mrs. Percy Mitchell of No. 150 Oswego street. Thursday, February 14, 1907. A son, 1114-1A-12

**KILLIAN**—To Mr. and Mrs. George Killian of No. 124 Cottage street. Thursday, February 14, 1907. A son, 1114-1A-12

**PELTON**—To Mr. and Mrs. Allison Pelton of No. 2 Cottage Place, Saturday, February 9, 1907. A son.

**HIGGINS**—To Mr. and Mrs. Bernard Higgins of 21 Market street. Friday, February 15, 1907. A son, John Leo; weight, 10 pounds.

**DIED.**

**BODINE**—At his late home in the village of Owasco, N. Y., Thursday evening, February 14, 1907. Abram M. Bodine, in the 64th year of his age.

**DITMARS**—At the family residence, over No. 19 Lewis street, Auburn, N. Y., Friday, morning, February 15, 1907. John H. Ditmars, aged 30 years, 11 months and 18 days.

**DUNSTER**—At the family apartments, 151 1/2 North Main street, Auburn, N. Y., Friday night, February 15, 1907. Charles M. Dunster, son of Thomas and Mary Dunster, aged 18 years and 15 days.

**KRATCH**—In this city, Friday, February 15, Frederick J. Kratch, aged 49 years.

**WARD**—In Auburn, N. Y., Friday, February 15, 1907. Catherine M. Ward, wife of Frank Ward, in the 32nd year of her age.

**DONNELLY**—In Auburn, N. Y., February 14, 1907, of diphtheria, Julia Irene, daughter of Catherine and Edward Donnelly, aged 3 years and 1 month.

**GREENFIELD**—At the family residence, East Nile, N. Y., Saturday morning, Feb. 16, 1907, of typhoid fever, H. Greenfield, in the 72d year of his age.

**HOLMES**—In Auburn, N. Y., Saturday evening, February 15, 1907. Martha Mary Dates, widow of John Holmes, in the 64th year of her age.

**DALE**—In Auburn, N. Y., Saturday evening, February 16, 1907. George W. Dale, aged 33 years.

**GASKIN**—In Auburn, N. Y., Saturday, February 16, 1907. Richard Gaskin, formerly of Auburn, N. Y., aged 72 years.

**BOTSFOORD**—At his home, No. 5 Grover street, Auburn, N. Y., Friday evening, February 15, 1907. John H. Botsford, in the 67th year of his age.

**PEASE**—At the Soldiers and Sailors Home, Bath, N. Y., Sunday, February 17, 1907. Thomas J. Pease, formerly of Seneca Falls, N. Y., aged 71 years.

**JONES**—In Auburn, N. Y., Saturday, February 16, 1907. Willis Jones, aged 26 years.

**McDONALD**—In the town of Springport, N. Y., Sunday, February 17, 1907. John McDonald, aged 78 years.

**NEW**—In Auburn, N. Y., Monday, February 18, 1907. Jane Alexander, wife of Thomas New, in the 65th year of her age.