

BARNES MADE LAWS, ROOSEVELT SAYS

Many Deals Charged to Party Leader in Bill of Particulars Filed in Libel Suit.

AGREEMENT WITH MURPHY

Tammany Leader Helped Defeat Gov. Hughes's Measures, the Colonel Asserts.

SYRACUSE, N. Y., Feb. 27.—The local attorneys for Theodore Roosevelt, in the libel action brought against him by William Barnes, Jr., received copies today of the bill of particulars which Col. Roosevelt has filed in reply to Barnes's demands.

Mr. Barnes called for a specific citation of the "several matters in regard to the administration of the State Government of New York with relation to legislation and during certain years with relation to canals, highways, prisons, Capitol work, hospitals, civil service, and administration generally and by reason of the padding of State payrolls and by the creation of unnecessary offices has been insufficient, wasteful, and in some instances corrupt."

Mr. Roosevelt replies that the periods referred to are the years 1911, 1912, 1913, and 1914. He says that Mr. Barnes is fully cognizant of the facts concerning which the specifications are asked and bases his information on an editorial published in Mr. Barnes's newspaper, The Albany Journal, on July 20, 1914, and also on the publication of the platform adopted by the Republicans in the last State campaign. The portion of the platform specified is that which charges the Democrats with gross abuses in administration and legislation during the four years they were in power.

For specifications to the charge that from 1898 to 1914 there had been co-operation between the Democratic and Republican organizations with regard to legislation, Mr. Roosevelt specifies as follows:

"The action of the State Senate in 1907 as to recommendations of Gov. Hughes for the removal of Otto Kelsey, Superintendent of Insurance.

"The action of the Legislature in 1911, relating to the building of State roads, known as expedited road legislation.

"The action of the Senate in 1913, with regard to charges against Stephen J. Stillwell.

"The action of the Legislature with regard to direct primary legislation at the regular and special sessions in 1913."

It is further added that "the defendant will claim the right to offer evidence as to legislation concerning the printing for the State, for the county of Albany and the city of Albany."

In answer to request for names of political leaders who are alleged to have been hostile to the franchise tax law, Mr. Roosevelt names Thomas C. Platt, William Barnes, Jr., Benjamin B. Odell, S. Fred Nixon, Jotham P. Allds, John Baines, David B. Hill, Thomas Grady, and Patrick McCarren.

In regard to times and places, when and where Mr. Barnes is alleged to have entered into agreements (or others with his knowledge entered into agreements) with regard to legislation or Executive action which should be favored or opposed, as it would affect the pecuniary interests of such contributors, Mr. Roosevelt says it was since 1896 and prior to Sept. 28, 1914. He gives the names of the parties with whom such alleged agreements were entered into as Anthony N. Brady, Robert C. Prayn, the Mutual Life Insurance Company, and the Equitable Life Insurance Company of New York.

Col. Roosevelt says that during the year 1899, and in the months of January and February, 1900, in the cities of New York and Albany, Barnes and Thomas C. Platt repeatedly urged upon him the retention of Louis F. Payn as Superintendent of Insurance.

The names of the "big moneyed men of both political parties, whose contributions to the organization in the past had been heavy, and who possessed so much influence in the newspapers and the business world that it was not safe to antagonize them," the Colonel frankly acknowledged that he is unable to give for the reason that Barnes "omitted to mention to the defendant when he made the foregoing statement concerning them."

It was, according to Col. Roosevelt on a railroad train between New York and Albany, and in January or February, 1900, that Barnes announced to him—then Gov. Roosevelt—"his unflinching support of Mr. Platt and Mr. Platt's opposition to the franchise tax and his opposition to the removal of Mr. Payn." He says that Tammany Hall and the Democratic organization was ready to, and did, work with the Republican organization in defeating the Agnew-Harte Racing bill in 1908 and the direct primary legislation in 1910. To these measures Mr. Roosevelt states that Barnes was in direct opposition.

Col. Roosevelt goes on to tell the times and places at which Barnes "strongly opposed the recommendation of Gov. Hughes." It was, he says, at the city of Albany and other places in the State of New York, and particularly at the State convention of the Republican Party, held in the city of Saratoga on or about Sept. 15 and 16, 1908. Mr. Roosevelt says that he himself urged the renomination of Gov. Hughes to Elihu Root, William Cocks, William Loeb, Barnes, Timothy L. Woodruff, Herbert Parsons, James S. Sherman, Frank H. Hiscock, William S. Bennett, Michael Dady, George Smith, and many others.

That Barnes was "very active in working for the defeat of the direct primary legislation from Jan. 14 to July 1, 1910," is another assertion in the reply. The Colonel states that Barnes conversed on this subject with various members of the Senate and of the Assembly and talked to a number of other persons in the City of Albany and elsewhere in the State, and also showed that activity in his paper, The Albany Evening Journal.

The Colonel says that he has no personal knowledge or information as to the exact time or where Mr. Barnes made any arrangements with Charles F. Murphy to the effect that the Republican members of the Legislature were not to interfere with the election

of a United States Senator, but that he is informed and believes this arrangement to have been made during the Winter or Spring of 1911, when the deadlock over the election of a Senator was in progress.

Mr. Roosevelt says that he will offer declarations made by Mr. Barnes himself in regard to the persons employed in the State Chairman's knowledge in connection with gambling houses in Albany, and says that he will prove by Edward B. Cantine of Albany that Mr. Barnes openly talked with Cantine while the latter was Commissioner of Public Safety, concerning the maintenance of places of ill repute in the city.

MORE PEALE FIRMS FAIL.

United-Editors' Association and Smaller Concern Go Under.

The United Editors' Association and the Educational Society, two more of the concerns of which Richard S. Peale is President, filed separate bankruptcy petitions yesterday. They had offices at 225 Fifth Avenue, where also the Americana Company and the Scientific American Compiling Company, the Peale concerns against which petitions were filed on Feb. 18, had their homes.

The United Editors' Association had \$99,103 of liabilities, of which \$65,834 was secured, and nominal assets of \$36,183. The company also owns \$30,000 stock of the Educational Society, and among its creditors are the New Netherland Bank, \$5,899; the Importers and Traders' Bank, \$36,023; the Public Bank, \$3,510, and the Guaranty Securities Company of Chicago, \$13,637, secured; the Bank of the Metropolis, \$5,175, all secured, and R. S. Peale, \$16,115. The company was incorporated in October, 1911, with \$250,000 capital stock.

The Educational Society, which had a capital of \$30,000, had liabilities of \$28,874 and nominal assets of \$91,985. Among its creditors are the J. J. Little & Ives Co., \$9,353, secured, and the American Bank of Richmond, \$15,350.

Judge Mayer appointed as receivers for the two concerns Francis L. Kollman and Rudolph E. Keller, who had been made receivers for the Americana Company.

APPOINTED BY BULL MOOSE.

Committee on the Constitutional Convention Announced.

The Progressive State Chairman, Walter A. Johnson, has appointed a special committee on the Constitutional Convention, of which Merrill E. Gates, Jr., of New York, is Chairman.

The other members of this committee are Bainbridge Colby, Oscar S. Straus, Virgil K. Kellogg, William H. Hotchkiss, Dr. Katharine B. Davis, Prof. Joel E. Spingarn, Lindon Bates, Jr., Charles J. Staples, Jesse Fuller, Jr., J. B. Coles Tappan, Mrs. Grace D. Van Namee, Judge William L. Ransom, James H. Merwin, Lawrence Abbott, Belle Israel Moskowitz, William Wirt Mills, Prof. Henry A. Sill, Hamilton Fish, Jr., Miss Alice Carpenter, Dr. George S. Hobbie, Beveridge C. Dunlop, Solomon Suffrin, Hugh Abbott, Mrs. Alice Clements, Dr. W. A. E. Cummings, Prof. Henry H. Howe, Alvah Fairlee, Lucius C. Tuckerman, Robert H. Elder, and William M. Chadbourne.

This committee will voice the protest of the Progressives against railroading through the Constitutional Convention, which meets on April 8, of a Constitution that will hamper future progressive legislation. The Progressives fear that an attempt will be made to put through a reactionary Constitution.

3,861,962 EFFICIENCY TESTS.

Pennsylvania Finds Rules Were Obeyed in 99.9 Per Cent. of Cases.

The Pennsylvania Railroad Company last year made a total of 3,861,962 efficiency tests, covering thirty-seven different classes of safety rules to which the officers and employes of the road are amenable. The compilation shows that there was strict compliance with the safety rules in 99.9 per cent. of the cases.

It is contended by the Pennsylvania that this record furnishes an explanation for the good record made on the road last year in its passenger service. Nearly 200,000,000 persons were carried over 26,000 miles of track in more than 1,000,000 trains without a single fatality in accidents.

The enginemen, who must observe flagmen's signals, made a perfect score in 18,203 tests. Stop signal tests were made 24,798 times, and in only thirty-four cases did employes fail to live up to the letter. In 113,747 tests of rules governing the handling of explosives and inflammables there were 314 infractions. There were four failures in 129,773 tests for obedience of the rule against trains leaving or arriving ahead of time.

EAST SIDE ACTOR BANKRUPT

Boris Thomashefsky Owes \$76,297 and Has Assets of \$21,900.

Boris Thomashefsky, the east side tragedian, filed a voluntary petition in bankruptcy in the United States District Court in Brooklyn yesterday. He placed his liabilities at \$76,297.65 and his assets at \$21,900. Thomashefsky lives at 549 Bedford Avenue, Brooklyn.

In his petition, Thomashefsky sets forth that of his liabilities \$10,500 is secured by mortgages on his homes at 549 Bedford Avenue and at Hunter, N. Y. An unsecured creditor is the Germania Bank of 190 Bowery, \$6,000 for a promissory note contracted jointly with Joseph Edelstein, Jacob P. Adler and Max R. Wilbur. The same amount is owed to A. L. Kass, a banker of 100 Essex Street, and to the Security Bank of New York for notes contracted jointly by the same persons. To Max Kobre, banker, of 41 Canal Street, is owed \$16,000 for judgment and notes contracted jointly with Edelstein, Adler and Wilbur.

Queens to Have a Dry Sunday.

A dry Sunday in Queens Borough is looked for today through activities of the State Excise Department, the Sunday Observance League, and the police. The saloon keepers have been notified by the Liquor Dealers' Association, the brewers, and also by the police, to keep their doors closed and their bars exposed and to refrain from doing any business.