PROGRESS ON RATE BILL.

ANTI-PASS AMENDMENT.

Mr. Allison's Demand Granted—May Offer Compromise To-day.

[From The Tribune Bureau.]

Washington, May 7.—The Senate to-day amended the Hepburn bill so as to make it a misdemeanor, punishable by a fine of not less than $100 nor more than $2,000, for any railroad engaged in interstate commerce to give passes, free tickets or free transportation to any one except officials and employes of the road, clergymen and inmates of charitable institutions.

Material progress was made toward an agreement on all the important amendments, so that the prospect of the bill being amended and passed by Republican votes has materially improved. When Senator Allison arrived at the Capitol this morning, having practically recovered from his recent indisposition, it was found that he was disposed to exact from the conservative Senators as a condition of offering his compromise amendment that provision be made in the Hepburn bill which would render it impossible for less than two judges of the Circuit Court to grant a temporary injunction or interlocutory decree, and that the retention of the words "in its judgment," contained in Section 15, be insured.

For a time the leaders were materially disturbed by the demand that further conditions should be prescribed as a part of the compromise, but some deliberation has apparently disposed of these obstacles. A careful canvass revealed the fact that the Hepburn bill already contains a provision bringing suits instituted under its authority within the purview of the so-called expedition act of February 11, 1903, which prescribes that cases under it shall be heard by not less than three judges of the Circuit Court. When this fact was demonstrated to the senior Senator from Iowa, he saw that the provision he had advocated was unnecessary and waived that point.

MR. ALLISON MAKES A CONDITION.

Senator Allison was also disposed to demand the incorporation in the bill of the Overman amendment, providing that not less than five days' notice shall be given to the defendant in a suit brought under the act before the issuance of a temporary injunction. This point he waived, however, on the agreement of the conservative Senators to retain the words "in its judgment." These words occur in Section 15, wherein it is provided that the Interstate Commerce Commission, having found the rate charged by a common carrier to be unjust, "shall determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates."

In the opinion of many of the ablest lawyers in the Senate, the inclusion of the words "in its judgment" constitutes a delegation of legislative discretion to the commission, and will menace the constitutionality of the most important section of the bill. Senator Dolliver, however, has determined that the words shall be retained, and, having failed in every other contention, he refused to yield this point, so that Mr. Allison decided to respect the views of his colleague and make the retention of the objectionable words a condition of offering his amendment and carrying through the compromise programme. The conservative Senators finally yielded the point, although with grave misgivings as to the effect on the constitutionality of the bill, and they will make no further effort to eliminate the words.

When Mr. Allison left the Senate early this afternoon it was with the understanding that he would offer his amendment to-morrow or Wednesday.

HITCH OVER ELKINS AMENDENT.

The knottiest problem which remains to be solved is that in the Elkins amendment, consideration of which was in progress when the Senate adjourned. This amendment provides that it shall be unlawful for any common carrier engaged in interstate commerce to engage directly or indirectly in the production, manufacture, buying, furnishing or selling of coal or coke or any other commodity, in competition with any shipper or producer on its line or lines. While on its face the amendment appears to be just and reasonable, it was pointed out by Senator Tillman that there were many instances where railroads had constructed lines into sparsely settled districts for the express purpose of transporting coal, lumber and other commodities from lands which were owned by the road; that no roads would have been constructed in these sections except for the possibility of the company's mining its own coal, cutting its own timber, etc., and that had this amendment been in force these roads would never have been built. Many other Democratic Senators and some Republicans oppose this provision as bound to work grave hardship in the less settled portions of the country. It will be observed, of course, that the provision applies only to roads doing an interstate business, so that it not only has no terrors for roads maintained wholly within a single state, but would give them a material advantage over competitors whose lines extend into other states. The amendment promises to cause considerable debate and the ultimate solution of the problem is in doubt. Before adjournment to-night five substitutes were offered for the Elkins amendment.

The Senate adopted to-day the Culberson substitute for the Foraker amendment, prohibiting the granting of rebates, passes, drawbacks or special rates to passengers on railroads, and also prohibiting discriminations in the way of accommodations where equal rates are paid. The Southern Senators immediately saw, or believed they saw, in this a menace to the "Jim Crow" laws which prevail in most Southern states. It called out warm protests from Mr. Bacon, Mr. Money, Mr. Culberson, and other Southern Senators. Mr. Money declared that he would not support the rate bill with a provision which raises the race issue. Mr. Culberson also contended for the elimination of that question, and offered a substitute accomplishing that result, which was adopted by a vote of 38 to 35, twelve Republicans voting with the Democrats.

Before taking up the Foraker amendment the Kittredge amendment relative to private cars was voted down.

After the adjournment of the Senate Senators Aldrich, Knox, Carter, Hopkins, Cullom, Fulton and Crane met in Mr. Aldrich's committee room. The conference lasted nearly an hour, and at its close Senator Aldrich said that the bill would be passed with Section 4 left just as it came from the House. One of the arguments that accomplished this result was the action of several Senators in pointing out that Senator Knox's rate bill authorized the commission to fix rates which "in its judgment" were just and reasonable, and that the same language appeared in the Massachusetts statutes.

EXPECT VOTE THIS WEEK.

Senators Discuss Rate Bill with President.

[From The Tribune Bureau.]

Washington, May 7.—Thirteen Senators visited the White House to-day and it is supposed that all discussed railroad rates with the President. The thirteenth, and the only Democrat on the list, was the venerable Senator Pettus, of Alabama, and he was the only one to utter a discordant note in what otherwise would have been a most harmonious chorus. All the Republicans were unanimous in the belief that the Senate was "out of the woods" so far as the Hepburn bill was concerned, and most of them said that the final vote would be reached before the end of the week. Vice-President Fairbanks said he expected to see the bill disposed of in the Senate in about a week. Whether the unusually large gathering was brought about by a happy combination of circumstances and they just happened to drop into the President's office to talk the subject over, or whether some of them received word that their presence was desired at the White House, was not made plain. At any rate, whatever the cause, before 11 o'clock the President had received calls from Senators Crane, Dolliver, Clapp, Hemenway, Carter, Burnham, Beveridge, Warner, Proctor, Flint, Perkins, Burkett and Pettus. Senator Carter, who was more communicative than most of the callers, said that although no great amount of progress had been made, there was a feeling of confidence among all the Republicans, and he had no doubt that a satisfactory agreement would be reached soon. Senator Dolliver declared that he was not attempting to stand in the way of a settlement, and it was a mistake to charge him with a reversal of form. "I'm just where I have been from the first," he said, as he was leaving the White House. "If the other fellows do not agree with me, it is not my fault."

Senator Pettus said that in his opinion the Allison amendment was a broad court review provision. "I have seen nineteen versions of the amendment thus far," said the aged Senator, "and every one of them was a broad court review affair. Maybe the twentieth will be the right one, and that will be a limited review amendment. But I am no prophet, and do not care to predict what it will look like."

Representative Hepburn, of Iowa, had a conference with the President in the morning, but said he could not talk for publication. "I will probably be one of the conferrees on the bill," he said, "and so do not feel at liberty to discuss it just at this time."

SLOCUM CLAIMS KILLED.

Government Not Responsible, House Committee Decides.

[From The Tribune Bureau.]

Washington, May 7.—"If the government should allow these Slocum claims," said Representative Beall, of Texas, before the House Committee on Claims to-day, "we would be liable for damages every time persons were killed in a cyclone of which the Weather Bureau failed to give proper notice. There is about an equal amount of responsibility on the part of the government in the two cases."

The opinion of Mr. Beall prevailed with the committee, and by a vote of 12 to 1 a motion to report the Sulzer bill providing for the adjudication of the claims of the Slocum survivors and the heirs of the victims was rejected. A substitute resolution offered by Mr. Clark, of Florida, providing that the bill be referred to the Court of Claims, with instructions to investigate all the facts attending the Slocum disaster and determine whether the negligence of government officials caused the disaster, was also voted down. Mr. Waldo, of New York, moved that the question be referred to the Committee on Appropriations, with a request that the claims be allowed on a basis of charity, but the committee did not favor the plan. Mr. Goldfogle, of New York, a member of the Committee on Claims, made a strong appeal for the Slocum claims, and cited the government's generosity in the case of the San Francisco disaster as an example to be followed in reimbursing the unfortunate sufferers from the Slocum fire. Members of the committee said the comparison was not applicable, as the Slocum claims were being sought because of the alleged responsibility of government agents for the disaster.

The action of the committee to-day puts an end to all chance of the Slocum claims being favorably reported at this Congress. The committee devoted several meetings to consideration of the bill, and when the hearings were given a large number of Slocum survivors came to Washington to state their cases. The decision of the committee is that the government cannot be held responsible for the Slocum accident.

TO PRESERVE NIAGARA.

Report of the International Waterways Commission.

Washington, May 7.—President Roosevelt to-day sent to Congress the report of the International Waterways Commission on the preservation of Niagara Falls. The report contains recommendations for the restriction of the amount of water to be diverted for power purposes, and suggests that the amount of water to be diverted be limited either by treaty or legislation. The limitation is placed at 36,000 cubic feet a second from the Canadian side and 18,500 cubic feet a second from the American side, in addition to 10,000 cubic feet a second authorized for the Chicago drainage canal. The report is in part as follows:

The commission has made a thorough investigation of the conditions existing at Niagara Falls, and the two sections have presented reports to their respective governments setting forth these conditions to which attention is invited. The following views and recommendations are based on a careful study of the facts and conditions set forth in these reports.

First—In the opinion of the commission it would be a sacrilege to destroy the scenic effect of Niagara Falls.

Second—While the commission are not fully agreed as to the effect of diversions of water from Niagara Falls, all are of the opinion that more than 36,000 cubic feet a second on the Canadian side of the Niagara River or on the Niagara Peninsula, and 18,500 cubic feet a second on the American side of the Niagara River, including diversions for power purposes on the Erie Canal, cannot be diverted without injury to Niagara Falls as a whole.

Third—The commission therefore recommends that such diversions, exclusive of water required for domestic use or the service of locks in navigation canals, be limited on the Canadian side to 36,000 cubic feet a second, and on the United States side to 18,500 cubic feet a second, and in addition thereto a diversion for sanitary purposes not to exceed 10,000 cubic feet a second be authorized for the Chicago drainage canal, and that a treaty or legislation be had limiting these diversions to the quantities mentioned.

The Canadian section while assenting to the above conclusion did so upon the understanding that in connection therewith should be expressed their view that any treaty or arrangement as to the preservation of Niagara Falls should be limited to the term of twenty-five years and should also establish the principles applicable to all diversions or uses of waters adjacent to the international boundary and of all streams which flow across the boundary.

The following principles are suggested:

First—In all navigable waters the use for navigation purposes is of primary and paramount right. The Great Lakes system on the boundary between the United States and Canada and finding its outlet by the St. Lawrence to the sea should be maintained in its integrity.

Second—Permanent or complete diversions of navigable waters or their tributary streams should be permitted for domestic purposes only and for the use of locks in navigation canals.

Third—Diversion can be permitted of a temporary character where the water is taken and returned again when such diversions do not interfere in any way with the interests of navigation. In such cases each country is to have a right to diversion in equal quantities.

Fourth—No obstruction or diversion shall be permitted in or upon any navigable water crossing the boundary or in or from streams tributary thereto which would injuriously affect navigation in either country.

Fifth—Each country shall have the right of diversion for irrigation or extraordinary purposes in equal quantities of the waters of non-navigable streams crossing the international boundary.

Sixth—A permanent joint commission can deal much more satisfactorily with the settlement of all disputes arising as to the application of these principles, and should be appointed.

The American members are of opinion that the enunciation of principles to govern the making of a general treaty is not within the scope of their functions; moreover, the jurisdiction of the American members is restricted to the Great Lakes system.

NEW CLAICHE EVIDENCE.

New evidence connecting certain members of the Police Department with malfeasance in connection with the Berthe Claiche murder case is said to be in the District Attorney's office. Police Commissioner Bingham laid the evidence before Assistant District Attorney Ely yesterday for action.

OIL TRUST PROSECUTION

ANOTHER STEP FORWARD.

Federal and Ohio Authorities to Work Together.

[From The Tribune Bureau.]

Washington, May 7.—Prosecution of the Standard Oil Company will probably be begun in Ohio by the federal and state governments simultaneously. Attorney General Wade H. Ellis of Ohio is in Washington conferring with the President and Attorney General Moody, with a view to ascertaining just what part in the programme the national government will play, and to avoid in advance, if possible, any crossing of wires in the legal operations against the corporation. Mr. Ellis called by appointment at the White House this morning, and in the afternoon came back with Commissioner James R. Garfield of the Bureau of Corporations. After the conference Mr. Ellis said that all danger of a clash between the national and state governments in the prospective prosecutions had been set aside.

"I am not at liberty to outline the steps we expect to take," said Mr. Ellis, "and all I can say is that I am here for the purpose of conferring with the President and Attorney General on matters pertaining to the oil business. I want to get all there is possible out of this for the people of my state. If the state laws have been violated by the Standard Oil or any other concern we want to secure its punishment and will do our best to visit that punishment upon it."

Commissioner Garfield said Mr. Ellis came to Washington to look over his report, in order to learn what cases of violations of the Interstate Commerce law the Bureau of Corporations has discovered in Ohio. The commissioner informed Mr. Ellis that the investigation had not disclosed any to his knowledge. The government officials will learn from Attorney General Ellis as much as they can about the Standard's violations of the Sherman anti-trust law, and when the time comes for active legal proceedings will probably receive considerable assistance from the state officials. Just how soon the suits will be pressed against the Standard is not indicated either by Mr. Ellis or Attorney General Moody, but no time will be lost.

CHANCELLOR DAY ATTACKS PRESIDENT

Head of Syracuse University Comes to Defence of Standard Oil Company.

[By Telegraph to The Tribune.]

Syracuse, May 7.—Chancellor James R. Day, of Syracuse University, to-day issued a statement attacking President Roosevelt for his attitude in the Standard Oil matter. He declares that of two kinds of anarchy the late practices of the President are the more dangerous.

He says that the President has no right, constitutionally or morally, to attack corporate or private business by name or court judges who decide cases in opposition to his views.

"I have no financial interest in the Standard Oil or the Sugar Trust or the great railways," said Mr. Day, "but an intimate acquaintance with some of their managers and the methods of their business for twenty years, wickedly misrepresented again and again in 'muck rake' magazines and the yellow press, forces me to the conviction that the President has been deceived and has done men, as high minded and true as he professes to be a great injustice by his 'amazing blunder.'"

John D. Archbold is one of the most liberal supporters of Syracuse University.

SAYS STANDARD EVADES TAXES.

Findlay, Ohio, May 7.—Tax Inquisitor Baker alleges that the Buckeye Pipe Line and the Ohio Oil Company, which, he asserts, are a part of the Standard Oil Company, have evaded taxation on property in Hancock County. The back taxes, he says, amount to $100,000.

BASIS FOR NEW CUBAN TREATY.

Work of Commercial Bodies at Havana Being Hastened.

Havana, May 7.—A sub-committee of a joint committee of all the commercial and industrial associations of Cuba has submitted to the full committee a report on the general basis for the negotiation of a new commercial treaty with the United States. It is understood the full committee approves of the report, which will be submitted to the commercial bodies on Thursday, May 10.

The report has not yet been made public, but it is understood that it asks for more favorable treatment for sugar, for which Cuba would be willing to give more favorable treatment to American cottons and food products. Senator Bustamente, who is chairman of the Senate Committee on Foreign Relations, which at present is considering the Anglo-Cuban commercial treaty, is a member of the joint committee, and it is considered significant that he is hastening the report of the joint committee before the Anglo-Cuban commercial treaty, which is opposed by practically all the large business interests, is reported to the Senate.

NEW YORKERS IN WASHINGTON.

Rumor of Developments in State Political Situation.

[From The Tribune Bureau.]

Washington, May 7.—There was a gathering of many New York political men in Washington to-day, and rumor had it that important developments might be looked for in the state situation. Ex-Senator Hiscock, accompanied by Francis Hendricks, former State Superintendent of Insurance, called at the White House, and later they were at the Capitol, greeting their friends in the Senate and House. They said they were here merely to renew old acquaintance and get in touch with things in Washington. W. C. Warren, state committeeman from Buffalo, had a talk with the President in the morning, and to-night attended Speaker Cannon's birthday party. Escorted by Representatives Parsons and Bennet, of New York, Ezra Prentice, member of the Rules Committee of the Assembly, went to the White House and talked with the President, who congratulated him on the work of the Assembly for the session.

NATURALIZATIONS MADE GOOD.

[From The Tribune Bureau.]

Washington, May 7.—Under the terms of a bill passed by the House to-day, introduced by Representative Bennet, of New York, more than one hundred and twenty-five thousand persons in the United States obtain unquestioned right to citizenship. The bill validates certain certificates of naturalization issued after the act of March 3, 1903, which fail to show that the courts issuing the certificates complied with the requirements of Section 39 of the act, but which were likewise lawfully issued. According to Mr. Bennet's statement in the House to-day, the citizenship of a large number of persons was made questionable by ignoring this section in the courts. The principal omission on the part of the courts issuing the certificates was failure to ask the applicant whether he was an anarchist. This question was required by Section 38 of the act, but, it is alleged, was frequently overlooked. The bill was favorably reported from the Committee on Immigration and Naturalization and passed by unanimous consent.

THE PORTO RICAN JUDGESHIP.

[From The Tribune Bureau.]

Washington, May 7.—President Roosevelt will announce within a few days the appointment of a United States district judge for Porto Rico, to succeed Judge McKenna. The choice lies between Charles W. Russell, Assistant Attorney General in the Department of Justice, and Bernard S. Rodey, formerly Delegate from New Mexico in Congress. Judge Russell's appointment is strongly supported by a number of prominent Porto Ricans, and will have the indorsement of the Porto Rican Commissioner in Washington. There is some doubt as to Judge Russell's willingness to surrender an office here to take a post in Porto Rico scarcely more lucrative. Mr. Rodey, who is now practising law in New Mexico, is an applicant for the judgeship.

BOY KILLED IN BOXING RING.

[By Telegraph to The Tribune.]

Sharon, Penn., May 7.—Harry McCarthy, aged eighteen, was killed in a preliminary bout to the fight between Tommy Feltz, of Brooklyn, and Jimmy Dunn, of Newcastle, Penn., here to-night. He went on with Harry Asbury and had the best of the fight, but ruptured a blood vessel in the brain. Feltz and Dunn fought three rounds and were stopped.

Telephone Duplication

Statement of New York Telephone Company.

Asked by a member of the General Laws Committee of the Assembly of New York, "If it is the desire of your Company to serve the public interest, why should you oppose a competing Company?" an officer of the New York Telephone Company, on April 4, 1906, said:

"We have no desire to assume an attitude of unconcern, but without regard to our own interest, I shall try to answer your question as you have put it. Even where real grievances exist a second telephone company is the most wasteful and ineffective regulator that the public can resort to. The advantages claimed for competition are a larger system, better service, fairer rates.

"In the cities of the United States having 150,000 population or more **the development is less where two companies operate than it is in such cities where only one company operates.** The cities which have **the best service at the least aggregate cost to the public** are unquestionably those where there is a unified service rendered by one company. Not one of the world's great cities has a **larger system** or a **more efficient service** than New York, or has given more convincing proof of the **reasonableness of its rates,** and its desire to satisfy its patrons, and deal fairly with the public.

"In no other business is so-called competition so burdensome and full of annoyance to the public. **The telephone is intended to bring people together. Two telephone systems in the same district divide them into separate groups.** Competition does not increase but lessens the usefulness of the facility. Unlike gas, electric light, water, or any other commodity, it is of the utmost importance that one secure his supply of telephone service from the same source as his neighbors and business correspondents. In the supply of these other commodities unification is highly beneficial; in the supply of telephone service it is absolutely essential. Where there are two companies the patron can not dispense with the service of one company by taking that of the other. **He must take both and submit to double charges and many vexations, or secure only a partial service.**

"Therefore, there is every reason, from the standpoint of public interest, for opposing in every proper way the establishment of a second company in New York City."

LATEST BIG HOTEL.

Many Special Features in the Belmont, Which Opens To-day.

The Hotel Belmont, at Park avenue and 42d street, the latest and one of the most elaborate of the hotels in this city, will be open this morning.

In decoration and furnishings the hotel is said to equal any in the city. In height it surpasses any hotel in the world. There are twenty-seven stories, making 368 feet. The foundation of the hotel is built upon solid rock and nearly ten thousand tons of steel form the skeleton of the skyscraper. Granite, limestone, brick and terra-cotta are the materials which clothe the frame. Four years elapsed between the laying of the first beam and the date of completion and several millions of dollars have been expended. There is a private entrance to the hotel from the subway, at the Grand Central Station.

A special feature there is the humidor, the largest in the world, and the only one of its kind. In this are contained a million cigars, boxed and open, and the guests may inspect any and every brand, if desired. Cigars of all sorts were on view yesterday. They ranged from the ordinary 10 cent cigar up to those sold at $5 each. Besides a special exhibition was a box of fifty cigars for the silver wedding breakfast of Emperor William II, having the imperial insignia on the labels. These are said to be priceless, and not for sale.

The color scheme of the corridors and parlors of the hotel is of dark red. Dark red velvet curtains hang from the windows, the furniture is in dark red and the rugs are of the same color. The lobby is reached by a broad flight of stairs and a mezzanine gallery runs around the offices. This gallery is supported by columns of variegated marble and caryatides modelled by Mrs. Harry Payne Whitney. In the rear, on the main floor, is the main restaurant. The mural and ceiling decorations are by M. Picard.

The management particularly points out that the hotel is as fireproof as it is possible to make any building. There is a minimum of wood and the floors throughout are of concrete. All of the woodwork has been fireproofed. Draperies and upholstery are the only food left for flames, but many of these, as far as possible, have been chemically treated.

The kitchen is said to be a triumph in modern culinary appointments. The cuisine, it is promised, will be of the highest type, and the wine cellars have been well stocked.

B. L. M. Bates, the proprietor of the Hotel Belmont, also conducts the Murray Hill Hotel, a block away. He is also associated with his father, William Bates, in the management of the Everett House.

At a dinner given by the management last night to friends, following a private view, George H. Daniels, of the New York Central Railroad, announced that the new hotel would begin its official existence to-day with 400 permanent guests. August Belmont was one of the speakers. He said the hotel was not of design, but of necessity. In other words, it had to be built. The Interborough Company needs the site for an easement of the subway, and obtained part of it from the New York Central Railroad on condition that a hotel should be built on it. Martin W. Littleton took "easement" for the cue to his speech, and remarked that some one should find an "easement" for Brooklyn; that it was gradually becoming an abutment for bridges, and altogether was a "benumbed borough." There were about 400 at the dinner, including Mr. Belmont, Mr. Littleton, Frederic Watrous, Otto M. Eidlitz, John A. Sleicher, Herbert F. Gunnison and George W. Wickersham.

UNHAPPY WIVES ANGRY.

Ask Why Supreme Court "Butts in" on Divorce Proceedings.

[By Telegraph to The Tribune.]

Kansas City, Mo., May 7.—There were many disappointed women in the District Court room in Kansas City, Kan., to-day. They had come hoping to get divorces, but the recent divorce decision of the United States Supreme Court caused Judge Moore to announce that he would not grant divorces in which publication service was relied upon unless the person asking the divorce could show a good cause of action and that every effort to find the defendant had proved ineffectual. Eighty-five cases were continued and five were dismissed.

As the women left the courtroom one of them was heard to say:

"Pshaw! I think it's a shame. I don't see what the Supreme Court wanted to 'butt in' for anyway."

KEPT PROMISE TO KILL WIFE.

Newport News, Va., May 7.—Pulian Pavlinie, an Austrian, to-day entered the police station in this city and announced that he had killed his wife by shooting her seven times in the head while she slept. He declared that his wife was discharged from an asylum in February last and that he took her life in compliance with a promise that he do so rather than have her return to the institution.

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L. E. JULIAN ARRESTED.

Former M. S. R. Investigator Charged with Grand Larceny.

After John Doe proceedings extending over several weeks, to see if a warrant should issue in the case, Louis E. Julian, of No. 76 West 83d street, proprietor of a private detective agency and former investigator for the New York City Railway Company, was arrested in the Tombs police court, yesterday afternoon, on a charge of grand larceny. It is alleged that he swindled the Imperial Hotel out of $50 by a bad check. Frank H. McConnell, of No. 482 Fifth avenue, Brooklyn, an employe of the Imperial, appears in the papers as complainant, and among the witnesses are F. H. Wiggins, treasurer of the hotel, and Francis Judson, of Ardsley, N. Y.

Julian was held in $1,000 bail for examination to-morrow. He was already under $500 bail for further examination on the charge of making false statements to a local newspaper in regard to a case in which the New York City Railway Company was defendant, and examination on this charge has been set before Magistrate Steinert for May 14.

Robert L. Turk, the lawyer who admitted during the investigation of the charge of making false statements against Julian that he was partly responsible for the statements alleged, was in court yesterday, expecting to be placed in custody, as Magistrate Wahle had indicated that he might decide to hold Turk with Julian. He did not make such a decision, apparently, as nothing was said to Turk, and he left the court afterward. It is said that Magistrate Wahle is not yet ready to proceed against Turk.

When Magistrate Wahle issued the warrant for Julian, the prisoner was formally placed under arrest by Roundsman Quinn. His lawyers were surprised by the magistrate's action, and asked for an adjournment to prepare their case.

LEADER OF HOLY ROLLERS SHOT.

Seattle, May 7.—Frank E. Creffield, leader of the religious organization known as the Holy Rollers, was shot in the head and instantly killed to-day in First avenue by George Mitchell, a laborer. Mitchell, when arrested, asserted that his two sisters had been wronged by Creffield. Creffield and his wife were walking down the avenue when Mitchell, who had been following them, addressed a remark in a low tone to Creffield. Instantly following this Mitchell shot Creffield.

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SLOT MACHINES OUT OF SUBWAY.

Ward & Gow Company Removes Them Under Protest, from Lower Broadway.

A statement was issued yesterday by the Interborough Rapid Transit Railway Company to the effect that the slot machines were put in the lower Broadway stations by Ward & Gow entirely on their own responsibility, the superintendent of the Interborough company taking their word for it that they had permission.

Both Messrs. Bryan and Hedley were on an inspection tour through the New York and Long Island tunnel yesterday morning and did not know of the circumstance. George H. Clarke, of the Interborough company, after learning that the permission had not been obtained by Ward & Gow, ordered the machines, twenty-six in all, taken out. They were removed, under protest, by Ward & Gow. Later in the day August Belmont informed President Orr of the Rapid Transit Commission that the company knew nothing about the installation of the machines below Fulton street until yesterday, and that the company was not interested in having the machines there.

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