

REBATING THE CHARGE.

Case Similar to That Brought Against New York Central.

The trial of the Delaware, Lackawanna & Western Railroad, charged with having violated the Elkins law in granting rebates on sugar shipments to the American Sugar Refining Company, was begun yesterday before Judge Hough and a jury in the Criminal Branch of the United States Circuit Court.

The jury, which was obtained with comparatively little trouble, is headed by Alfred Nelson, a tailor. John R. Stanchfield, special counsel for the Lackawanna, has admitted that the sugar shipments named in the indictment were shipped on the defendant road as charged, and has thereby saved the government the trouble of calling witnesses to prove this initial contention and has shortened the trial.

Mr. Stanchfield, who is being helped in presenting the defense by W. S. Jeny, general counsel for the railroad, and Professor Collins, formerly dean of the Cornell Law School, opened the proceedings by asking that a verdict in the defendant's favor be immediately returned, because the indictment did not say that the alleged rebates had been paid "knowingly," a point the Elkins law required, he said.

The government is represented by United States Attorney Stimson and Assistant United States Attorneys Henry A. Wise and J. W. Crimm. Mr. Wise made the opening argument for the prosecution. After outlining the provisions of the Elkins law, he said that the evidence would show that the trust, under the guise of lighterage fees, had obtained rebates of one cent a hundred pounds during 1902, 1903 and 1904 on all sugar shipments to Buffalo, and two cents a hundred pounds on all shipments beyond that city.

Mr. Wise said, with the knowledge of President Theodore, Vice-President Caldwell and Traffic Manager F. Thompson, the sugar company, through the aid of the defendant, had secured a rebate of one cent a hundred pounds on all sugar shipments to the road's station, a greater distance than to his own piers. He sustained a claim for lighterage profits by the sugar company, and 1900 was not allotted any of the sugar traffic because it had no station facilities in New York.

In the latter year, the statement says, the road acquired a Brooklyn terminal and secured one per cent of the traffic. Mr. Palmer carting the shipments to the road's station, a greater distance than to his own piers. He sustained a claim for lighterage profits by the sugar company, and 1900 was not allotted any of the sugar traffic because it had no station facilities in New York.

"ON THE DANGER LINE."

President of Seaboard Says Roads Are Near Receivers.

Atlanta, Ga., March 11.—The railroads of the country have now reached the financial danger line on account of the legislation which has already affected their income, and which promises to still further impose reductions and penalties. Railroads so affected will not be able to pay operating expenses and interest on their bonds if present conditions continue.

Such was the statement made to-day by President Garrett of the Seaboard Air Line Railroad Company in Atlanta. "The antagonism of the people," he continued, "has reached such a degree that legislation is being enacted which will make it impossible for railroads to meet their operating and maintenance expenses and the interest on their bonds. The roads have already reached the danger line. They cannot continue to be operated when revenues are cut down below earnings."

"When we sell a thing for less than it cost us we cannot continue operations. When legislation makes a certain reduction it takes that much of our revenue away. Roads cannot make improvements when earnings are cut down. To make improvements requires new facilities, and these cannot be secured when financiers hesitate for fear of losing the interest on their investments. For seven months of the fiscal year the Seaboard Air Line Company has been unable to make expenses and meet interest on its bonds. This has been true of the Atlanta & Birmingham division of the Seaboard Air Line, since it was opened for service three years ago."

BIG NEW TELESCOPE.

Funds for 24-Inch Instrument Given to Swarthmore by Alumnus.

Philadelphia, March 11.—Announcement was made to-day by President Swarthmore of Swarthmore College, Pottsville, Pa., an alumnus and a member of the board of managers of the college, had given Swarthmore funds to obtain a telescope which will be as large as any in the Eastern part of the United States and will rank next to the Lick instrument in California and will be twenty-four-inch in diameter and will be erected, together with other astronomical apparatus provided by Mr. Sproul, in a new observatory to be built upon the college grounds at Swarthmore, eleven miles from the city. It will take about two years to build the new telescope.

HAMBURG-AMERICAN LINERS RENAMED.

The new steamers of the Hamburg-American Line that are to enter the service during the present year have been renamed President Lincoln and President Grant, instead of the Berlin and the London as a number of the Pennsylvania Senate for ten years ago, the author of an important legislation.

Art Exhibitions and Sales.

"Last Days and Evenings of Exhibition."

AMERICAN ART GALLERIES

Day 9 to 6 Evening 8 to 9:30 MADISON SQUARE SOUTH NEW YORK CITY ON FREE VIEW DAY AND EVENING

Very Important Art Events To Take Place This Week

Notable Paintings BY THE GREAT MASTERS and Imperial Art Treasures

"Seldom if ever seen outside of the Forbidden City." At Unrestricted Public Sale On Friday Evening at 8:15 o'clock At Mendelssohn Hall

Highly Valuable Paintings and Water Colors

NOTABLE EXAMPLES OF Alma-Tadema, Turner, Beechey, Old Crome, Schreyer and Bouguereau.

Very Fine Examples by the Modern Dutch Artists

Several Important Old Masters And Excellent Examples of The Early English and Modern French Schools.

Also at Unrestricted Public Sale On Saturday Afternoon at 2:30 o'clock At the American Art Galleries

The Chamot Collection Extraordinary Chinese Objects of Art

Treasures, Relics and Curios that had formerly belonged to members of THE IMPERIAL HOUSEHOLD

THE SALES WILL BE CONDUCTED BY MR. THOMAS E. KIRBY OF The American Art Association, Managers, 6 East 23d Street, Madison Square South

NEW HAVEN MAY BID.

Rumor That It Would Like to Have Lexington Avenue Contract.

Mayor McClellan and his colleagues in the Rapid Transit Commission and Board of Estimate and Apportionment plan to let the contracts for the Lexington avenue, the Seventh and Eighth avenues and the Bridge loop subways before the law is changed turning the franchise going power to the Public Utilities Commission, as proposed in the Page-Merrill bill. While it is not certain that there will be a new commission to handle local franchises, the members of the Rapid Transit Commission are shaping their plans with the idea of getting all important work now in hand out of the way.

There will be a special hearing on the Seventh and Eighth avenue form of contract on March 23. The contract will go to the Board of Estimate and Apportionment on March 28. On April 4 it is expected that the contract will be finally approved by the Rapid Transit Commission, and that the advertising will be begun on April 5. At the expiration of six weeks of advertising, or about May 15, the bids will be opened.

It is hardly probable that the Public Utilities bill will get through the Legislature much before the latter part of April. It is to take effect thirty days after it becomes a law. This will enable it to get in motion in the Lexington avenue contract. The New Haven people, more than a year ago, bought a large plot of ground south of the New Haven River to build a new subway. When the subway company may use the site for a railway terminal. The ground is immediately over the Pennsylvania tracks, it is assumed that the New Haven is getting ready sooner or later to use the site for a distributing point at 32d street, where Third and Fourth avenues meet. The plan of talk about the New Haven wanting the Third avenue route. That route is to be a third avenue route. That route is to be a third avenue route. That route is to be a third avenue route.

CONVICTED OF STEALING JEWELS.

Edward A. Vance was convicted yesterday in the County Court, Brooklyn, of stealing \$1,500 in jewelry from Miss Elsie Schlegel, daughter of William Schlegel, who lives at Third avenue and 72d street, in the Bay Ridge section. Vance was arrested for bigamy a few weeks ago, having married Miss Schlegel while possessing another wife. After the arrest, Miss Schlegel charged him with taking the jewelry. He was indicted on both charges. When arraigned upon the indictment he pleaded not guilty to both. He will be tried for bigamy next week.

NEW ITALIAN SHIP LAUNCHED.

Bolognese, Hartford & Co., general agents for the La Vedove Navigazione Italiana a Vapore, are in receipt of a cable from the home office, in Genoa, informing them of the launching of the new twin-screw steamer Europa, at the Florio shipyards, at Palermo, Italy. Her excellency the Marchesa di Belmonte, who is the sponsor of the vessel. The importance of this event was heightened by the fact that this ship was built at Palermo and this marks the beginning of a greater industrial activity in Southern Italy. The Europa was built expressly for the New York service. She is scheduled to sail from Naples on May 7 on her maiden trip.

RAISE HAVILAND'S BAIL.

Threatening Crowd at Scranton—His Troubled Career.

Scranton, Penn., March 11.—Surrounded by an angry crowd, James T. Haviland, of New York, would probably have been seriously injured had not Alderman W. S. Miller commanded the police to "shoot any man that lays a hand on my prisoner." This order came after there had been cries of "lynch him!" "You dirty skunk!" "Let's fix him!" etc.

Instead of two warrants, there were fifty against Haviland when he appeared at the alderman's office to-day. He again waived a hearing and was for the second time paroled in the custody of the constables. To-night his bail was increased from \$25,000 to \$34,000. He says that he will settle to-morrow.

James T. Haviland has had a brief and troubled Wall Street career. His entrance into the financial district was as a bookkeeper for the Stock Exchange house of Wardwell & Adams, No. 2 Wall street. He left the service of that firm to become secretary of the Blanchite Company, a paint-making concern, which was promoted by Frank C. Hollins and was incorporated in Maine early in 1906, with \$4,250,000 authorized capitalization. The Blanchite Company went into bankruptcy last October, and in the next month Haviland started in business for himself at No. 29 Broad street, under the style of J. T. Haviland & Co.

He sent out large quantities of circulars, inviting those to whom they were addressed to send \$100 or more each, to be invested in such stocks that quick and ample profits would be secured. The responses were numerous, and the business was moving along nicely when the postoffice authorities brought it to a sudden halt by ceasing to deliver Haviland's mail to him. Haviland retained an attorney and hastened to Washington, where, on his promise to abstain from doing a discretionary account business, the Postoffice Department rescinded the order prohibiting delivery of mail to him.

Then Haviland associated himself with Aquila Rich, a member of the Consolidated Stock and Petroleum Exchange, with offices at No. 43 Exchange Place. The management of the exchange did not look with favor upon that arrangement, and Mr. Rich terminated the connection. Haviland going back to his office at No. 29 Broad street. Mr. Rich said yesterday that his only business connection with Mr. Haviland had been that the latter had dealt in stocks through him.

MERCHANTS SUPPORT BINGHAM BILL.

The Merchants' Association of New York has entered the field in support of the Bingham police bill and has sent out letters to about a hundred and twenty thousand business men of this city asking their support of the bill. The letter calls attention to the fact that at present grave evils characterize the Police Department and says the only means of overcoming them is to obtain the passage of Commissioner Bingham's bill. The letter also asks that the merchants write a brief letter to Hon. George White, chairman of the Senate Committee on Affairs of Cities, approving the provisions of the bill and urging its adoption by the Legislature.

DRY GOODS. DRY GOODS. DRY GOODS. DRY GOODS. R. H. Macy & Co.'s Attractions Are Their Low Prices. Macys HEARIN

FURNITURE Mission, Reed, Rattan, Willow, Natural Birch and Silver Birch for Summer Homes. THE ANNUAL EXHIBITION

IMPORTANT SALES CHINA AND GLASSWARE—Continuation of the Semi-Annual Sale. HOSIERY—Men's and Women's Spring Hosiery Close to Half Regular Prices.

APPAREL—Sales of Spring Model Outerwear for women, misses and children. Also Women's Underwear and Corsets.

FABRICS—Displays and Sales of Spring Dress Goods, Black and Colored Silks, White Goods, Laces and Embroideries.

MILLINERY—Early Showing of Dress and Street Hats and a Balcony Sale of Trimmed Hats at prices under \$12.24.

DRESS SILKS 1st Fl. Present displays embrace a complete range of the newest weaves and colorings in Plain and Fancy Voiles, Bordered Voiles, Broche and Blocked Effects; also complete lines of Staple Silks.

Men's Suits and Overcoats Made-to-Measure 5th Fl. Extensive assortments of new suitings, both domestic and imported fabrics of the best sort, are ready for the inspection of men who want their garments fashioned to order.

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Gala Week in Ribbons A Sale of the Newest, Loveliest, Most Fashionable Ribbons—At 1/3 Off Regular!

Worth .10 Worth .12 Worth .15 Worth .18 Worth .20 Worth .25 Worth .30 Worth .35

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