

MONOPOLY IN ASPHALT. CHARGE IN AHEARN CASE.

Witness Says Only Barber Company Could Do Paving.

(By Telegram to The Tribune.)

Albany, Sept. 30.—By the insertion in the specifications governing the asphalt repaving of a clause prohibiting the use of asphalt made from oils in the Borough of Manhattan, the A. L. Barber Asphalt Company has a monopoly on the asphalt market in Manhattan, according to the testimony of James W. Howard, an expert engineer, who was on the stand during the morning, afternoon and night sessions of the hearing by Governor Hughes of the charges against Borough President John F. Ahearn, of Manhattan.

The hearing will be continued each day this week, so as to close it, if possible, this week. Messrs. Spencer and Strong, for the City Club, showed through Mr. Howard that the change of the clause in the specifications made by the Board of Estimate and Apportionment in 1904 practically left the Bermudez asphalt, for which the A. L. Barber company is agent, without competition. Mr. Howard said other competing companies were excluded by this clause. He said, however, other companies were laying asphalt, but he believed they were doing it without living up to specifications.

"Has one company a monopoly on this asphalt?" asked the Governor. "Yes, sir," said Mr. Howard. Mr. Howard said that asphalt could be laid in winter and that it was done in several cities. Mr. Littleton tried to show that Mr. Howard recommended the adoption of clause 61, in regard to the use of asphalt made from oils. The witness said he made a recommendation in regard to the use of asphalt made from oils, but that it was not the one in clause 61.

Mr. Littleton showed that, according to the provisions of the First Avenue paving contract, the Borough President could not order it resurfaced at the expense of the contractors, as was asserted by some in certain quarters.

He also tried to show that witnesses had a grievance against Mr. Ahearn because a bill presented by Howard for work performed for the city was not approved, because Howard had not been authorized to do the work. Mr. Howard said the condition of First Avenue was due to carelessness and neglect.

DINNER AT THE NEW PLAZA HOTEL.

It Is Given by Lessee and House Will Be Open for Patrons To-day.

The new Plaza Hotel, at Fifth avenue and 59th and 68th streets, was formally opened last night with a dinner which Frederick Sterry, the lessee, gave to about one hundred invited guests. To-day the regular will be placed on the desk and everything will be ready for the reception of patrons.

This latest addition to the already numerous large hotels in Manhattan opens under unusually auspicious circumstances, for among the persons who have engaged suites for the year are some whose names are well known in social and financial circles, many of whom have heretofore always occupied their own houses. Among these are Alfred G. Vanderbilt, George J. Gould, Mr. and Mrs. Oliver Harriman, Mrs. James Henry Smith, John A. Drake, Mrs. Young Hayworth, of Chicago; Wallace Shillito, formerly of Cincinnati, and John W. Gates, whose apartment consists of sixteen rooms. The new Plaza is an eighteen story structure of marble and glazed brick, and has eight hundred living rooms, which, under the apartment plan, will house six hundred patrons. Its construction embodies everything modern in hotel architecture and presents some new ideas. Throughout the house there is noticeable the artist's work in the beauty of the decorations and the practical hotel man's part in the convenience of the arrangements.

TRUE BILLS RETURNED.

Beginning of Indictments in Pennsylvania Capitol Cases.

Harrisburg, Penn., Sept. 30.—True bills against seven of the fourteen defendants in the Capitol prosecutions were returned in three of thirty-two suits by the Dauphin County grand jury to-day.

The remaining twenty-nine cases will be taken up to-morrow, and there is reason to believe that true bills will be returned in all of these.

One of the cases in which a true bill was returned is that charging John H. Sanderson, contractor; Joseph M. Huston, architect; James M. Shumaker, former Superintendent of Grounds and Buildings; William P. Snyder, former Auditor General, and William L. Mathews, former State Treasurer, with conspiring to defraud the state by a fraudulent invoice of \$13,377 worth of furniture. These same defendants also were indicted on a charge of having conspired to defraud the state by \$2,519 by fraudulent invoices for chandeliers.

The same defendants also were indicted with George P. Payne and his partner, Charles G. Wyster, builders of the Capitol, on a charge of conspiracy to defraud the commonwealth of \$257,064 by a fraudulent bill for painting and decorating the Senate and House chambers and the dome. The allegation of the state was that this work was done only once, and that the state paid for it once to Payne & Co. and once to Sanderson.

All the defendants are charged with conspiracy, and in addition four are charged with obtaining money by false pretences. As soon as the grand jury disposes of the cases Judge Kunkel will fix the date for the trials.

R. N. WHITTEN FOR P. S. LIBRARIAN.

Albany, Sept. 30.—The State Civil Service Commission to-day announced that Robert N. Whitten, sociological librarian at the State Library, had passed the competitive examination with 100 per cent for librarian and statistician for the Public Service Commission in the 1st District. The salary of the place is \$3,600. Only one other candidate passed the examination.

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Bulletin. GETTYSBURG AND WASHINGTON.

Few spots in America are more interesting than the Gettysburg Battlefield. It is the most elaborately and accurately marked battleground in existence. More than five hundred memorial shafts and nearly five hundred tablets show the positions and movements of the contending forces. Over \$7,000,000 have been expended in marking this historic field.

A six-day personally-conducted tour, including carriage drives over the Gettysburg Battlefield, explanatory lectures by a competent guide, and a review of the principal Government buildings and points of interest in Washington, leaves by special train on Saturday next, October 5, via the Pennsylvania Railroad.

Round-trip tickets, covering all necessary expenses, will be sold at rate of \$22 from New York, and at proportionate rates from other points.

Detailed itineraries will be furnished by Ticket Agents on application.

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DEFEND STATE COURTS.

Attorneys General in Meeting Ask Curb on Federal Judges.

St. Louis, Sept. 30.—A strong desire to do away with the conflict of jurisdiction between state and federal courts, and as one of the phases of that, to restrict the power of federal courts in their dealings with affairs pertaining wholly to a state, seemed to prevail at a convention of attorneys general or assistants from thirteen states at the Southern Hotel to-day.

Most of the trouble was traced to the Fourteenth Amendment to the Constitution by Attorney General R. V. Fletcher, of Mississippi, who said he did not see why it should not be repealed, as it did no good for the negroes, for whom it was originally passed, and succeeded only in embarrassing state courts.

The following papers were read and discussed to-day: "Anti-Trust Laws," Jewel P. Lightfoot, Assistant Attorney General of Texas; "Railroad Rate Legislation," Herbert S. Hadley, Attorney General of Missouri, and "Conflict Between State and Federal Courts," Edward T. Young, Attorney General of Minnesota.

Mr. Lightfoot maintained that the federal government should amend its laws on the following points: Reduction of tariff on all necessities; prohibition of interstate transportation of goods made by trusts; use of the mails forbidden to trusts and monopolies when convicted as such; more severe penalties for rebates and preferential tariff. Attorney General Hadley then said, in part:

"That it is the right of state and national governments to regulate freight and passenger charges has ceased to be a question of controversy. A railroad corporation exercises some of the attributes of sovereignty as a necessary incident to its operation, and as a consequence it comes to the public an impartial and fair discharge of all the powers conferred on it.

Men who associate themselves together to operate railroads have neither a legal nor a moral right to receive more than a reasonable return on their investment. The amount of such return is a question that has not yet been thoroughly settled by the decisions of the courts. It is a question of public interest, and it is one which the public has a right to have decided by the legislative power of the state.

Manly railway freight rates made by a state legislature in the hurry, excitement and inaccuracy of the present session, are not only unfair to the railroads and to shippers, but they are also a better done by a non-partisan, non-selective administrative board, the members of which have expert knowledge of the questions with which they deal. Peculiar interest was given the paper on "Conflict Between State and Federal Courts" by Attorney General Young of Minnesota, by the fact that he expects to be arrested on his return to Minnesota in connection with a contempt case arising out of conflict between courts. Chairman Hadley announced that Mr. Young had received a special dispensation to come to St. Louis. Numerous approval greeted Mr. Young's statement that the most trouble arose from the exercise by federal courts of powers which the founders

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For Porto Rico Steamship of the Red Star Line will call from Pier 11, near Wall St. Perry, Brooklyn, for San Juan, Puerto Rico, on Saturdays, Sept. 29, Oct. 6, 13, 20, 27, 34, 31, 7, 14, 21, 28, 30.

RED "D" LINE For La Guayra, Puerto Cabello, Curacao and Maracaibo via Curacao, calling at St. Thomas, P. R. Sa. Curacao, Sa. Philadelphia, Sa. Saturday, Oct. 12 noon Sa. Philadelphia, Sa. Saturday, Oct. 20 noon Sa. Philadelphia, Sa. Saturday, Oct. 27 noon Sa. Philadelphia, Sa. Saturday, Oct. 3, 10, 17, 24, 31, 7, 14, 21, 28, 30.

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