

WHITRIDGE'S HOT SHOT

AT P. S. COMMISSION.

Tells How He Built a Railroad Loop Without Permission.

Before the cigars had been long lighted by members of the City Club, after its luncheon yesterday, smoke from another source appeared. William G. McAdoo, president of the Hudson Tunnel Company, was announced as the principal speaker, but it is a speech to be judged by the discussion it calls forth than that of Frederick W. Whitridge, receiver of the Third Avenue Railroad Company, was the feature. Sparks flew upward from different corners of the room, and speakers acknowledged that Mr. Whitridge had blown them into being.

Mr. Whitridge was the first speaker, and the first thing he said started the fire. "When I was appointed receiver of the Third Avenue Railroad Company, about a year ago," he said, "I didn't know any more about the transit business than an expert of the Public Service Commission. I am not absolutely sure that I know it all, even now."

Commissioners Malthe and McCarroll were present, and tried to appear as though they did not know they were being looked at by several hundred eyes. There was some laughter. Mr. Whitridge, smiling just a hint of a smile, continued: "A man must, however, eat to do good work. A member of the Public Service Commission has just told me to-day that this is the fourth lunch he has had this month. What can you expect from a payroll standing around. That kind of thing comes high. The unfortunate capitalist deserves a great deal more sympathy than he gets."

Then Mr. Whitridge told with careful detail how he had brought to take matters into his own hands and build a loop at Fort George. He said that he had written to the Public Service Commission, and received no reply. When he sat down the applause was ringing and prolonged. Homer Folks presided. There were two members of the Public Service Commission present, he said, who, as such, had been assured that they would not be called on. However, he said, both commissions, by a happy coincidence, were members of the City Club, and, as such, he called first upon Mr. R. Malthe. Mr. Malthe replied that he wished it understood that such summary methods of "going ahead" with railroad construction as Mr. Whitridge had adopted, without due warrant of law, must stop.

"Persons have been sent to jail for proceeding before getting a franchise," he said. "The law of the state of New York has prescribed that certain formalities be gone through with before a franchise shall be granted. This law of the state of New York is just as binding upon a receiver of a federal court as upon any one else. No extension shall be granted until a franchise has been secured, and that built until a franchise has been secured, and that the law distinctly says. Yes, the people are given to magnifying the value of activity just for its own sake. We admire a man who gets things done. However, either it is not necessary to obey the law or it is. The Public Service Commission has been established to ascertain the facts and deal fairly all round."

Mr. Whitridge arose and said that the trouble with the Public Service Commission as a whole was that it continually suffered under a delusion that the law was an exact science. No two men that he had ever seen, he said, could extract the same meaning from a given statute of the law. "The commissioner mentions jail," said Mr. Whitridge. "You see, he doesn't give me the credit for having tried to have a valuable personal opinion formulated by me through this case. There is as to what the law may mean. The possibility that a real difference of opinion may exist between two men, both of whom are trying to observe the law."

He told a story of a tourist who wanted to be introduced at court in China, and who asked that, in view of the fact that he was from a Democratic country, the ceremonial embroidery be omitted. "You can't get along without the law," Mr. Whitridge said, "and the possibility that a real difference of opinion may exist between two men, both of whom are trying to observe the law."

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Mr. Whitridge intimated that there was doubt about whether he was a good railroad man, Mr. McCarroll said. "Mr. Whitridge is a fine railroad man. He seized the loop around Fort George without the title of law. That is just the kind of thing that all of the very best railroad men have been doing from time immemorial. Mr. Malthe has a real right to mention it, but why add my testimony that such things must stop."

Mr. Whitridge made no promises, and at this point asked the way to the elevator and departed.

LONG LOST MAN RETURNS.

Edward P. Fitch, Who Disappeared for a Time, Says He Needed Rest.

Edward P. Fitch, secretary of the State Insurance Company, of Iowa, whose failure to inform his relatives in this country of his itinerary while traveling through Europe caused the consular service to do some searching for him, arrived here yesterday from Naples in the first cabin of the Cunarder Pannonia.

Mr. Fitch seemed to treat the matter of his disappearance lightly. He said he preferred to leave the story untold, adding that the American Consul at Naples knew the circumstances and had promised to keep them secret.

"For five years I have been working with my nose to the grindstone, and no one could need a vacation much more than myself," said Mr. Fitch. "When I left Iowa it was with the intention of staying away for some time. I understand that I should have written home oftener than I did, and regret the trouble that I caused the diplomatic service."

Mr. Fitch and several friends on board issued a daily paper called the "Pannonia Mercury." The publication, it is said, contained some jokes on passengers. After some of the jokes were translated for the Count Hieronymus Pichler, who is engaged to become engaged and engaged in a worthy warfare with the editors. The argument brought about a challenge for a duel, but it was not recorded that the count was willing to take on all the Americans involved. Captain Irvine, who acted as peace-maker, threatened that he would put all duellists under lock and key.

MR. HARRIMAN MAY RETURN ON YACHT. The steam yacht, Sultana, owned by E. H. Harriman, sailed from here yesterday, bound for New Orleans. Mr. Harriman is now on the Pacific Coast and, it is expected, will board his yacht at New Orleans for the trip home.

GOVERNOR SIGNS TENEMENT BILL. Albany, March 26.—Governor Hughes to-day signed another of the series of the consolidated laws. The new law revises the tenement house statutes.

SUPERFLUOUS HAIR.

Dr. Ainsworth, the Prominent Physician, Says: "I can truly say that I consider DeMitrace the only reliable preparation on the market for the removal of superfluous hair. I have used many preparations for that purpose, but none gave me satisfaction until I tried DeMitrace, but in it I find a preparation that will do all that is claimed for it by the manufacturers and which gives perfect satisfaction in all cases."

BAR GREETED JUDGES

NINE HUNDRED PRESENT.

New York County Lawyers' Association Entertains Appellate Division.

The New York County Lawyers' Association held its first annual dinner at the Waldorf last night, at which nine hundred members were present. In the words of the venerable ex-Judge John F. Dillon, who presided, it was "the largest meeting of this character that ever assembled in this imperial city."

Ex-Judge Alton B. Parker was toastmaster, and introduced as speakers Edward Patterson, presiding justice of the Appellate Division, First Department; Edmund Wetmore, president of the Association; Judge Gray, Yamm and Werner, of the Court of Appeals; ex-Judge Parker, ex-Judge Dillon, Justice Truax, United States Judge Lacombe and Edmund Wetmore.

It was a few minutes before 10 o'clock when the overflow diners in the Astor Gallery came into the ballroom, where the guests of honor and the larger portion of the members had dined. Six Portlands the New York bar were among those who were called to order when President Dillon of the association brought down his gavel hard upon the glass-topped table. With his tortoise-shell spectacles back on his brow, he said:

"The New York County Lawyers' Association was formed less than a year ago, and now it has a membership of thirty-two hundred practicing lawyers."

In speaking of the relations of the bench and the bar he said: "The bar is the real constituency of the bench. The conscientious judge thinks only of one thing—whether his opinions and judgments are true and sound and whether they will be approved by the discriminating judgment of the bar. The estimate of a judge by the bar fixes his estimate in the minds of the public. The judge protects and defends the rights of the citizen against Congress, state legislatures, the powers of the Executive and the passions and demands of an excited people. He never seeks popular approval."

Alton B. Parker received the gavel of authority from Mr. Dillon. He said that one of the greatest misfortunes of the judge is his inability to mingle with the members of the bar, for, he said, before a judge can do his duty he must know the men who have come to respect and love and have left the courtroom. He paid an eloquent tribute to the present Appellate Division, which he declared to be well worthy of all the honor and appreciation that the bar of the county could give it. He said the bench should meet the bar, apart from the business meetings in court. Such meetings as that of the evening, he said, were of incalculable benefit to both.

Justice Patterson, the presiding justice of the Appellate Division, after thanking the association for its hospitality, said that he could concur in Judge Peckham's sentiment, "The bar," he said, "makes the bench; you gentlemen, the lawyers of this county, are the men who pass on our work, and we need and want your hearty co-operation."

The less were served in imitation leather boxes. In the likeness of a book, bearing the inscription: "New York County Lawyers' Association Pocket Code Civil Procedure. Annotated to March 20, 1909."

Justice Patterson said the new organization would serve to keep up lawyers to the value of their profession.

Judge Gray in his address advocated sending all bills intended for consideration by the Legislature to a committee of lawyers before being submitted to the Legislature, so that the lawyers could look the bills over and pass upon their relation to existing laws along similar lines. He continued: "The people must have confidence in the courts. An incalculable harm has but recently been done by criticism of the judiciary from a high source. A better knowledge of the law might have spared us that indignity and harm."

Justice Truax said the people were always complaining about the "law's delay." He said there was no occasion for this, that the delay rested upon the lawyers, who adjourned their cases repeatedly instead of trying them.

The last speaker was Justice Jenks, who spoke on the new association, its aims and its possibilities.

FERRIED OVER BY REVENUE CUTTER.

Otherwise Bridal Couple Would Have Missed Boat for Porto Rico.

Muller S. Hay, a lieutenant in the United States Revenue Cutter Service, who was recently transferred from the cutter Itasca at Baltimore to the cutter Algonquin at Porto Rico, was married yesterday by the Rev. Dr. Houghton to Miss Helen Troup, of Haverstraw, N. Y. Lieutenant Hay planned to take his wife from the "Little Church Around the Corner" to the steamer Carolina, scheduled to sail for Porto Rico at noon.

At about 11:15 a. m. Captain Oscar C. Hamlet, of the Revenue Cutter Service at this port, who acted as best man, observed that the couple would hardly be able to catch their steamer, which was over at Atlantic Basin, Brooklyn. Mrs. Hay bade her friends goodbye quickly and appealed to Captain Hamlet to find some way out of the difficulty. "Well," said the captain, "I think I can arrange to get you to the Carolina, but the first part of your honeymoon will have to be spent on the narrow deck of a revenue cutter, instead of on the big steamer."

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SATURDAY EVENING, March 27, at 8:30. RARE AND BEAUTIFUL BOOKS,

from the Estate of Mrs. Kathryn E. Gage, comprising Works of Celebrated Authors in Superb Bindings.

PUZZLE FOR MR. MEYER

Finds Turmoil, Caused by Recent Changes, in Navy Department.

[From The Tribune Bureau.] Washington, March 26.—The Secretary of the Navy has assumed the duties of his office in the midst of a department turmoil due to the changes made by Mr. Meyer's predecessor, Mr. Newberry, in the last few weeks of the last administration. Many of these changes vitally concern the functions of certain bureaus, notably those of equipment and steam engineering, and those of the former the clerks have been transferred to another bureau, that of supplies and accounts, which will have charge of the purchase of coal. Others of the equipment bureau's duties have been transferred to the bureau of construction and repair.

The bureau of steam engineering will hereafter, under the revised naval regulations, have to do simply with the design of machinery, the construction looking after repairs and alterations even in the machinery and the construction departments on board ship. The situation is complicated by the fact that the chief of the bureau of equipment, Rear Admiral W. S. Cowles, is a retired officer, and there seems to be some doubt as to whether he will have a successor, every indication being that the bureau is to be abolished by legislation attempted at the regular session of Congress. It is expected, also, that the bureau of steam engineering will be merged with the bureau of construction and repair, with the engineering personnel under the charge of a special officer attached to the bureau of navigation.

The complaints which have reached the Navy Department are numerous and emphatic since Secretary Meyer took charge of affairs, and an effort is now being made to have the new edition of the naval regulations suspended until a special board of naval officers can consider the subject and prepare a new edition. There is, of course, resistance to any such proposition on the part of those officers who consider the changes improvements. The feeling in the matter is becoming acute, especially since the delay in the nomination of Lieutenant Commander Hutch I. Cone to be engineer in chief of the navy. The delay is accepted as an indication that the Secretary is responsible for the delay in the nomination, and it is felt that the Secretary's intention to continue the present status, with the chief constructor as acting chief of the engineering bureau.

With the prospect that there will be friction at navy yards and the present evidence of a deterioration within the Navy Department to have the naval regulations suspended, the situation which confronts Secretary Meyer is a complicated one.

ARMY AND NAVY ORDERS.

[From The Tribune Bureau.] Washington, March 26. ORDERS ISSUED.—The following orders have been issued: ARMY.

Following changes adjutant general ordered: Major GEORGE H. MORAN, from Philippines, June 5, to United States; Lieutenant Colonel FREDERICK S. STRONG, from Department of the Lakes to San Francisco, to sail May 6 for Philippines.

Colonel GEORGE ANDREWS from Department of the Colorado June 20, to Chicago as adjutant general, Department of the Lakes; Major WILLIAM E. LEWIS, medical corps, from Fort Thomas to San Francisco, to sail June 5 for Philippines.

Captain EDWARD T. HARTMANN, 5th Infantry, assume charge construction work, Patterson Barracks, Second Lieutenant JESSE W. BOYD, 5th Infantry, leaves of absence; Captain ROBERT W. BROWN, medical corps, leaves of absence; Captain CHARLES G. DWYER, paymaster, four months from May 25, with permission to go abroad; Second Lieutenant EPHRAIM E. THOMAS, 10th Cavalry, three months; Second Lieutenant LOUIS A. O'CONNELL, 10th Cavalry, three months from June 1, with permission to go abroad; Second Lieutenant THOMAS C. MUSGRAVE, 18th Infantry, one month and fifteen days.

NAVY. Ensign W. F. JACOBS, detached the Illinois; home, leave one month. Surgeon T. W. RICHARDS, detached the Kansas; to be readjusted to medicine and surgery.

MOVEMENTS OF WARSHIPS.—The following movements of vessels have been reported to the Navy Department: ARRIVED.

March 16.—The Gwin at Newport. March 18.—The Hannibal, from Culebra for Guantanamo. March 19.—The Eagle at Port Antonio; the Justin at Mare Island; the Ajax at Guantanamo; the Culgoa at Hampton Roads. SAILED. March 16.—The Lawrence, from Mare Island for San Diego. March 18.—The Hannibal, from Culebra for Guantanamo. March 19.—The Rowan, from San Diego for Magdalena Bay; the Dixie, from Boston for New York.

COOL TUCKER ANSWERS WIFE'S SUIT.

Asserts That She Deserted Him and Tried in Every Way to Disgrace Him.

Chicago, March 26.—Colonel William F. Tucker, U. S. A. (retired), filed an answer in the Superior Court to-day, denying allegations of cruelty and drunkenness made by his wife, Mrs. Mary Logan Tucker, in her petition for a decree of separate maintenance. Colonel Tucker declares that his wife has done everything in her power to disgrace him since May 21, 1907, when he filed a divorce. He denies that Mrs. Tucker lived with him until April 17, 1907, and asserts that she deserted him prior to that date.

Art Exhibitions and Sales.

Fifth Avenue Art Galleries

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SATURDAY EVENING, March 27, at 8:30. RARE AND BEAUTIFUL BOOKS,

from the Estate of Mrs. Kathryn E. Gage, comprising Works of Celebrated Authors in Superb Bindings.

FAVOR SUNDAY SELLING

Proposed Amendment to Excise Law Finds Many Supporters.

Representative men and women of the city spoke yesterday in favor of the amendment to the excise law proposed by the Committee of Fourteen, which allows barrooms to open on Sundays from 1 to 11 p. m., but which closes the notorious back rooms. With few exceptions, all agreed that it would reduce the necessity of paying tribute to the police, and would greatly reduce the temptation to keep open illegally. The penalty for keeping open during prohibited hours under the proposed amendment is such, in the opinion of the supporters of the bill, as to make it far from worth while for the saloonkeeper to take the risk. The extra tax proposed in the amendment is no more than the regular assessment for immunity under existing circumstances, according to the supporters of the measure.

One opponent of the bill is the Rev. Dr. David J. Burrell, of the Marble Collegiate Church. "I am against any proposition of this sort at all times," he said. "It is only a subterfuge to deliver the city into the hands of the saloonkeepers. That it would in any way relieve conditions is purely assumption. Dr. Peters, in supporting such a measure, speaks only for himself. Any preacher that supports such a measure is false to general opinion of the clergy and the people of this city. It is not a compromise with evil; it is an absolute surrender to it."

Against the opinion of the measure are those held by William Jay Schieffelin, president of the Citizens Union; Miss Frances A. Keller, of the Bureau of Municipal Reform; the Rev. Dr. John H. Peters, ex-Police Commissioner McAdoo and many others who have made a study of conditions.

"I am in favor of the bill of the Committee of Fourteen," said Mr. Schieffelin yesterday, "so far as it concerns New York city. I think it probable, though by no means certain, that more drinking and more drunkenness will result from the legalized sales on Sunday afternoon and evening, but the evil now resulting from the general disregard of the law and the prevalence of police blackmail is far greater and far more insidious. The provisions of the bill providing for a free and uninterrupted view from the street into the saloon, for access only from the street, abolishing back rooms, for wiping out Raines law hotels and for closing the premises for a year on conviction of violation, all seem to me great steps in advance. The extra license fee means that the saloonkeepers will pay the state for the right to do legally during what are probably the most profitable hours of the day, would greatly lessen the temptation to do business illicitly."

"It is better to have a law that you can enforce," said Miss Keller, "than to have one that is not enforced. The provisions of the bill of the Committee of Fourteen would do much toward abolishing the illegal hours, with the right to be open during what are probably the most profitable hours of the day, would greatly lessen the temptation to do business illicitly."

FERRYBOATS CRASH NEAR BATTERY.

Passengers Badly Shaken Up—Boats Not Seriously Damaged.

Passengers on two ferryboats were shaken up late yesterday afternoon when the vessels came together near the Battery. The boats were the Montauk, of the Union Ferry Company, running between Hamilton avenue, Brooklyn, and South Ferry, and the Brooklyn, running between South Ferry and Staten Island.

The Brooklyn was only a short distance out from the South Ferry slip on her way to Staten Island when the crash came. The Montauk was coming in. There was a strong flood tide, which made it impossible for the captain of the Montauk to swing his port to the starboard of the Brooklyn, which the captain of the Brooklyn signalled him to do, and a crash could not be averted.

The forward overhang of the Montauk hit the Brooklyn amidships on the port side, and made a small dent. Neither boat was injured seriously, and both were able to proceed.

SECOND LIEUTENANT DILKS GUILTY.

Fine and Reprimand for Conduct Prejudicial to Order and Discipline.

Albany, March 26.—Governor Hughes has approved the findings, which were announced to-day, of the court martial of Second Lieutenant Tom "The Dilek" Dilks, 14th Company, Ninth District Cavalry, New York. Dilks was sentenced to be fined \$50 and reprimanded.

The court, of which Major Charles E. Lydecker, of the 7th Regiment, was president, finds Dilks guilty of conduct to the prejudice of good order and discipline in that he forsook his guard and left camp without permission at Captain Tompkins and that he also declared that Captain Tompkins had been intoxicated and that he was not a fit man to be an officer in the national guard. The findings of the court were referred to Judge Advocate William Ladd, who says that he believes the punishment inadequate.

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IN AN ASSORTMENT OF DESIRABLE SHADES, ALSO IVORY

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