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ology in 1881. He founded "Old Home Week," and was the author of many books, among them "What Can a Young Man Do?"

DUCKED IN SALT LAKE

Four Women Among Crowd at Utah Prizefight.

Salt Lake City, May 13.—A panic, an involuntary bath in Great Salt Lake and a

When "Cyclone" Johnny Thompson had been proclaimed the winner of the fight with Pete Sullivan

JUDGMENT DAY IN PITTSBURG

Ten Leaders in Alleged Graft Come Up for Sentence.

Pittsburg, May 13.—Tomorrow will be judgment day for victims of the recent bribery scandal.

MRS. LESSLIE ASKS DIVORCE

Thinks Husband Helped Prosecution of Brother. It Is Said.

Pittsburg, May 13.—Mrs. Leslie, sister of Edward H. Jennings, president of the Columbia National Bank of Pittsburg,

CASES ALIKE, SAYS MRS. MORSE

Heineze Acquittal Should Help Free Husband, She Says.

Atlanta, May 13.—"I am delighted to hear of Mr. Heineze's acquittal. He was not guilty of the least wrongdoing, and it would have been another shame on the country to have convicted him," said Mrs. Charles W. Morse today.

NOT AT BLUE GAP FARM

Lynchburg, Va., May 13.—It was learned here last night that the statement from Blue Gap Farm yesterday that Booker T. Washington was there in consultation with Mrs. Katherine Good was incorrect.

Hunyadi János

Natural Laxative Water

Recommended by Physicians.

Refuse Substitutes.

If you have never used it before, try it NOW for CONSTIPATION

KEEPS ON HEINZE'S TRAIL

United States Attorney Says He Will Give Records to State.

CONSIDERS ACT HIS DUTY

Heineze, Cheerful Amid a Bower of Roses, Speaks Opinion of Grand Jury System.

F. Augustus Heineze was about the most cheerful man in the city yesterday—at least for that part of the day counting from 12 o'clock when he arose and remembered that he had been acquitted of the charges

Mr. Wise said yesterday that he considered it his duty to submit the records to Mr. Whitman. The mutilation of the books of the United Copper Company while under a federal grand jury subpoena was done

The indictment of Mr. Heineze and others in connection with the fight for the books

No jury was ever more carefully guarded, however, so that no possibility of undue influence could be charged. The jurymen

One of the counsel for Heineze was asked about the possibility of indictments by District Attorney Whitman and the counsel

Heineze on Grand Jury System.

Mr. Heineze began the day amid a bower of roses. His room was full of them.

"It is certainly good to feel that you haven't got to face a jury all day,"

Mr. Heineze's first words as he greeted his friends gathered in his office at No. 74 South Pavillion street, where two thousand congratulatory messages awaited him.

He breaks a man, ruins his business and discredits him, often for life, with a single word," continued Mr. Heineze.

Standing Vote on Acquittal.

It was learned yesterday that as soon as the jury that acquitted Heineze assembled to consider a verdict a vote was taken

One of the two declared that he would stick to his position all right if necessary.

In the curb market yesterday interest centered in the Heineze stocks, all of which sold at a profit.

One of the jurymen said yesterday that the men in favor of acquittal had made up their minds last Friday, and that nothing could have changed their opinion.

With the exception of Swift, who has asked for a retrial, all have entered pleas of no defense to the charges brought against them.

MRS. LESSLIE ASKS DIVORCE

Thinks Husband Helped Prosecution of Brother. It Is Said.

Pittsburg, May 13.—Mrs. Leslie, sister of Edward H. Jennings, president of the Columbia National Bank of Pittsburg,

Mrs. Leslie and her husband have not been living together for some years, but it was understood no divorce would be asked, on account of their child.

NOT AT BLUE GAP FARM

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SLOCUM SURVIVORS SIGN CLAIMS

About one hundred survivors of the General Slocum disaster assembled at No. 12 St. Marks Place last night to sign affidavits setting forth injuries received by themselves or members of their families.

ARMLESS MAN GETS \$41,000

Stratford, May 13.—In the Supreme Court today a jury gave Harry Vall, twenty-two years old, a verdict for \$41,000 against the Century Sanitary Manufacturing Company.

INCOME TAX BILL REPORTED

Provides for Committee to See if State Levy Is Feasible.

Albany, May 13.—Senator Hamilton's resolution providing for the appointment of a legislative committee to investigate the feasibility of a state income tax was reported by the Senate Finance Committee today "for the consideration of the Senate."

The resolution will be taken up on Tuesday, when the income tax question is to be thrashed out in the upper House. A resolution similar to that of Senator Hamilton was reported to the Assembly by the Rules Committee recently, but was defeated.

Only a few members of the Assembly were present today, and the Merritt bill, placing telephone and telegraph companies under the jurisdiction of the Public Service Commission, was put over until Tuesday.

The Senate passed the following bill: Mr. Eveshelt, appropriating \$15,000 for the purchase of the historic house and grounds formerly owned by General Nicholas Herkimer, in Herkimer County, to be cared for by the Daughters of the American Revolution.

Senator Grattan, making it a misdemeanor for any officer or director of a life or casualty insurance company upon the co-operative or assessment plan or of a beneficiary society to sell his place as such officer or director to another person.

Senator Hill, appropriating \$10,000 toward completing a stone road between New York and Buffalo.

The hearing on the bill of Senator T. D. Sullivan to compel private bankers whose defalcations have caused large losses to discontinue the practice of operating hereafter under a license from the State Comptroller and to put up large deposits and bonds, which was scheduled before Governor Hughes today, was postponed to a date to be agreed on.

Representatives of big transatlantic steamship companies desire that the measure be amended so as not to affect their business of issuing drafts, making orders and cashing checks.

PHILLIPS EXPLAINS BILL

Answers Criticism of Primary Measure Passed by Assembly.

Albany, May 13.—Assemblyman J. S. Phillips, chairman of the Judiciary Committee, and introducer of the Meade-Phillips primary bill which passed the Assembly on Wednesday, gave out a statement today in answer to criticism of the measure, in which he says in part:

Under the Meade-Phillips bill the members of County district committees and Senatorial district committees can perform no function except to select candidates for the ballot under different emblems, intended solely to confuse the voter, and not to fulfill the duty of the people of every county to select candidates for the ballot.

The provision relative to the name of a candidate appearing more than once upon the ballot is more than once upon the same position. It is purpose is to prevent the duplication of names on the ballot.

Under the Meade-Phillips bill the members of County district committees and Senatorial district committees can perform no function except to select candidates for the ballot under different emblems, intended solely to confuse the voter, and not to fulfill the duty of the people of every county to select candidates for the ballot.

The provision of the Meade-Phillips bill providing for the optional adoption of party organizations, the members of which are to be named on the ballot, is a violation of the principle of primary elections, which is to have all voters elect candidates for office directly.

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HUGHES COMMUTES SENTENCE

W. J. Koerner, Who Killed Sweetheart Here in 1896, to Go Free.

Albany, May 13.—Governor Hughes today commuted the sentence of William J. Koerner, who was serving a life sentence at Auburn prison for killing his sweetheart, Rose Alice Redgate, in New York, in 1896. He was convicted of murder in the second degree and has been in confinement about twelve years.

EDUCATION LAW AMENDED

Convictions of Frauds in Connection with Examinations Made Easier.

Albany, May 13.—The difficulties which the Regents of the University have had in securing convictions in some cases of established frauds in connection with examinations because the law was not sufficiently specific have been overcome by amendments to the Education Law recently signed by Governor Hughes.

MR. TAFT TO VISIT STATE FAIR

Albany, May 13.—Lieutenant Governor White has received a letter from President Taft expressing his satisfaction with the arrangements which the New York State Fair Commission has made for him, and assuring Mr. White that it is his intention to attend the fair on Monday, September 12.

ASKS FOR PUMPELLY'S RETURN

Albany, May 13.—Governor Hughes today issued a warrant on the Governor of Massachusetts for the return to this state of Fred Pumpelly, under arrest in Boston and wanted in Toga County for the alleged theft of a book of maps in August last from the office of the Clerk of Toga County. He says the man which he took after his demand—Judge Hough, who sentenced the property of his grandfather, who had never legally surrendered them.

INCREASED SALARY FOR WHITMAN

Albany, May 13.—Governor Hughes today increased the bill of Senator McManus increasing the annual salary of the District Attorney of New York County from \$22,000 to \$45,000.

NEGROES ORGANIZE COLONY

Tired of Life in New Orleans, Bay Land in Mississippi.

New Orleans, May 13.—Tired of city life, three hundred negroes have organized a co-operative colony, called the Colored Realty Company, in the bay country of Louisiana. The president and J. J. Jefferson as secretary. They have bought twelve hundred acres of cut-over yellow pine timber lands near McNeill, Pearl River County, Miss., upon which to establish farms, factories and stores. The first enterprise will be a brick manufactory, using clay and sand found in the region. The headquarters will be at Purvis, Miss.

LUSTIG HAD OTHER WIFE

Says He Was Drugged When He Married Her in 1901.

NOTT SPRINGS A SURPRISE

Man Charged with Killing Last Wife" with Strychnine on Stand in Own Defence.

District Attorney Nott startled everybody at the night session of the trial of Morris M. Lustig, charged with having murdered "his wife," when he called out:

"Mrs. Lustig, please stand up!"

For a moment there was confusion. Spectators craned their necks, and counsel for Lustig, who was on the witness stand under cross-examination, protested.

"I want Mrs. Lustig, the woman to whom this defendant was married at the time he married the woman he is charged with killing, to be brought into court," said Mr. Nott when Judge Foster asked an explanation.

A court officer left the room and returned with a tall, young woman, who said her name was Mrs. Emily Frederickson.

"I am Mrs. Lustig," she said. "I was married in 1901, but declared that he had been drugged. He did not secure a divorce before marrying Rhoda Lustig in 1904."

"Do you charge this woman with having 'doped' you?" asked Mr. Nott.

"She was one of a party of three, and some one of them did," said Lustig. "The others were Christopher Churg and Percy Gray."

"But you were able to stand up when the doctor of the Ascension Memorial Church in this city married you, weren't you?" asked the District Attorney.

"I don't know whether I was or not," replied Lustig.

Mrs. Frederickson was not placed upon the witness stand. Under a grilling cross-examination by Mr. Nott, lasting several hours, Lustig lost much of the confidence that had characterized his direct testimony.

He detailed his early life, admitting that he had been known by the name of Joseph Davenport in the theatrical business.

He had married an actress, who had been in the theatre for eight months in a Pennsylvania prison for larceny, and that he had frequently quarrelled with his wife and had used profane language to her.

He contradicted the testimony of several of the witnesses for the prosecution, especially of those who swore he had tried to procure strychnine at Livingston street, in 18th street, near Madison avenue, and that he had threatened to kill his wife.

Spero, the witness who said he had heard Lustig make the threat, the defendant said, was discharged by him when he ran a lunch counter in Philadelphia. He attributed Spero's attitude to spite.

Lustig told of his efforts to get a physician on the night his wife was taken ill, giving the names of those he had called on the telephone, finally calling personally on Dr. Plotz, who came to the house and prescribed calomel tablets. He said he got the tablets at Livingston street drug store, and gave his wife one every half hour, as directed by the physician.

Counsel for the defence stated in opening that Mrs. Lustig had died from spinal meningitis, a case given in the certificate of Dr. Phillips, who was called in after Dr. Plotz. At the same time the defence contends that any strychnine found in the dead woman's organs may have got there through a mistake of one of the druggist's clerks.

Herman Jashuan, the only one of the three clerks who is a registered druggist, testified that the bottles containing strychnine tablets and the ones containing calomel tablets were identical in appearance, and said a mistake might have been made in filling Dr. Plotz's prescription.

Lustig did not at first recall the date of his marriage, but, taking a ring from his right hand, he glanced inside and said: "What is November 23, 1901?"

"What is that?" asked his counsel. "My wife's wedding ring," replied the defendant in a low voice.

VAN ZANDT FOUND GUILTY

Wife, Bound and Gagged, Was Roasted Over Stove.

Cincinnati, May 13.—Guilty of manslaughter, was the verdict of a jury today in the case of Jesse Van Zandt, charged with having murdered his wife, whose body was found in their home bound and gagged and roasted over a lighted gas stove, last February. During the trial, Van Zandt said his arms were outstretched for state. The child now lives with his mother's parents, at Long Branch, N. J.

ORDERS PLAYHOUSE CLOSED

Chicago Chief of Police Objects to a Musical Production.

Chicago, May 13.—Chief of Police Stewart today ordered the closure of the playhouse devoted to musical comedy, to close to-night and thereafter until a dance which he considers objectionable is eliminated.

Chief Stewart notified the manager of the house that this feature must go yesterday, but the order is said to have been disregarded. During the trial, Van Zandt said his arms were outstretched for state. The child now lives with his mother's parents, at Long Branch, N. J.

KILLED IN FRONT OF HOME

Chauffeur Arrested After Machine Hit Boy in Albany.

Albany, May 13.—Henry Sauer, eight years old, was struck by an automobile to-night in front of his parents' home, in Central avenue, and killed almost instantly, his skull being fractured. One of the car wheels passed over him. George H. Child, of New York, who says he is chauffeur for Mrs. C. B. Knox, of Johnstown, was arrested and held on a charge of manslaughter.

SOCIETY BLACKMAILER GUILTY

Two Years for Cleveland Young Man Caught by Decey.

Cleveland, May 13.—Harry L. Morris, a young man prominent in Cleveland society, was arrested April 2 on the charge of attempted blackmail, was found guilty in the United States District Court here to-night. He was sentenced to two years in prison.

VICTORY FOR OPEN SHOP

Injunction Restraining Labor Unions from Interfering.

Boston, May 13.—An important decision in favor of the open shop as affecting the construction of buildings was given today by Judge Rugg in the Supreme Court in granting an injunction restraining a building trust and a number of labor unions from interfering with L. P. Soule, Sons & Co., contractors. It is expected that many building contracts will be affected by the decision.

Soule, Sons & Co. maintain an open shop, and started last winter to construct one of the largest wool warehouses in the world, in South Boston. The firm had a joint contract with the National Fire Proofing Company, which maintains a closed shop, and one of the unions called a strike on the building, aimed at the Soules. The owners of the property, the Fargo Real Estate Trust, sought to terminate the contract with the Soule firm on the ground that the work was not making satisfactory progress. The Soule company immediately petitioned for an injunction and named three building trade unions, the Real Estate Trust and the architect.

Judge Rugg decided to-day that the contract must not terminate, and that the strike was illegal.

EUSTIS ATTACKS MERRITT

Says Assemblyman Knew Nature of P. S. Law Amendments.

Gov. N. Y., May 13.—John E. Eustis, of the Public Service Commission, of New York City, in an address before the Chamber of Commerce, held at the St. Lawrence Hotel to-night, accused Edwin Merritt jr., majority leader of the Assembly, of knowing of the efforts to kill the effects of Senator Walworth's amendment to the public service law. Speaking in reference to this matter, Commissioner Eustis said:

"The papers on Wednesday morning were full of an underhand effort in the Senate to amend the public service bill under cover of a proposed popular amendment by Senator Walworth to give the commissioners greater powers over the proposed increase in commutation and mileage rates by the New York Central and New York, New Haven & Hartford railroads. Senator Haven & Hartwood introduced this little Committee, who introduced these little jokers, said he got them from Assemblyman Merritt and did not see any objection to their being there. Merritt, when interviewed, according to the papers, did not know where he got them and also expressed surprise that they were there objectionable.

"The reporter must have made a mistake. I cannot believe that Merritt has reached the age of senescence and forgetfulness of recent events. He knew very well where he got them, but did not wish to tell. And he knew very well that they were not harmful to the gas and railroad corporation, for he was present at conferences before the Assembly committee when the corporations tried to get these same amendments included and they the best interests of the bill and the people to be benefited.

"There are many questions that could be asked and answered in connection with this incident, but I will leave you to do this at the proper time and place."

FINDS LOST "ROUGH RIDER"

Bright Boy Carries the Tearful Warrior to Safe Shelter.

"Joe" Tier, nine years old, of No. 54 Second avenue, made a hero of himself in the eyes of his pals last night when he carried a boy almost his own size from the corner of 4th street and Second avenue to the East 51st street station.

"Joe" and some of his friends were walking down Second avenue, when they came across a little fellow clad in a Rough Rider uniform, who was crying.

"What's de matter, kid?" asked "Joe." "Mamma, Third avenue," yelled the boy. "Why de kid's lost," announced "Joe" to his friends.

Then "Joe" discovered that the left side of the kid's face was covered with blood. "Joe" put his arms around the lost boy, lifted him from the sidewalk and started with him for the station house, the boy yelling "Mamma, Third avenue," the while. "Joe's" gang, joined by about two hundred other youngsters, followed him to the station house, where it was found that the blood came from a slight abrasion on the forehead.

Lieutenant McAniff sent the boy to the East 51st street station, and later he was taken to the Children's Society.

FOUNDERS AND PATRIOTS

Dr. Batcher's "Good Old Times" Weren't So Good.

The New York Society of the Order of the Founders and Patriots of America, at the members of which boast of ancestors who settled in this country prior to 1657, held its fourteenth annual dinner last night at the Hotel Manhattan. One hundred members of the local society, together with members of the order from New Jersey, Connecticut and Pennsylvania, enjoyed the dinner.

Dr. George Clinton Batcher, governor of the society, was toastmaster. He declared himself an optimist, and said he took no stock in the "good old times" being better than the present. "They prattle about the virtue, the valor and the vigilance of the long ago," he said; "it's all tommyrot, and the most of it went to the bowwows years ago. I believe if we walk to the light the shadows of life we will find us."

Major General Frederick Dent Grant, a past governor of the society, who was expected to be present and respond to the toast "The Army," sent a letter of regret, in which he said his absence was due to the postponement of his transfer to the command of the Department of the East until the return of Major General Leonard Wood from South America. The letters of regret were also read from President Taft and Governor Hughes.

STEAMFITTERS SIGN TO GO BACK

The formal agreement ending the strike of the steamfitters and helpers, which broke nineteen weeks ago, was signed yesterday. The steamfitters will return to work at the old pay of \$5 a day, with the privilege of asking for an advance at the end of the year no amount being specified. The helpers go back to work at their old wages of \$3 a day. The agreement, which expires January 1, 1912, provides that all disputes must be settled by a plan of arbitration for the use of both the union and the employers and the building trade unions.

DIRECT PRIMARY BILL SIGNED

Boston, May 13.—The voters of Massachusetts passed a bill to-day which would change the method of electing members of the Legislature from the present system of caucus to that of direct primary.

COMPROMISE IN SENATE

Continued from first page.

The long-and-short-haul amendments, of which a dozen or more had been submitted. The pending amendment was one by Senator Heyburn, of Idaho, for which Senator Dixon, of Montana, had presented a substitute. The effect of this was to give the Montana Senator possession of the floor when 4 o'clock arrived.

For several days the regular Republicans had been saying that they had a clear majority to defeat all of the long-and-short-haul amendments. They based this claim upon a canvass which tended to show that a majority of the Senate would vote to defeat the Dixon amendment which the insurgent Republicans, joined by a number of regulars from the intermountain section, and probably a majority of the Democrats, had agreed to support.

The regulars had been assured of a number of Democratic votes. Just before 4 o'clock it came to the knowledge of Senators Aldrich and Ellkins that while the Democrats on their list would vote against the Dixon amendment, they proposed later to support an amendment introduced by Senator Overman, of North Carolina, the effect of which would be to place all rates on a mileage basis. Such a provision would be particularly objectionable to the opponents of a long-and-short-haul provision, and they were unable in a hasty poll to show a majority against the Overman amendment.

Senators Carter, of Montana, and Smoot, of Utah, both of them ardent supporters of a long and short haul provision which would prevent discriminations against the intermountain country, received overtures from the regular Republicans, who offered a compromise in the form of a portion of the original Dixon amendment and a proviso taken from an amendment offered by Senator Paynter, of Kentucky.

Picturing the political effect of a humiliating defeat through the adoption of an exclusively Democratic amendment that would put the whole question on a mileage basis, the regular Republicans encountered a little difficulty in bringing a large majority of the Senate to their way of thinking. The compromise, which finally was adopted, was put in the hands of Senator Smoot, and in turn presented to Senator Dixon, who offered it as a modification of his own amendment just prior to 4 o'clock.

SENATE IN CONFUSION

Through the clumsy handling of senators and paste brush the compromise promise was sent to the clerk's desk in a form far different from that intended by its authors. As the clerk began to read Senator Aldrich hurried to the desk and Senator Dixon and a whispered conversation ensued. Mr. Dixon clamored for recognition.

"I move that the Senate recess," he shouted, "until 4:30 o'clock."

He appeared greatly excited. The demand for a recess was met with cries of "No, no." But on a vote a large majority sustained the demand.

There followed a scene of great confusion, such as rarely takes place in the Senate. Some declare it to have been unprecedented in recent years. Obviously, few people realized what the move meant. On every side there were cries that the unanimous consent agreement had been violated. Evidently the insurgent Republicans did not know what was happening, and Senator Bristow, who had been in the cloakroom, burst into the chamber with a bundle of papers in his arms, which he threw to the floor with every indication of anger.

Senator Cummins hastened to Mr. Dixon's seat, and Mr. La Follette followed. The conversation which had taken place between Messrs. Dixon and Aldrich aroused suspicion on every side, and a number of Senators, without knowing what the next step was to be, loudly charged that they were being betrayed.

Mr. Dixon ran from seat to seat, claiming they had "brought the regulars into camp" and that the coalition of Republican and Democratic supporters of the long and short haul cause would bring a victory greater than they had expected.

After a few moments of personal explanation on the part of the few Senators who were in the secret of the proceedings there was a perceptible cooling off, and a number of leaders, representing all factions, went to work to shape up a compromise. At first a few of them retreated to the President's room, but it soon became evident that any secretiveness would disatisfy the large number of Senators concerned in the negotiations, so the conferees returned to the Senate chamber.

Mr. Smoot took the Dixon-Paynter compromise to the seat of Senator Fletcher, which happened to be unoccupied at the moment, and in a few minutes he had whipped it into shape. Around the desk were crowded Dixon, Aldrich, Ellkins, Bacon, Crawford, Bristow, Rykers, Gore and a number of others, all of whom took part in a rapid interchange of comment. Other Senators who could not get near enough to see hung around the outskirts of the group. All elements were represented in this shifting crowd. The hour of 4:30 came and found the work still incomplete.

Mr. Dixon demanded another recess until 5, but protests were made by so many Senators that he obtained it only after a rollcall, which consumed nearly ten minutes of the precious half hour.

The general conference of the recess hour resulted in the restoration of the words of the Dixon amendment which he had agreed to eliminate. These provided that in making exceptions under the long-and-short-haul clause the Interstate Commerce Commission shall satisfy itself that all the rates involved are just and reasonable and not unjustly discriminatory, nor unduly preferential or prejudicial. With the exception of these words of the proviso taken from the language of the Paynter amendment is identical with that introduced by the Kentucky Senator.

Immediately upon the Senate being again called to order Mr. Dixon presented the compromise. Senator Heyburn interposed a point of order that the new amendment was out of order under the unanimous consent agreement, which he claimed, contemplated a vote only upon matters pending at the time the agreement was made. This led to an