The Sun.

SATURDAY, MARCH 9, 1907.
Fair to-day and to-morrow.

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SEEKS TO RESTRAIN BONCI.

HAMMERSTEIN ASKS FOR AN INJUNCTION AGAINST THE TENOR.

The Impresario Asserts That He Reserved the Singer's Services for Two Years More, as the Contract Allowed—Some Side Lights on a Tenor's Privileges.

Oscar Hammerstein, manager of the Manhattan Opera House, through his counsel, Nathan Vidaver, filed yesterday in the United States Circuit Court a petition for an injunction to restrain Commendatore Alessandro Bonci, the tenor, from singing for anybody but Mr. Hammerstein in the seasons of 1907-1908 and 1908-1909.

The papers in the suit were not filed until the last minute yesterday afternoon lest Bonci himself should hear of it and refuse to take part in the production of "Fra Diavolo" at the Manhattan last night.

Deputy Marshal Kannengeiser went to the opera house last night to serve the papers. The tenor seemed surprised when cornered in his dressing room and asked what it was about. Deputy Marshal Kannengeiser explained that it was a subpœna requiring the presence of Bonci in the United States Circuit Court some time between now and April 1.

Mr. Hammerstein bases his petition particularly on that part of Clause N, of his contract with the tenor, which provides:

After the first forty days Mr. Hammerstein reserves the right of prolonging Comm. Bonci's contract for the following two seasons at $1,000 a performance. In the event of the contract being prolonged for the next year, Comm. Bonci shall not sing under any management after the expiration of the first year's engagement.

Mr. Vidaver said yesterday afternoon that "after the first forty days" referred to the first forty days after the tenor's engagement began. The contract was signed in Florence, Italy, on March 18, 1906. Mr. Vidaver denied that his client had assured Bonci, through Signor Carbone, the tenor's agent and secretary, that he did not care to renew the contract. In refutation of the published reports to that effect, the lawyer quoted a letter written by Mr. Hammerstein to Signor Bonci on March 4 and incorporated in the legal papers, in which the impresario of the Manhattan admits that he did have an interview with Carbone on February 12 last. He told Bonci's secretary, however, that the existing agreement was amply sufficient and that he would take advantage of clause N of the contract. Mr. Hammerstein also told the tenor in his letter that he could regard himself as engaged for the two following seasons at the salary stipulated, $1,000 a performance for the first season and $1,100 a performance for the second.

Mr. Vidaver said that failing to get any response from Bonci as to the truth of the rumor that he had signed a contract with Mr. Conried to sing for $1,500 a performance at the Metropolitan next season Mr. Hammerstein decided to take the case to the courts.

In his petition Mr. Hammerstein avers that Bonci broke his contract on November 20 last, when he demanded that the $5,000 deposited in the Credito Italiano at Milan, Italy, which was to be applied as payment for Bonci's last performances this season, he paid over to him forthwith. He also refused to sing a note, Mr. Hammerstein asserts, until another $5,000 was turned over to him. This Mr. Hammerstein finally paid on Bonci's agreement to the elimination of the clause in the contract which stipulated that all questions which might arise in regard to it should be submitted to the judicial authorities in Florence.

The impresario also declares that Bonci, although a tenor of great reputation on the Continent, was scarcely known to the lovers of grand opera in the United States, and that his reputation as a tenor in this country was achieved solely through Mr. Hammerstein's management and advertising.

The contract, in which the impresario is designated as "Mr. Hammerstein, Oscar, proprietor and professional impresario of New York," makes some interesting revelations as to the deference with which noted tenors are treated. Bonci, who was engaged as "first tenore assoluto," was guaranteed fifty performances at $800 a performance, this amount to be paid in American gold to the tenor at the conclusion of each performance. The tenor was not to be required to sing more than three times a week and never twice consecutively. In case of illness a statement from Bonci's doctor is sufficient, though it is the tenor's loss if he cannot keep his engagements. Bonci made his own choice of a répertoire of fourteen operas; no other tenor was to be allowed to substitute for him, except in case of illness, in any of the fourteen, and all of his costumes were to be new and to his satisfaction. In addition to the $800 gold for each performance in which he took part Bonci was to be reimbursed for travelling expenses and transport of luggage for himself, wife and servant from Paris to New York and return. A cabin de luxe was to be provided on the steamers and a private compartment in a Pullman car for any trips on American railways. Only one pianoforte rehearsal of any of his rôles was exacted from the tenor and that was not to be held on the same day that he sang in a performance. Had Bonci failed for any reason to present himself this season he contracted to pay $10,000 to Hammerstein as indemnity.

CHIEF OF POLICE DISMISSED.

Majority of Niagara Falls Police Board Takes Summary Action.

NIAGARA FALLS, N. Y., March 8.—This afternoon Mayor Douglass and Police Commissioner Level, two of three members of the police board, held a meeting and summarily dismissed John J. Maloney as chief of police. This sudden decision of the police board created quite a sensation, as Mayor Douglass had preferred charges of incompetency, intoxication, insubordination and untruthfulness against the chief.

A hearing on these charges opened Wednesday last, at which time Mr. Maloney replied with vigor, denying the Mayor's charges and making a counter charge that the Mayor wanted him to relax vigor on certain saloons selling beer of a brewery in which the Mayor is alleged to be interested.

The hearing was adjourned until next Tuesday, but before the Commissioners left the building Commissioner Hurley had a hemorrhage, which sent him to bed. It was while Commissioner Hurley was sick that the Mayor and Commissioner Level bounced Maloney. The case will go to the courts.

THOUGHT THE BRIDGE AFIRE.

Blaze Underneath on South Street Scares Rush Hour Folks.

A small fire in the F. P. Harrison Electrical Manufacturing Company, 169 South street, caused more excitement on the Brooklyn Bridge last night than it did in the street where the fire was. The building, an old four story brick, is directly beneath the bridge and smoke curled up over the structure in such volume that passengers on cars and pedestrians on the bridge thought the bridge was in danger.

The fire occurred at the height of the rush hour. Several motormen were frightened and turned on full speed to dash through the smoke. When they reached the Manhattan end of the bridge scores of people rushed to Policemen Schilp on duty at the booth, shouting:

"The bridge is on fire!"

Many insisted Schilp was wrong when he told them that the fire was in the street below.

Deputy Chief Binns was at Fifty-eighth street and Broadway on his way to dinner when he received the second alarm. He leaped into his electric automobile, "cut 'er loose" and dashed down Broadway. In just eight minutes he covered the four miles and a half.

Hook and Ladder Truck 1, on Duane street near Broadway, met with an accident on its way to the fire. Driver William Reed whirled his horses from New Chambers street into Roosevelt but the rear wheels caught in the car tracks and skidded along despite the efforts of the tillerman to turn them out. Going west was a heavy van of the New England Transfer Company driven by Louis W. Schwartz of 344 East Eighty-fifth street.

The rear end of the truck sidewiped the van, snapping one of the long ladders off and damaging the rear wheels. The pole of the van was also broken. The truck continued, but at South street and James slip it broke down. The truck was close enough, however, for the men to get to work on the fire.

The damage was $2,500. The fire started on the second floor and damaged two upper floors.

BURNS QUICKLY GETS RUEF.

San Francisco Boss Arrested at Wayside Resort Through Heney's Detective.

SAN FRANCISCO, March 8.—Boss Abe Ruef was arrested late this afternoon by William J. Biggy, the newly appointed elisor.

The fugitive boss was found at the Trocadero, a secluded roadside resort, near the Ingleside racetrack, on the outskirts of the city.

Detective Burns guided the officer to the fugitive's retreat and he was brought back to the city, for the first time an actual prisoner in the hands of men determined to put him in stripes.

SMOOTH WAY WITH THE PEERS.

Winston Churchill, M. P., Proposes to Leaven Them With Privy Councillors.

Special Cable Despatch to THE SUN.

LONDON, March 8.—Under the title "A Smooth Way with the Peers" Winston Churchill, M. P., contributes to the *National Review* a scheme solving the problem involved in the relations between the lower and the upper houses of Parliament.

The kernel of the suggestion is that Privy Councillors as well as peers should have the right of sitting in the upper house, being summoned thereto by the Crown upon the advice of the Ministers for the duration of any Parliament, and that only those thus summoned and accepting service should be eligible to sit in that Parliament.

The Crown should summon not fewer than 150 and not more than 250. All peers and Councillors not summoned or not accepting should be free to exercise the full privileges of ordinary citizens. It should be the accepted usage that all peers and Councillors who have held ministerial office should be summoned.

It should be possible to separately dissolve either house in order to provide for changes in the Ministry during the life of any House of Commons. Mr. Churchill contends that his scheme would eliminate "frivolous, lethargic, uninstructed and disreputable elements" from the upper house, which would become a national, not a party institution. Harmonious balance between the parties would be secured, and in times of extraordinary crisis such a reformed upper house would be a really valuable safeguard.

TO PENSION POOR PARENTS.

Ohio Official Proposes to Remove Excuse for Child Labor.

COLUMBUS, Ohio, March 8.—State Shop Inspector Morgan in his annual report submitted to the Governor to-day makes the novel proposition that the State of Ohio set aside a fund to be devoted to paying parents in poor circumstances who are now compelled to let their young children work in factories, to enable them to take the children from the factories and put them in school. Gov. Harris is inclined to look on the proposal with favor and may recommend a law to the Legislature covering the matter.

Mr. Morgan says that Ohio leads all the States in child labor legislation, but he is openly opposed to giving employers discretion to employ children where parents need their wages. Instead he suggests a school pension law by which the parents may be paid an equivalent sum out of the public treasury and the child sent to school.

NAVAL DISPLAY ABROAD.

This Country to Send Three Vessels to Bordeaux Marine Exposition.

WASHINGTON, March 8.—Arrangements are being made by this Government for participation in the Bordeaux Marine Exposition which is to be held in that city beginning in May next and continuing for six months. The exposition is to commemorate the 100th anniversary of Fulton's application of the power of steam to navigation.

This Government is preparing its programme, $15,000 having been appropriated by Congress for the object, and at least three ships of the navy will be sent to take part in the display. They will be withdrawn for the purpose from those which take part in the opening pageant of the Jamestown Tercentennial. They will reach Bordeaux probably some time in June.

Mr. Bryce's Visit to Ottawa.

OTTAWA, March 8.—British Ambassador Bryce, who is to visit Earl Grey for several days this month, will be invited to be the guest of honor at the annual banquet of the Canadian Club here.

After all, USHER'S the Scotch that made the highball famous.—Adv.

SUGAR CO. SUED FOR $30,000,000

ALLEGED THAT IT PUT A RIVAL CONCERN OUT OF BUSINESS.

The Pennsylvania Sugar Company, in Which Frank K. Hipple Was Interested, the Plaintiff—Control of It Secured Through a Loan to Promoter Segal.

A complaint in an action for $30,000,000, with costs and attorneys' fees, was filed in the United States Circuit Court here yesterday against the American Sugar Refining Company by the Pennsylvania Sugar Refining Company of Philadelphia. The latter is the company in which Frank K. Hipple, president of the Real Estate Trust Company of Philadelphia, held 26,000 shares of stock (the controlling interest), and which in turn he had placed in the hands of Adolph Segal, the Philadelphia promoter.

Hipple killed himself when his enterprises went to smash about a year ago and the trust company of which he was president went into the hands of a receiver.

Conspiracy to ruin a rival concern is alleged in the complaint and the $30,000,000 is three times the amount of damages alleged.

The suit is brought through the law firm of Battle & Marshall of this city. The complainant alleges that through Segal negotiating a loan from Gustav E. Kissel, the banker acting as agent for the American Sugar Refining Company, the latter corporation secured control of the Pennsylvania Sugar Refining Company. This was possible because the voting power in the Pennsylvania company had been placed with the American Sugar Refining Company when Segal turned over, among other collateral for his loan, the receipt for 26,000 shares in the Pennsylvania Sugar Refining Company. This was Hipple's property that had been placed with Segal as security.

In an agreement made between Kissel and Segal at the time Segal's loan, which was for $1,250,000, was secured, it was stipulated that the lenders should have the voting power of that stock. An agreement alleged to have been drawn up between Kissel and Segal setting forth all these facts is annexed to the complaint. This agreement, it is set forth, was made on December 30, 1903.

The sum and substance of the complaint is that the American Sugar Refining Company secured control of a Philadelphia rival, elected a controlling lot of directors and thus was able to shut down the plant. Besides naming the American Sugar Refining Company as defendant the complaint also names Henry O. Havemeyer, John E. Parsons, Gustav E. Kissel, Walter D. Robinson, George L. Trigg and Morris J. Werner as individual defendants. Mr. Havemeyer is the president and a director of the American Sugar Refining Company, Mr. Parsons a director and vice-president and the four others are named through the fact that they were elected directors in the Philadelphia concern. It is alleged in the suit that all of these individual defendants conspired to put an end to the activity of the Philadelphia corporation.

The complaint is sworn to by William Howard Ramsay as president of the Pennsylvania Sugar Refining Company. It is set forth in the complaint that Segal negotiated the loan from Kissel for use in promoting his Champion Construction Company. Attached to the papers in the suit is an agreement signed by Segal as treasurer, Thomas B. Harned as president and William H. Whiteside as secretary of the Champion Construction Company, giving the lenders of the $1,250,000 power to use the 26,000 shares of the Pennsylvania Sugar Refining Company according to the agreement drawn up between Segal and Kissel. In addition to this collateral Segal gave 1,000 first mortgage bonds of $1,000 each on his Majestic Apartment House Company of Philadelphia and also 500 first mortgage bonds of $1,000 each that Segal held in the Philadelphia sugar concern.

According to the complaint the Pennsylvania Sugar Refining Company had a total authorized capital stock of $5,000,000 in 50,000 shares of $100 par value each. The stock was issued and outstanding in the hands of various parties, and the corporation held a valuable tract of land in Philadelphia, a wharf on the Delaware River, railroad sidings and a plant erected and completed for operation.

NEW DELAY IN MRS. EDDY'S CASE.

Printer Fails to Get the Papers Ready for Service at the Appointed Time.

CONCORD, N. H., March 8.—It was expected that service would be made on the local defendants in the Eddy equity suit this afternoon. Four o'clock was the announced hour when, according to Attorney N. E. Martin for the plaintiffs, copies of the bill were to be served upon Calvin Frye and Louis C. Strang at Pleasant View, and upon Irving C. Tomlinson and Prof. Herman S. Hering, the other two defendants residing in this city.

At the expected hour there was a gathering of newspaper men in front of Sheriff Kimball's office.

Soon after 5 o'clock word came from Counsel Martin that he would not receive copies of the bill from the printer until 6 o'clock to-night and that he had decided not to place papers in the Sheriff's hands until to-morrow morning.

Mrs. Eddy took her daily drive at the usual hour this afternoon.

OTTAWA, Ont., March 8.—It is thought that Miss Clara M. Shannon of Boston, formerly housekeeper for Mrs. Mary Baker G. Eddy, is in Ottawa. She is wanted as a witness in the litigation begun by relatives of Mrs. Eddy and her cabinet. Messages came here to-day from Boston to locate Miss Shannon.

TURNS TO DEFEND MRS. MILLS.

Stikeleather Denies Knowledge of Affidavit and Gives Evidence in Woman's Favor.

ASHEVILLE, N. C., March 8.—At to-day's hearing of the Merrill Beecher Mills divorce case before United States Commissioner Britt, which is conducted behind closed doors, attorneys for both sides formed a compact not to give out anything for publication.

The first and principal witness introduced was Gilland Stikeleather, who was named as a corespondent.

When questioned about the affidavit he made some time ago against Mrs. Mills, Stikeleather said he knew nothing about it. He denied the charges made in the affidavit and gave evidence strongly in Mrs. Mills's favor.

The taking of evidence here will probably end to-morrow.

THE MONTH OF MARCH SOUTH.
Asheville, Aiken, Augusta, Summerville and Florida reached by the Southern Ry. The route of The Southern's Palm Limited. N. Y. Offices, 271 and 1185 B'way.—Adv.

SPAIN'S NEW MINISTER HERE.

He Says His Mission Is to Cement the Friendship Between the Two Countries.

WASHINGTON, March 8.—Señor R. Piña y Millet, the new Spanish Minister, arrived in Washington last night and this morning Señor Luis Pastor, First Secretary of the Legation, called at the State Department to make arrangements for the presentation of the Minister's credentials. He is the first Spanish Minister here since April, 1905, when Señor Ojeda left Washington. Señor de Cologan was appointed to the post, but never came to fill it.

"I do not wish to be considered irreverent," said Señor Piña to-day, in discussing the relationship between this country and Spain, apropos of a reported statement of Admiral Dewey, "but if Admiral Dewey won his victory over our fleet in Manila Bay by divine aid, I think it must have been the god of war—the aid that iron gave him in conquering over wood. But all of that is of the past, and why should we dig up the past? Spain and the United States are friends, and always have been friends with the exception of a brief interval during which we were defeated in conflict. I have come on a mission to help both countries live down the past, to cement the friendship and make it lasting. I believe that our continued friendship is assured."

Señor Piña says that Spain has prospered since the close of the war, and that the conflict brought the people of the country to a realization of the necessity of making material progress, and that Spain could not longer remain inactive while other nations were advancing.

In speaking of the Philippines Señor Piña indicated that, so far as the Government of Spain is concerned, there is no deep regret over the loss of those islands to the Spanish Crown. He smiled as he conveyed this intimation, and the impression which was made by his remarks was that Spain considered that she had played a good joke upon the United States in selling the Philippines to this country for $20,000,000.

CORNELL TWICE BEATEN.

Columbia and Pennsylvania Debaters Defeat the Ithacans.

In the third annual debate of the Triangular Intercollegiate League at Mendelssohn Hall last night, Columbia won over Cornell by a two-thirds vote of the judges. The subject was: "Resolved, That Immigration be Further Restricted by an Educational Test." Columbia took the affirmative.

ITHACA, March 8.—Pennsylvania won the annual intercollegiate debate against Cornell to-night. The contest was very close and exciting and it took the judges, Hammond Lamont and Charles E. Conant of New York City, a long time before they reached their decision.

Cornells' team was made up of H. C. Stutz, R. E. Conlson and H. J. Roig. The Pennsylvania team was composed of A. W. Schuk, J. A. Dolan and F. A. Paul.

NO STRIKE ON THE LAKE SHORE.

Engineers Are All to Get an Advance—Concessions Made by Both Sides.

CLEVELAND, March 8.—The demand for higher wages made by the engineers of the Lake Shore Railroad will be granted.

D. C. Moon, assistant general manager of the road, and Warren Stone, head of the Brotherhood of Locomotive Engineers, to-day reached an agreement after each had made concessions whereby each of the thousand engineers employed by the Lake Shore will receive an increase in pay ranging from 10 to 18 per cent., the advance depending upon the size of the engine handled.

The negotiations were begun four months ago and will be ratified Monday. The increase will amount to more than $100,000 a year.

Mr. Moon to-night said he was satisfied and that he had never feared a strike. "Lake Shore men don't strike until they have used every means in their power to prevent one," he said. "The company was always willing to negotiate. Both Mr. Stone and myself made concessions, giving in here and there until we completed the work."

KAISER'S TALK AT THE TOWERS.

Brought Photos of Himself and Toys for the Children—Hot Tea and Liquor.

Special Cable Despatch to THE SUN.

BERLIN, March 8.—At the dinner given at the American Embassy last evening in honor of Emperor William twenty-four covers were laid, including eight for ladies. Mrs. Tower, wife of the Ambassador, sat at the Kaiser's right and Baroness von Ketteler, widow of the German Minister who was killed at Pekin, on his left. Mrs. Burgess, wife of Prof. Burgess, dean of Columbia University, sat at the right of Mr. Tower.

The Kaiser brought a large bunch of dark lilacs and violets for Mrs. Tower and two photographs of himself in the historical costume he wore at the Crown Prince's fancy dress ball. He also brought souvenirs to the Tower children and a collection of games, which were presented before the dinner, his Majesty having had them summoned downstairs in order to receive the gifts.

Much of the Emperor's conversation was given to the American military and naval attachés. Among other matters, he referred to the introduction into the German military equipment of huge tea samovars. He said the soldiers greatly appreciated drinking hot tea, preferring it to beer. He inquired as to the anti-liquor laws of the various States in America, showing familiarity with them.

He suggested that although these laws were highly beneficial there was much room for improvement in them, owing to the practice of men who, being unable to obtain alcoholic drinks in their own State, frequented low saloons across the borders. He also spoke of the increasingly wide cultivation of potatoes in Germany and the extensive use made of the tubers for the manufacture of alcohol.

LONG BEACH TO HAVE LADY COPS.

Women Will Patrol Shore, Piers and Auditorium and Keep Things Moral.

LOS ANGELES, March 8.—Long Beach, a summer resort a few miles from this city, will have women patrolmen next summer. The suggestion was made by the Women's Christian Temperance Union, and it met with instant favor among city officials.

The police in petticoats will soon be appointed. The idea is to have them patrol the beach, piers and auditorium after dark, perhaps half a dozen of them, and it is believed the cause of morality will be greatly aided and many evils of past seasons remedied. The women will be clothed with full police powers and will wear stars.

Members of the Women's Christian Temperance Union doubtless will be selected.

PARIS ELECTRIC LIGHTS OUT

BUSINESS HOUSES CLOSE AND THEATRES SHUT UP.

President Fallieres in the Dark—Even the Workmen's Meeting Shut Off—Bottled Candles in the Cafes—Employees Strike Over Their Contracts With the City.

Special Cable Despatch to THE SUN.

PARIS, March 9.—Without a word of warning the employees of the electric light and power companies went on strike yesterday afternoon at 5 o'clock. The few lights that were then burning were extinguished and electric elevators ceased running.

General confusion set in where electricity is employed as the sole means of lighting. Tradesmen closed their places of business and the proprietors of cafés made hurried searches for lamps. Hundreds of candles were thrust into empty bottles for lighting purposes.

The evening papers failed to appear. One that is usually issued at 7 o'clock managed to get out an edition at 10.

Electricity is so expensive in Paris that the trouble was not so serious as it might have been. Gas is still in general use, especially for street lighting. The theatres, which are lighted by electricity, waited until the last moment in the hope that the current would be turned on again, but finally they posted up notices that there would be no performances, and that the money paid for admission would be returned to-morrow.

Réjane's theatre was fortunately connected with the municipal supply, which was not affected. This theatre and the Casino de Paris on the same block were the only places of entertainment open. The Palace of the Elysée, the official residence of President Fallières, was without light. Service lamps were hastily arranged there.

The morning papers were utterly disorganized. Some of them were not able to appear, while others were reduced in size. The *Petit Parisien*, which owns its own light and power plant, printing two million copies daily, printed the Paris edition of the *Herald* this morning.

The strike is due to the fact that the city is now discussing the renewal of the electric lighting contracts, which are about to expire. The men have forwarded their claims in regard to wages, an eight hour day, pensions and holidays, which they feel have been unfavorably received, and the strike is a warning to the city to insure the men's demands forming part of the new contracts. The indoor men get fifty-two days rest annually with pay and the outdoor men get twenty-six days. The pay varies from 11 to 18 cents hourly, averaging $44 monthly for ten hours daily work.

One result of the strike was the closing of the Labor Exchange by order of the Prefect of the Seine, as the exchange is lighted by electricity. This prevented the strikers from holding a proposed meeting there last evening.

This caused much dissatisfaction, and an attempt was made to hold the meeting in front of the exchange. The police prevented this. Work on the new subway has been suspended owing to the absence of light. Much caisson work is progressing and it is feared that much water is certain to invade the tunnel.

The *Eclair* compares the strike to the Japanese attack on Port Arthur. It says: "It needed this unforgettable surprise to prove that we are under a government dictatorship—that of the confederation of labor."

At 4:30 o'clock A. M. only four morning newspapers had been published. The others were still struggling to get out their editions.

This message is filed at the Bourse, the only night cable office in Paris, which is now dimly lighted by one lamp and two candles.

THE HARRIMAN INQUIRY.

All the Testimony to Be Submitted to the Attorney-General.

WASHINGTON, March 8.—Chairman Knapp of the Interstate Commerce Commission denied to-day the report coming from New York that the commission had decided to bring suit to compel the Union Pacific to dispose of its Southern Pacific stock and divorce the two railroads.

"There is no truth in the report," said Chairman Knapp. "It is utterly absurd. We have no authority to bring such an action."

As heretofore stated in Washington despatches to THE SUN, an argument will be held before the commission on April 1 on the question as to whether the Union Pacific and the Southern Pacific are competing roads. This will probably be the final step of the commission in the inquiry it is now conducting into the conduct and management of the Harriman lines.

At the conclusion of the inquiry in the Harriman case all the evidence that has been taken will be submitted to the Attorney-General, who will examine it with a view to determining whether in the operations of the Harriman lines the provisions of the Sherman anti-trust act have been violated. The only action contemplated by the commission against Harriman is that involved in the proposal that a petition be filed in the United States Court for the Southern District of New York for a writ of mandamus to compel E. H. Harriman to answer questions relative to stock transactions that he declined to answer when on the stand as a witness at the hearing in New York last week. Such a proceeding will be instituted in accordance with plans made by the commission.

MAKE SPANIARDS STAY AT HOME.

Government Alarmed by Emigration—Big Shipload for Hawaii.

Special Cable Despatch to THE SUN.

LONDON, March 9.—The Madrid correspondent of the *Morning Post* says that the Government intends to adopt measures to check the continued flow of emigration, which is becoming a source of alarm.

The steamer Heliopolis arrived at Malaga Thursday to embark seven hundred Andalusian families, who have been induced by the Hawaiian authorities to go there for the purpose of counteracting the influence of the Japanese in the islands.

The newspapers advise the Government to facilitate the colonization of the Island of Fernando Po and Spanish Guinea.

Chanler's "Four Years Behind the Bars of 'Bloomingdale.'"—On sale Putnam's.—Adv.

OCEAN WAY TO FLORIDA.
Two days of pleasant travel aboard the large new ships of Savannah Line. Telephone 3865 Spring for tickets and reservations.—Adv.

ORIENTAL LIMITED WRECKED.

Many Persons Reported Hurt in Accident on the Great Northern.

GRAND FORKS, N. D., March 8.—The Oriental Limited, east bound on the Great Northern Railroad, running seven hours late, was derailed nine miles west of here to-night.

The whole train, except the engine, left the rails.

A relief train with doctors was sent from here.

It is reported that many persons were injured, but none killed.

PEACE FOR THE FAR EAST.

England, Japan and Russia Make Agreements, France Approving.

Special Cable Despatch to THE SUN.

PARIS, March 9.—The *Petit Parisien* says, in connection with the reported pending agreement between Russia, Great Britain, France and Japan regarding the Far East, that two agreements are being prepared or rather are on the point of being signed.

One is between Great Britain and Russia, referring especially to Persia, in which the Anglo-Russian commercial zones of influence are marked out. The other is between Russia and Japan, settling the points left suspended by the Treaty of Portsmouth, especially as to fishing rights.

In this latter instrument a clause has been inserted referring future disputes to arbitration. The newspaper adds that France, although she is deeply interested, will not sign either agreement.

ANTI-JAPANESE BILL PASSES.

California Senate Agrees on Measure to Keep Them Out of Schools.

SAN FRANCISCO, March 8.—After the hottest debate of the session the Senate last night agreed on an anti-Japanese measure which satisfied nearly every one and is almost sure to become a law.

The Wolfe measure originally provided that the Board of Education shall have the right to establish separate schools for Chinese, Indians, Japanese, Mongolians and others (the word Japanese not being in the present law) and further that no child over 10 shall be admitted for the first time to any primary school.

On the showing that the country school districts are full of boys and girls who could not enter a primary school for the first time until they are past 10 the bill was amended by adding the proviso that children or adults of any age may be admitted with the permission of the school superintendent or board of trustees.

MRS. BEHENNA IS SAFE.

Has Been Stopping With Her Daughter in Norfolk for Two Weeks.

OTTAWA, March 8.—Mrs. Behenna, the New York artist, who has been missing two weeks, is alive and well. Telegrams to Canadian relatives state that she is with a daughter at Norfolk, Va.

BRIDE KILLS HERSELF.

Returned to Her Mother's Home Four Days After She Was Married.

Mrs. Ray Friedberg, who was married a week ago and went to live with her husband at 57 East 110th street, returned in four days to the home of her mother, Mrs. George Abrahamson, at 26 West 112th street.

Last night she was found dead on the parlor floor with a half emptied bottle of poison beside her. The family are uncommunicative. The police theory is Mrs. Friedberg found marriage disappointing and killed herself.

KING ALFONSO SICK ABED.

Caught Influenza Through a Chill After Game of Golf.

Special Cable Despatch to THE SUN.

MADRID, March 8.—King Alfonso is confined to his bed by an attack of influenza, due to a chill he suffered while playing golf. His condition is not serious.

His physicians predict his recovery in a day or two.

TO HOLD UP NEW DIVORCE LAW.

Persons Interested in Dakota Industry Will Invoke the Referendum.

SIOUX FALLS, S. D., March 8.—Contrary to expectations the divorce industry of Sioux Falls and South Dakota has not received its immediate death blow through the new law raising the period of residence from six months to one year.

Those interested in the industry have decided to invoke the referendum amendment to the State Constitution to hold up the new divorce law. It will have to be submitted to the voters of the State and receive a majority, and it cannot be submitted until the general election in November, 1908.

CONNOLLY WASN'T SNUBBED.

Sea Story Writer Says Alabama's Bluejackets Were Very Considerate.

BOSTON, March 8.—James B. Connolly, writer of sea stories, who has just received an honorable discharge from the navy, requested THE SUN correspondent to-night to deny the reports from Washington that he had cut short his term of enlistment because of a hostile attitude toward him by his shipmates.

Mr. Connolly said he was everywhere treated with the utmost consideration by the bluejackets with whom he was associated on board the battleship Alabama. He says that his sole idea was to become acquainted with a battleship. Mr. Connolly says that he enlisted under his own name and that he made no attempt to conceal his identity from the sailors, and from his point of view it made no difference whether his shipmates knew he was a writer or not.

Three years ago Mr. Connolly spent three weeks on board the cruiser Olympia, in the Caribbean Sea, for the purpose of learning about life aboard a warship of that type and his cruise on the Alabama was made with a notion of rounding out his naval experience. He says that the seamen he was associated with were a fine body and that the service is in a highly efficient condition.

Help Wanted.

HARTFORD, Conn., March 8.—One of the wealthiest families in the city to-day advertised for a housegirl as follows:

"Wanted—A thoroughly incompetent girl with a good appetite and willing to learn housework. No objection to her being out all night if she will keep awake days. The mistress will do most of the work."

Many families use, as a food drink, instead of impure milk, Horlick's Malted Milk; original and only genuine. Always reliable, nutritious.—Adv.

SPECIAL TRAIN TO ATLANTIC CITY
Fridays and Saturdays during March, via Pennsylvania Railroad. Leaves New York 1:25 P. M. Broiler Buffet Parlor Cars and coaches. See time table.—Adv.

PRUSSIC ACID KILLED PRESTON

FELL DEAD WHILE FRIENDS WERE COMING UPSTAIRS.

Mysterious Death of a Former Texas Man at the Hotel Cumberland in the Presence of His Wife—Had Just Telephoned to the Office to Send Up His Callers.

Assistant District Attorney Manley, who is in charge of Mr. Jerome's homicide bureau, started an investigation yesterday of the death of Leonidas M. Preston at the Hotel Cumberland late on Thursday night. Coroner Harburger placed before Mr. Manley the report of Coroner's Physician O'Hanlon, which said that enough prussic acid was found in Mr. Preston's stomach to kill ten men.

Until Dr. O'Hanlon performed an autopsy yesterday at the Stephen Merritt undertaking establishment it was not known definitely what had caused Mr. Preston's death, although business friends of Mr. Preston who had been called to the hotel by him and were waiting in the hotel office when he dropped dead in his room insisted to the Coroner that the circumstances were suspicious. The autopsy developed that Mr. Preston had swallowed a pretty large quantity of prussic acid, taking it apparently in a drink of whiskey.

Coroner Harburger talked yesterday with Mrs. Preston, the young widow, who was with her husband when he died, and with Mr. Preston's business associates, William R. Timken, president of the Timken Railroad Bearing Axle Company of 219 West Forty-sixth street; Leonard Gray, 6 West Sixty-sixth street, and Edward R. Hewitt, 6 East Thirty-first street. He also talked with Mr. Preston's lawyer, Joseph A. Shay of 300 Broadway; Dr. J. R. English, hotel physician at the Cumberland, and Dr. George H. Millett of 144 West Seventy-first street, who had been treating Mr. Preston for an attack of grip. It is likely that these will appear before the Coroner this morning when he opens the preliminary investigation.

From these men and others the Coroner learned that Mr. Preston came here from Dallas, Tex., several years ago, shortly after the death of his first wife, a Texas woman. At that time, the Coroner heard, Mr. Preston was pretty well off, owning property in and near Dallas, besides being the heir to an estate in New Orleans. Mr. Shay told the Coroner that he thought Mr. Preston was easily a millionaire.

Here Mr. Preston became interested in an invention of William R. Timken's, an axle bearing, and went into the business with Mr. Timken and others. Preston was the New York manager for the concern and held stock in the company. According to Lawyer Shay, the business was paying and Preston with the others made money out of it.

About two years ago, the Coroner heard, Mr. Preston met his second wife. He went into a Broadway department store one day to buy a pair of gloves. He liked the looks of the saleswoman who waited on him, Miss Anna Glennon, and not long afterward they were married. His two children by his first wife Mr. Preston left with their mother's family in Dallas. The Coroner was informed that Mr. Preston had taken out two life insurance policies, one for $200,000, with his first wife as the beneficiary, and another for $10,000 which he had allowed to lapse.

The Prestons had been living at the Hotel Cumberland, at Broadway and Fifty-fourth street, for about five months. Mr. Preston showed no evidence of ill health until recently. He was 46 years old, over six feet tall and very robust. He was devoted to his wife, the Coroner was told, and attended strictly to business. About a month ago Mr. Preston went to New Orleans on a business trip. When he came back two weeks ago he was suffering from a sharp attack of the grip. He called in Dr. Millett, who was his physician, and the doctor cautioned him against going to work or taking up business worries before he was recovered fully.

Mrs. Preston told Coroner Harburger yesterday that Dr. Millett specifically warned Mr. Preston against having anything to do with business matters until he was out of danger. The doctor mentioned to Mr. Preston the case of a man who disobeyed his physician's orders in a similar case and dropped dead. Mr. Preston, however, appeared to be worried about his business and was in a hurry to get back in harness.

While Mr. Preston and his wife were talking in their rooms about 10:30 o'clock on Thursday night the telephone rang and the clerk informed Mr. Preston that Mr. Timken, head of the axle concern, Mr. Gray and Mr. Hewitt were down stairs in the office and wanted to know if he felt well enough to see them. Mr. Preston answered the telephone himself.

"Send them right up," he told the clerk. He turned to his wife and said:

"Well, I guess I won't have to go to business after all."

It didn't take more than two or three minutes for the three men to go up in the elevator and reach Mr. Preston's rooms. When they walked in they saw Mr. Preston lying fully dressed across the bed. They saw instanly that he was dead. Mrs. Preston was hysterical and unable to give them any definite information.

Mr. Timken and his friends were shocked, not believing it possible that the man who had answered the telephone not more than two or three minutes before could be dead. Dr. English, the hotel physician, was summoned and he sent for Dr. Millett. The two physicians examined the body and agreed that Mr. Preston had died of cerebral hemorrhage and heart failure. There was nothing to indicate from the superficial examination that the death was unnatural.

Mrs. Preston, who had recovered her presence of mind, suggested that her husband's lawyer, Mr. Shay, be sent for. When Mr. Shay arrived he advised them to notify the Coroner instantly. Mr. Timken, Mr. Gray and Mr. Hewitt waited for the Coroner. When Coroner Harburger got there with his physician, Dr. O'Hanlon, there was another examination of the body, but there appeared to be nothing to justify the belief that there was anything suspicious about Mr. Preston's sudden death. However, Mr. Preston's business friends didn't like the look of things. They suggested to the Coroner that the matter be gone further

Honest label, honest manufacture. That is Burnett's Vanilla. Best by test.—Adv.