

ASKS LEAVE TO BRING SUIT AGAINST THE CONSOLIDATED

To Annul Franchises Which Have Expired—Thereby He Gets Ahead of Ellison, but the Corporation Counsel Takes a Land Suit Card From His Sleeve.

Attorney-General Jackson started yesterday a new campaign against the Consolidated Gas and allied companies by applying to Justice Davis, in the Supreme Court, for permission to institute a suit, in the name of the People of the State of New York, to annul the chartered existence of the Consolidated Gas Company on the ground that it is a monopoly and that many of the franchises under which it is operating expired long ago.

The Attorney-General's new move followed close on the report of Special Master Masten in the United States Circuit Court that the legislative reduction of the price of gas to 80 cents a thousand feet is confiscatory, because it will not allow a fair return on the value of the franchises which the company holds. It is the contention of the Attorney-General that most of these franchises are really worthless, though they have been capitalized for large amounts, and that the people should not be made to suffer eternally for the overcapitalization of these franchises.

Justice Davis declined to grant the permission on an ex parte application, but said that he would sign an order requiring the Consolidated company to show cause why such an action should not be begun. Mr. Jackson immediately started his subordinate drafting such an order and Justice Davis signed it in the afternoon.

The order requires the company or its attorneys to show cause on May 28, in Special Term Part I of the Supreme Court, why the Attorney-General should not have permission to institute an action against it of the nature indicated in the statement made by Attorney-General Jackson. This statement says:

I have made an application to the Supreme Court for leave to commence an action in the name of the People of the State of New York against the Consolidated Gas Company to secure a judgment annulling the existence of that corporation upon the ground that the franchises of the companies that were merged to form the Consolidated Company, and upon the validity and ownership of which the Consolidated company relies for its right to exist, have expired, terminated and lapsed; also upon the ground that the Consolidated Gas Company was organized for the purpose of creating, and now constitutes, a monopoly and an unlawful restraint of trade by prevention of competition in the business of manufacturing, distributing and selling gas and electric current, articles of common use and necessities of life, in violation of section 7 of the stock corporation law and of Chapter 665, Laws of 1897.

I further ask that such corporation be enjoined from the use of said franchises and any rights and privileges conferred thereby. The Consolidated Gas Company was organized in 1884 by the consolidation of the New York Gas Light Company, the Manhattan Gas Light Company, the Metropolitan Gas Light Company of the City of New York, the Municipal Gas Light Company, the Knickerbocker Gas Light Company and the High Street Gas Light Company. The franchises of the New York Gas Light Company expired in 1888. The franchise of the Manhattan Gas Light Company expired in 1888. The franchise of the Metropolitan Gas Light Company expired in 1888. The franchise of the Municipal Gas Light Company expired in 1897. The franchise of the Harlem Gas Light Company expired in 1905.

The Attorney-General then says that he is informed and believes that the Consolidated Gas Company, for the unlawful purpose of securing and maintaining a monopoly of lighting in the city of New York, has purchased a majority of the stock of these companies, and that such purchases are in violation of the law prohibitive of monopoly in articles of common use and necessities, and that by these unlawful acts the company has offended against the provisions of the act under which it was created and by such abuse of its corporate powers has forfeited all its rights and privileges.

Mr. Jackson quotes from the decision of Special Master Masten placing a valuation of many millions of dollars upon these expired franchises, because no attempt has been made to keep the company from the full use and employment of them and adds:

Royal Baking Powder Absolutely Pure Has Many Imitators But no Equal

company to this land, and the proceedings for the purpose will be at once instituted. This land is valued by the company at \$632,255.

The publicity department of the Consolidated was taken by surprise by the Attorney-General's move, but managed to get out a statement. It says at the start: It is pointed out in the Attorney-General's statement that the Consolidated Gas Company that it is maintaining a monopoly and thus affecting gas prices for the simple reason that the price of gas—and likewise the price of electricity—fixed by the State. It has recently been decided by the higher courts that gas and electric companies have a right to sell their products at a price fixed by State or municipalities, the courts holding that the prices so fixed are supposed to be reasonable.

The gas companies in New York city have been furnishing gas to consumers for a period of seventy-five years, and have abided by and lived up to every requirement of the law, and at the present time the Consolidated Gas Company has in the streets and avenues of the city gas mains that are valued at \$15,000,000, and many miles of these mains have been laid during the last few years without any question on the part of any of these authorities. In fact, not one inch of the mains has been laid without the proper permits from the proper authorities.

In 1900 the value of the special franchises of the Consolidated Gas Company for taxable purposes was put at \$13,950,000. This assessment was increased each subsequent year, until this year, 1907, the special franchises of the company are assessed at \$23,500,000, on which the city collects more than half a million dollars a year. In addition to this the city further increases the burden of the company by having fixed a valuation of between \$5,000,000 and \$6,000,000 on the tangible property of the company, on which a further tax is levied.

The Consolidated Gas Company has paid taxes on about \$14,000,000, the amount of the appraisal having been so large that the matter is now under the determination of the courts under certiorari proceedings. The statement goes into the legislative investigation of the Consolidated in 1886, just after it was organized, saying: The committee of 1886 said that the stock had been issued and circulated and by virtue of law it is held by innocent holders, and nothing but the clearest proof of fraud and violation of the law by virtue of which it was issued would justify any attempt to render such stock worthless. The committee further said that it had been unable to find any such proof. If injustice had been done to the gas consumers of New York city, it had been done by the Legislature in passing a law allowing the consolidation to be effected in this manner.

These companies did simply what the law expressly said they might do. From that it will be seen that the act of 1886 expressly authorized the capitalization of franchises and rights as well as the tangible property of the constituent companies of the Consolidated Gas Company. Later on the statement says: In fixing the price of gas at 80 cents the Gas Commission attempted to justify its action in disregarding the value of the special franchises by stating in its opinion that they were not of value to the Consolidated Gas Company. The principle recognized by the authorities is that the value of the property of the corporation at the time the rates fixed must be considered. That being so, the only question the court has to consider is what value the corporation owned and the value of all such property. How it acquired the title is of no consequence, nor whether it received it as a gift, or paid only a nominal sum for it. Much of the property of railroad companies has been donated to them, but no court has ever intimated that such property must be left out of consideration in regulating rates.

"The Consolidated Gas Company," the statement winds up, "has lived up to and fulfilled every requirement of the law, and the franchises that it holds have been operated as the law intended when they were granted to it."

Bills Signed by Gov. Hughes. ALBANY, May 24.—Gov. Hughes has signed the following bills: Mr. Moreland's, increasing the salary of the Deputy State Comptroller from \$4,300 to \$5,000, and the Second Deputy Comptroller from \$4,000 to \$4,500, and providing for an assistant Second Deputy Comptroller whose compensation shall be fixed by the Comptroller. Mr. Schoenock's, amending the lien law so as to provide that contracts with a municipality for labor or materials must be filed with the comptroller or chief fiscal officer before any assignment of contract is valid. Mr. Walnwright's, increasing the rate of interest on street improvement bonds in Port Chester, Westchester county, from 4 to 5 per cent.

THREE STOWAWAYS ESCAPE. Brought Here by the Daghistan—Got Away in Brooklyn. Three Italian boys, aged 8, 15 and 16, stowed away aboard the British freight steamer Daghistan just before she left Savannah, in the Gulf of Mexico, on April 29. Two days later they were discovered hiding in the coal bunkers and were put to work. The Daghistan arrived at quarantine on Thursday and went into dock at the foot of Van Brunt street, Brooklyn. The three boys were locked up in a cabin and nobody thereafter thought much about them. At noon yesterday one of the ship's officers found that the lock of the cabin door had been broken and that the boys had fled. They made an adjoining pier and got into the street. Less than fifteen minutes after they escaped the doors of their berth were closed and every man aboard ship was searched for them. The South Brooklyn Italian colony is only a few blocks from the Daghistan's pier and it is probable that the runaway trio will not be caught. The owners of the Daghistan will be asked to pay to Uncle Sam \$500 for each stowaway who is not apprehended.

Dinner to Celebrate Victoria Day. The members of the British Schools and Universities Club celebrated Victoria Day with a dinner at Delmonico's last night. There were 100 present. Dr. Walter Eye Lambert was the toastmaster, and the principal speech of the evening was delivered by Bishop Frederick Courtney, formerly Bishop of Nova Scotia. He reviewed the reign of Queen Victoria and spoke of her as the greatest of British monarchs. Acting Consul-General Clive Bayley, Charles Johnson and Dr. Shannon also spoke.

AMONG THE AUTOMOBILISTS

LONG ISLANDERS FRIENDLY TO MOTOR CAR USERS.

Hostility Fast Disappearing. Aided by Decrease in Searching—American Motor Car Manufacturers' Association Now Consists of Forty-three Members—Notes. Automobileists who have driven to any extent this season on Long Island roads have come to the conclusion that the inhabitants of that section have recovered to a great extent from the hostility they formerly felt toward motor vehicles and their users. The gratifying fact that the searcher is seen less frequently than was the case in former years has undoubtedly helped to promote the good feeling that has grown up between rural Long Islanders and motorists. Farmers and townspeople alike are rapidly becoming accustomed to automobiles and no longer are frightened when they see one coming, as so many of them did when the machines were fewer in number. It is more than likely that local merchants and hotelkeepers have helped materially to put an end to the hostility and other means of annoying automobilists as owners of cars and their friends are too valuable customers to be treated with such rigorous enforcement of technical motor vehicle regulations without energetic protests.

There does not appear to be a tendency to permit automobilists to Long Island roads into speedways for impromptu races and in the western part of the island, inside and near the limits of Long Island City, violators of the speed regulations are dealt with vigorously, but further down the island the deputy sheriffs with their New York badge is not so numerous nor active as has been the case in the past few years. If this reasonableness on the part of the local authorities continues throughout the year it is certain that it will result in bringing no little prosperity to Long Island, as the most automobilists have money to spend and the inclination to do so.

Before starting for Philadelphia yesterday morning to witness the twenty-four hour endurance race on the Point Freese track, Alfred Reeves, general manager of the American Motor Car Manufacturers' Association, made the very cautious announcement that at a meeting last week between representatives of the Automobile Club of America, the American Motor Car Manufacturers' Association and the Motor and Accessory Manufacturers' plans were settled upon for the eighth annual A. C. show. Such a procedure may possibly crack the ice. Combined with this show will be the third annual exhibition of the Aero Club of America. Mr. Reeves also said that the A. M. C. M. A. now has forty-three members, as the Welch Motor Car Company of Pontiac, Mich., has been elected to membership.

Entry blanks and rules for the 200 mile endurance run of the New York Motor Club on June 6 have been issued by E. H. Johnson, chairman of a committee in charge. Lord Page is to act as pilot and will distribute the confetti from his White Star. J. J. Johnson is to supply a Berliet as one of the patrol cars, and W. B. Hurlburt has offered his Packard and another Louis E. Smith, one of the most accomplished amateur drivers hereabouts, has been added to the list of checkers.

The board of directors of the New York Automobile Trade Association discussed the project of holding an automobile sale when at their meeting on Thursday in the new headquarters at Broadway and Sixty-second street. At this meeting the American Motor Car Company, the A. G. Southworth Company, the Haynes Automobile Company, D. F. Nichols and Company and C. B. Rice were elected to membership in the association.

Though it had been generally supposed that there would be no new automobile legislation in New Jersey this year it seems that during the closing hours of the session a bill was put through during the usual conference just before adjournment. The bill, entitled Automobile Clubs of New Jersey to try to convince Gov. Stokes that the bill should not be signed, and that it would be a sum not to exceed \$200 or be peremptorily dismissed. Provision is made for twenty-five paid inspectors and the number to serve without salary. The Commissioner of Motor Vehicles is given an increase of \$1,500 in salary and the chief inspector of \$1,500. Clauses regarding foreign automobiles and drivers' certificates are also included in the bill. The bill to make restrictions more severe. Those who have examined the measure maintain that it is unworkable.

All hope of an easing up of the rigorous Pennsylvania motor vehicle law has been given up for the present, as the Speaker of the Pennsylvania House of Representatives summarily disposed of bills which the Senate had passed because some of the Senators had opposed the bills. The Pennsylvania motor vehicle law, which granted reciprocal registration privileges to automobiles registered in their own home State, the Sprout State highway bill, appropriating \$200,000 for the improvement of the Philadelphia-Pittsburg road, was another commendable measure which was killed. Both bills had been passed by the House and would have gone through without any opposition. Everything was done to secure a third reading for the bill, but the Speaker, Paul C. Wolf, secretary of the Pennsylvania Motor Federation, which is the State organization of the American Automobile Association, was unceasing in his efforts to get the measures passed.

It would seem that the officers of the Automobile Club of Maryland at Baltimore have hit upon a means of putting a stop to the activity of the nearby committee who annoy motorists by rigorous enforcement of local speed regulations. They have accordingly begun an investigation into the methods used by the county police in ascertaining the rate of speed of automobiles. The investigation was the outcome of several complaints made by citizens who asserted that they were unfairly arrested for speeding their automobiles. Advertisements have been inserted in the local papers requesting all who have been arrested in the county to make a full report of the circumstances attending their arrest.

In a new form of change speed gearing which has lately been used, it is to be found the unusual use of two cardan shafts. The system comprehends a worm and wheel drive for the final transmission to the driving axle, and either direct or semi-direct connections on all speeds. To this and the high speed connection, a drive through the upper of the two shafts, which meshes with the differential gear, and the lower shaft, which meshes with the second and lower cardan shaft which carries the lower shaft with the differential gear. By this means one less pair of gears are employed on all the lower speeds than in the ordinary arrangement. They mesh with the lower shaft with the differential gear. The saving in this respect is apparently counteracted, however, by the increased length of the cardan shaft with its extra driving gear.

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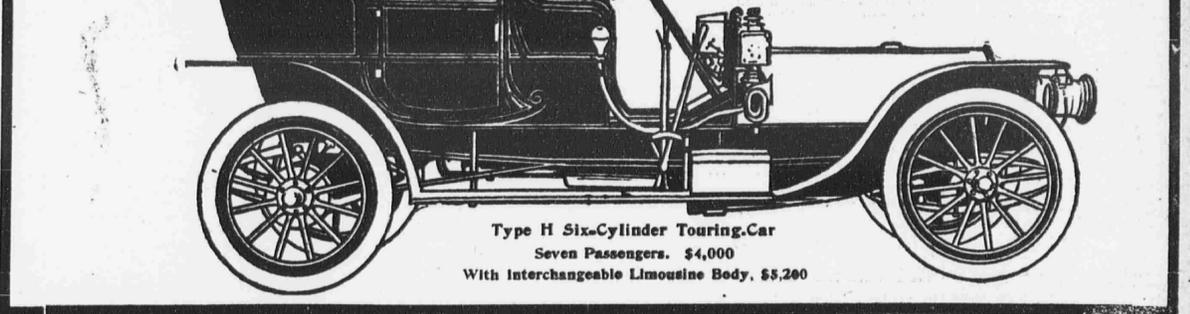
Its well-designed body and graceful lines make Type H a conspicuously handsome model. And with the interchangeable limousine, finished and furnished in most luxurious fashion, it is an unusually stylish and attractive town-carriage.

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ford car, is causing much wonder, as he is 62 years old, but he is displaying all the nerve and daring of the younger drivers. If an internal combustion engine overheats through loss of its cooling water, due to leakage from radiator or pump, or by undue steaming through overworking the engine, it is not advisable to stop the engine and pour fresh cold water into the radiator. As a procedure, it is possible to crack the cylinders, for sudden contact of the cold water and the hot combustion lead would cause a fracture. The best way to fill in the water is to keep the engine running light, and the water circulating pump circulates the water, and then gently pour the cold water into the radiator, and the added water gradually intermingles with the heated water present in the jackets and the temperature is reduced slowly without fear of cracking the cylinders.

SCHOOL TEACHERS' SALARY BILL.

Gov. Hughes Listens for Three Hours to Arguments For and Against It.

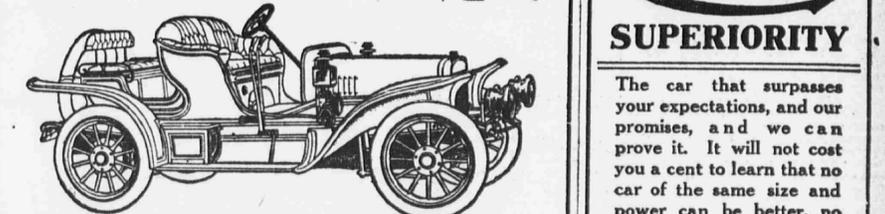
ALBANY, May 24.—For more than three hours today Gov. Hughes listened to arguments why he should not sign the New York city school teachers' salary bill and to arguments why he should. A delegation of about 150 schoolmen, dressed in their best bib and tucker, sat in the executive chamber and listened to the hearing. It was noticed that the teachers did not act in the same manner in the executive chamber that they did in the Assembly chamber. However, by frowns, derisive smiles and emphatic nods of heads they showed their feelings when the opposition made statements that they did not like. The Governor has given both sides until Monday night to submit briefs.

Horace E. Deming made a legal argument to show the bill was not such a violation of the home rule principle as was supposed. He also discussed the matter of salary schedules and said that the school board was doing an injustice to the women teachers of New York city. He said that there was not sufficient financial inducement to attract young women to teaching, so that when they leave high school they go to schools of stenography and become stenographers at \$9 and \$10 a week. Commissioner Stern of the Board of Education took up most of the time allotted to the opposition.

Egerton L. Whitney, Jr., also opposed the bill. He and Commissioner Stern differed on one important point, however. Whereas the Commissioner said that the bill became a law the men would be driven out of the profession, Mr. Whitney said that if the bill became a law the places held by women would be filled by men. He declared that the bill was full of ambiguities and should be amended. The male teachers who were in charge of the opposition had Miss Belle Davidson, representing the teachers of the lower grades, oppose the bill. Miss Davidson had prepared her argument and had also committed it to memory and recited it in much the same fashion that she would "curfew shall not ring to-night."

Miss Davidson did not pin any roses on the boys of the elementary grades, but the primary school teachers were very much in dread of the decision being left with the board as to what their maximum salary should be. She charged that while this bill was in the interests of 2,000 women teachers it would make 11,000 others suffer. As a teacher of the lower grade, she preferred to have her present salary, with a chance of getting an increase as compelled by the Davis school law, than to rely on the Board of Education doing justice to the teachers of the lower grades. Whereas the Commissioner said that the salary feature was the principal thing in connection with the bill, instead of discussion being given to the principle involved, the entire hearing was dominated by the Davis school law, and the teachers of the lower grades. Commissioner Friedland in reply to Miss Davidson declared that the vacancies in the teaching corps were temporary and that they were caused by temporary conditions.

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INVESTIGATING BELLEVUE.

Patent Says He Paid \$550 So That He Would Have a Private Room. A special committee of the board of trustees of Bellevue and allied hospitals has been investigating the case of an Italian who entered the hospital last Monday under the impression that he was to have a private room. The Italian was suffering from a stiff knee and was to undergo an operation. He had been sent to the hospital by Dr. S. Magnoni of 210 Grand street. He objected to being in the public ward and it was understood that he was to have a private room. When the doctors told him this was impossible at Bellevue he demanded \$50 back and refused to submit to the operation. Inquiries brought out the fact that he had paid Dr. Magnoni \$50 just before entering the hospital. Dr. Magnoni said last night that he had never represented to the Italian that he would have a private room. He had told him only that he would have the best of

care. The patient, the doctor said, had insisted upon his calling at the hospital after the operation had been performed, and the \$50 was to pay both for the treatment which he had given the Italian before he entered the hospital and for the time which would be required in visiting him after the operation. Dr. Magnoni said that after the man left the hospital he, the doctor, paid back the \$50 just for the sake of peace. Dr. Magnoni had been called a physician in consultation before they sent the man to the hospital. The consulting physician is said to have been a member of the Bellevue staff. The trustees of the hospital would not discuss this case last night. It was learned that the committee has started a general investigation into several other cases where patients have been under the impression that they were to have unusual treatment. The scope of the investigation includes doctors inside as well as outside the hospital. Firemen of Sea Experience for Fireboats. The officers and men of the Fire Department who before entering the service were attached to the navy will in the future be detailed on the fireboats.

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