MATRICIDE CHARGE DROPPED

BUT PROSECUTOR INSISTS MME. STEINHEIL KILLED HUSBAND.

Had Accomplices, He Thinks—Mme. Japy, Bound to Mislead Justice, Died of Heart Disease—Family Finances—Old Sweetheart Praises the Accused.

Special Cable Despatch to THE SUN.

PARIS, Nov. 11.—The absence of direct evidence and the weakness of the indirect evidence against Mme. Steinheil have compelled the prosecution to modify the charge against her. The original indictment charged her with being the sole murderer of her husband and mother. The Judge has repeated the charge in the same terms during the trial, but to-day the Advocate-General after declaring that Mme. Steinheil's motive for removing her husband was her intention to marry Borderel sketched his theory of the crime, which he will try to establish to-morrow. He declared:

"She killed her husband, but conscientiously I must say that the question of parricide disturbs me and appears to have been insufficiently established. So I shall only sustain the accusation within the limits which my conscience dictates. "The question of complicity will be placed before you. I am, in fact, convinced that Mme. Steinheil had an accomplice. She killed her husband for the motive I have explained, but she wished to use her mother to mislead justice. The crime was to appear as though committed by burglars. The mother was brought there. It was not intended to kill her, but to bind her.

"Steinheil heard the noise. The utmost haste was necessary. Then in their precipitation those who bound Mme. Japy went further than they intended, and when they returned to her after Steinheil was killed they found only her corpse."

It is understood that the Advocate-General will occupy four hours in concluding his speech to-morrow. M. Aubin for the defence will occupy five hours. Mme. Steinheil will have an opportunity to plead her own case, after which the jury will be locked up to deliberate. This will be the only time the jurors will have been locked up. They are allowed to go to their homes after each hearing. A verdict will probably be reached late on Saturday.

Mme. Steinheil kept her head lowered during the Advocate-General's address. She showed indignation when he referred to her mother's marriage as a mesalliance for Japy, but she wept most of the time.

The Advocate-General's indictment of the prisoner was very severe. "What idea was germinating in her," he asked, "when she spoke to Dr. Achery about the possibility of her husband not waking some day after taking the poppy decoctions to which he was addicted?"

In depicting the embarrassed financial state of the household he said it was impoverished through the church separation law. The breadwinner, Steinheil, no longer received orders for stained glass windows for churches.

An uncle of Mme. Steinheil's, who testified early in the day, said that Mme. Japy, who was a guest at his house just before she left on the fateful journey to Paris, had suffered from an attack of syncope. Notwithstanding this she insisted on going to the Steinheil house on the Impasse Ronsin. From this the Advocate-General evidently figured out that Mme. Japy had died of a similar attack when Mme. Steinheil and her accomplice killed M. Steinheil.

One of the final witnesses was the first to be in a position to give an independent opinion of the Steinheils' characters. This was M. Paisant, a barrister of the Court of Appeal, who was for six years a friend of the family. It was entirely favorable to Mme. Steinheil as a wife, mother and daughter. Her life, he said, had been one long struggle to make the most of her husband's talent.

He affirmed that Mme. Steinheil possessed duplicate jewels and often pawned the real ones. She had often said she had lost her furs when in reality they were pawned. She could easily have been divorced, but her husband would have been on the Paris pavement within three days if he had obtained a decree against her. She was his good genius. Steinheil knew it well and said so.

M. Paisant attempted to solve the psychological problem of why she deceived her husband His solution was that she did not do it for money, but because she craved intercourse with men of more robust minds than Steinheil's.

The effect of evidence like this and the impression produced by various witnesses conscientiously pronouncing their belief that the accused is innocent must not be judged from the American point of view. Such testimony carries decided weight with a French jury.

At the opening of the case to-day both sides agreed that it was unnecessary to summon certain witnesses who had not appeared. M. Borneque, Mme Steinheil's uncle, was the first witness called. His evidence was in regard to the finances of the Japy family. He said Mme. Steinheil benefited to the extent of 57,000 francs ($11,400) by her mother's death.

Mme. Japy, he said, dined at his house before going to Paris on the journey which ended in her death. While at his house she was seized with syncope and fell and hurt herself, but still insisted on making the journey, saying she wanted to see "Meg," about whom she never made the least complaint. "Japy," said M. Borneque, "had advanced money to all his daughters. If he complained at all, it was of his sons-in-law, especially Herr.

"I am sure," continued M. Borneque, "that Mme. Steinheil loved her mother."

M. Herr, husband of Mme. Steinheil's sister, was the next witness. He testified that Mme. Steinheil had never asked her mother for an advance of money.

Judge Valles interposed and said that before the crime Mme. Steinheil had asked an advance of 25,000 francs ($5,000) as a dot for her daughter Marthe.

The defence here opened its case. The first witnesses were three former servants in the Japy household, who testified to the good relations that existed between Mme. Steinheil and her mother.

Joseph Buisson, uncle of Pierre Buisson, the sweetheart of Marthe, Mme. Steinheil's daughter, was the next witness. Pierre Buisson, it may be recalled, was formally engaged to Marthe, and according to some testimony during the trial broke off with her because of the crime of which her mother was accused. Joseph Buisson, in his testimony, spoke of the ceramic business in which Adolphe Steinheil was to place $1,000 in partnership with him.

M. Buisson declared it his personal opinion that Mme. Steinheil did not kill her husband and mother. The witness corroborated a statement of Maître Aubin, the prisoner's counsel, that Mme. Steinheil lived in perpetual dread of burglars.

Other witnesses for the defence included a chauffeur whom Mme. Steinheil paid to seek a mysterious automobile which was supposed to have been seen outside the Steinheil house on the Impasse Ronsin on the night of the crime. Certain newspapers have declared that this was a most important clue.

The chauffeur said he found no trace of any such automobile. A detective who was employed on the same mission, and who had previously testified, was recalled. He reiterated his previous testimony that he was equally unsuccessful in finding any trace of the mysterious car.

An expert accountant was called to testify as to the finances of the Steinheil household. He testified that he found that Chouanard, the ironmaster, had contributed $1,000 and Maurice Borderel, the provincial friend of the prisoner, $1,400 toward the support of the family.

From Jan. 1 to May 30, 1908, the expert's examination showed that the receipts of the household had been 16,170 francs ($3,234), and the expenses 12,849 francs ($2,569.80). Allowing for other receipts he had found, the expert figured that there was 4,595 francs ($919) in the house on the night of the crime.

Maitre Aubin, Mme. Steinheil's counsel, objected to the expert acting on the supposition that there was no money in the Steinheil house on Jan. 1, from which point he made his deductions.

Capt. Scheffer, who has been referred to as "Meg's" (Mme. Steinheil's) earliest sweetheart, came to the court to testify in behalf of the woman whom he once might have married. His praise of her as a young girl was unqualified. He declared that he was profoundly convinced of her innocence.

It may be recalled that the Judge interrogated Mme. Steinheil on rumors about the birth of a natural son by Scheffer, who might have been the assassin. Judge Valles did not question Capt. Scheffer on this point, and it is figured that possibly he based his interrogatory of Mme. Steinheil on a suggestion in one of the numerous melodramas produced after the crime.

With Scheffer, the witnesses for the defence finished, and the presiding Judge announced that he would place the question of complicity before the jury. The Advocate-General then began the argument for the prosecution. He charged the prisoner as the principal author and an accomplice in the murder of her husband.

The Advocate-General admitted that Mme. Steinheil had not given birth to a natural child, but argued that her father's anger against her proved that she had misconducted herself as a young girl. He went on to say he was convinced that the prisoner was a money lover. This was shown by her numerous liaisons. With a servant like Mariette Wolf, he declared, the most terrible acts could be undertaken. Steinheil, the Advocate-General said, was a complacent husband, who was aware of his wife's conduct.

Mme. Steinheil hung her head as the Advocate-General read a letter in which her husband said she had dug an abyss between them. He quoted another letter of M. Steinheil asking the ironmaster, Chouanard, for money after alterations had been made on the house in the Impasse Ronsin.

The theory of the Advocate-General evidently is that Mme. Steinheil killed her husband with the aid of an accomplice. In his address he outlined the idea that Mme. Steinheil and this accomplice first bound her mother, Mme. Japy. During this operation M. Steinheil awoke. The noise had disturbed his sleep. Then, the Advocate-General theorized, Mme. Steinheil and the accomplice killed the husband. On returning to Mme. Japy's room they found her dead.

At this point the session was adjourned for the day. The Advocate-General will continue his summing up to-morrow.

THAW ON STEINHEIL TRIAL.

Compares It With His Own Case for Release From the Asylum.

MATTEAWAN, Nov. 11.—Harry K. Thaw last night gave out the following statement relative to the trial of Mme. Steinheil in Paris as compared with his own case for release from the asylum:

"Americans would not want the French sort of jury trial, but it would be better than no jury trial at all. A trial under the French system would be far better than a habeas corpus proceeding without a jury. Even if he were not misguided, as was Judge Mills regarding Mr. White's conduct, it is unfair to impose the burden of both judge and jury on a single man. If Judge Mills had acted exactly like the French judge and cross-examined me as vindictively as Jerome did, but had left the decision to unprejudiced men, the end would satisfy more people than the expression of his personal opinion with which the case did end.

"We are willing to leave a decision to any twelve men in this State and allow Jerome to choose them. When I was charged with a grave offence I was given a fair and impartial trial before an unbiassed jury, but when the charge is insanity I am deprived of the safeguards which always protect Monk Eastman, Red Kelly and the most dangerous persons in the country. Even as it was Mr. Morschauser supposed he had proved my sanity at White Plains by over fifty honorable and independent witnesses besides our alienists. Against these Mr. Jerome had alienists of slightly lower standing, but could find no independent testimony except misrepresentations from C. W. Hartridge and falsehoods from a poor woman whom Mr. Jerome had gallantly rescued from prison for perjury."

BODE DEFENDS HIS BUST.

Argues That It Is by Vinci or of His School and Slaps at Americans.

Special Cable Despatch to THE SUN.

BERLIN, Nov. 11.—In a letter to the *Vossische Zeitung* Dr. William Bode, curator of the Kaiser Friedrich Museum, mentions what he calls additional signs of the genuineness of the Leonardo da Vinci wax bust which was recently purchased for $40,000. The right hand, which recently reached the museum, exactly fits the bust and shows still more obviously that the bust itself is of the age of the dirtiness of the wax of which it is made.

Dr. Bode further says that the technique of the bust, the wax material, the manner of casting, the painting and, above all, the attempts at restoration and cleaning, not to mention the rude efforts to fill up the holes in the back of the bust with plaster, with other minor signs, leave no doubt as to the bust being a genuine Da Vinci. The only possible question, Dr. Bode says, is: "Is the bust Leonardo's own or by one of his school?"

The doctor thinks the former theory the more probable, as the work is infinitely superior to that of Leonardo's scholars, Pedrini, Melzi, Luini and others.

In conclusion the doctor says ironically: "It is true that the bust may not please every one, for it is hardly in accord with modern taste in art, but after all the old masters have to be recognized."

Dr. Bode complains that men holding similar positions to his have to pay high prices for these gems, owing to the example set by American collectors.

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NAVAL BASE IN THE PACIFIC

THE LONG STANDING DISPUTE FINALLY SETTLED.

President Approves the Report of the Joint Board in Favor of Pearl Harbor—Station in Subig Bay to Be a Repair Station and Cavite to Be Abandoned.

WASHINGTON, Nov. 11.—The long standing dispute over the location of the naval base on the Pacific has been settled by the selection of Pearl Harbor, Hawaii, by the Joint Army and Navy Board. This recommendation has been approved by President Taft. This outcome of the dispute was a compromise between the army members of the board, who favored Cavite or some other site in Manila Bay, and the naval members of the board, headed by Admiral Dewey, president of the General Board of the Navy, who favored the development of the present station at Olongapo, on Subig Bay.

The joint board's report recommended the development of a large naval station at Pearl Harbor, the maintenance of the station at Olongapo as a repair station and the abandonment of the naval station at Cavite. The floating dry dock Dewey, now at Olongapo, will remain there for the present.

Military experts in Washington regard the compromise as a satisfactory adjustment of the dispute, which has been pending for several years. The army members of the joint board took the ground that the comparatively small army maintained in the Philippines by the United States will be only sufficient to defend Manila in case of war. For this reason they discussed the proposition of developing a naval base at Olongapo on Subig Bay. The naval members maintained that Subig Bay offered an almost ideal location for the floating dry dock and the proposed naval station.

The naval members objected to locating the naval station on Manila Bay because of insufficient depth of water. Both these locations in the Philippines, however, were open to the objection that they could not be defended against an enemy. An invading army could, it was pointed out, land at several points along the Pacific side of the island of Luzon and march on Manila without difficulty. Both the army and the navy members of the joint board realized that with the small naval and military force available for duty in defending the Philippines it would almost be impossible for the United States to prevent their occupation by a foreign force. This belief, it was added, led to the selection of Pearl Harbor as a compromise measure.

The Navy Department has for several years intended to establish a naval station at Pearl Harbor and considerable work has already been done there. One of the largest dry docks in the world will be constructed there for docking and repairing the vessels of the Pacific fleet, which in future years will make its headquarters at Pearl Harbor. It is probable that Congress will be asked at the next session to make a considerable increase in the appropriations for Pearl Harbor station in order to carry out the plans of the joint board.

FOR A CENSORED CENSORSHIP.

Report of British Parliamentary Committee on Production of Plays.

Special Cable Despatch to THE SUN.

LONDON, Nov. 11.—The report of the Parliamentary committee which has been considering the question of limiting the powers of the Censor of Plays and which has taken testimony of many playwrights and others issued its report this evening. The report recommends the retention of the office of Examiner of Plays, but considers that the Lord Chamberlain would be well advised to form a consultative committee.

The censorship committee believes it would be legal to produce an unlicensed play, but the licensing body should be empowered to suspend the performance of the play if it considered it an improper one and the producer of the play should be liable for penalties. The courts of law or a mixed committee of the Privy Council should decide the propriety of any subsequent performance of a play so suspended.

The committee also expresses the opinion that a stricter guard should be exercised against indecencies which sometimes appear in plays of a frivolous type. It recommends the abolition of the present legal differentiation between a theatre and a music hall and to allow each to present whatever form of entertainment it desires.

TIME FOR M'CREERY'S WIFE.

Court Allows Her and Her Brother-in-Law to Gather Proofs of Insanity.

Special Cable Despatch to THE SUN.

LONDON, Nov. 11.—The proceedings in the peculiar McCreery case before the master in lunacy to-day were very brief.

While Walter A. McCreery was in an insane asylum two English receivers were appointed to look after his present and prospective property, Delphin M. Delmas, counsel for McCreery, on whose advice the latter is to sue for divorce in California, brought proceedings here to have the English receivers of his client's property discharged.

The master in lunacy adjourned the case to-day in order to give the defendants, Mrs. McCreery and Walter's brother Richard, time to assemble corroborative evidence of the plaintiff's insanity. The date of the next hearing was not fixed.

8 HOUR DAY MEANS NO WORK.

English Colliery Will Shut Down for Lack of Profit Under New Law.

Special Cable Despatch to THE SUN.

LONDON, Nov. 11.—The Linby collieries, near Nottingham, employing 300 miners, will close in a fortnight.

The owners announce that the operation of the recently adopted miners' eight hour act makes it impossible to work the mines except at a loss.

ROOT TO THE Y. M. C. A. MEN

RIGHT SPIRIT HAS KEPT THE ASSOCIATION ALIVE, HE SAYS.

Senator the Chief Speaker at the Twenty-eighth Annual Celebration of the International Committee—The Varied Work of the Organization Told.

Senator Elihu Root was the guest of honor and the principal speaker last evening at the twenty-eighth annual banquet of the International Committee of the Y. M. C. A. in the grand ballroom of the Waldorf-Astoria, although he talked a shorter time than ten other speakers who preceded him, and there were others who came after him.

Mr. Root has felt a kindly interest in the Y. M. C. A. for many years, since a day when Robert McBurney, a secretary of whom all Y. M. C. A. men are proud, disclosed himself as a man of spirit when Mr. Root strolled into the modest headquarters of those days. Senator Root bespoke the merits of Mr. McBurney before he sat down last evening, and his auditors signified their appreciation in applause.

"I remember," said Senator Root "forty-four years ago—it's a long time, almost forty-five years now— when we were weak and had only the small headquarters at Broadway and Twenty-second street, supported by a few wealthy men. And it is a joy to me to see this great work coming from that wonderful, beautiful spirit which has inspired your work. No disaster can follow you so long as you act in the spirit of Robert McBurney.

The applause which followed Senator Root's tribute to Mr. McBurney was an echo of that which had responded to the Senator's earlier reference to "the benevolent influence of religion which in the slow process of its beneficent development is gradually changing man from the brute to the angel."

Mr. Root was impressive in his manner as he said this, and paused after the word "to," before mentioning the angels.

"I have been listening with very great delight," he said, "to the stories which have been told by your various secretaries of the work that is being done by the association and the committee. I did not at first appreciate what a tremendous force this institution had grown to be.

"Of course now in the days of your prosperity there are dangers which you did not encounter when you were small. The huge sums of money you are receiving and the enthusiasm with which you are received throughout the world—these have their dangers. Your guiding principle has kept you out of politics." [Laughter.]

Mr. Root paused in seeming surprise. He continued: "It has kept you out of doctrinal theology and out of that cant of charlatanism that has so often wrecked works of religion and philanthropy. [Dead silence.]

"You aim to accomplish your work by working with men and not by talking to them; by saying, 'Come with us,' not 'Go and do that.' And that is the way that mankind is swayed."

The chairman of the dinner was Dr. L. C. Warner, and among those seated with him at the speaker's table were James R. Garfield, Dr. David Jayne Hill, Robert C. Ogden, Senator Root, President William C. Brown of the New York Central, James Stokes and Gov. Augustus E. Willson of Kentucky. The hall was nearly filled by diners at the smaller tables and the balcony boxes were occupied by men and women who came to listen to the speakers who told of the varied work of the association in the various countries of the world.

The diners looked not upon the wine when it was red, neither when it was white, and they smoked not, with the result that the whole color of the room was changed from what it usually appears during the speechmaking period of a banquet.

Among the other speakers were Mr. Garfield, Dr. G. J. Fisher of the physical department; George B. Hodge of the educational department, Dr. Clarence Barbour, formerly of Rochester; Edgar M. Robinson of the boys' department, W. B. Miller, who told of the work in the army and navy; Clarence J. Hicks, who talked of the work among railroad men; Clarence R. Towson, who spoke of the work in its relation to capital and labor, and John R. Mott, who is in charge of the work around the world generally, and who toured the world with letters from President Roosevelt.

PHOTOGRAPHS BY CABLE.

Italian Professor Has Been Doing Successful Work Over Short Distance.

Special Cable Despatch to THE SUN.

ROME, Nov. 11.—Prof. Antonio Mantagna has discovered a method by which photographs can be telegraphed or telephoned for any distance by means of ordinary wires.

Successful experiments have been made with his apparatus for a short distance. The professor now proposes to try to send photographs by cable.

30 HURT IN ITALIAN WRECK.

Passenger Train From Tivoli to Rome Derailed at Montecchio.

Special Cable Despatch to THE SUN.

ROME, Nov. 11.—A passenger train bound here from Tivoli to-day was derailed near Montecchio. Five of the cars tumbled over an embankment.

Thirty persons were injured, ten of them seriously.

Relief trains were despatched at once to the scene of the wreck.

CANAL INSPECTION BEGUN.

United States Congress Committee Gets to Work at Panama.

Special Cable Despatch to THE SUN.

PANAMA, Nov. 11.—The United States Congressmen who arrived here last evening are stopping at the Tivoli Hotel.

They began their work to-day, inspecting the lock sites and the Culebra cut in the vicinity of Culebra and Matachin.

They were accompanied by canal officials.

DISTINGUISHED VAMPS.

Engine 5 of Hackensack Heights Will in Time Be Ready to Answer Calls.

HACKENSACK, N. J., Nov. 11.—Fire Engine Company 5 of Hackensack Heights, is making preparations to be ready to answer fire calls. Hackensack Heights overlooks Hackensack proper from a commanding ridge. It is a residential section and it has had no fire company.

The new volunteer company was organized with the understanding that if the Improvement Commission would build them a modern firehouse they would buy an auto chemical engine at a cost of about $5,000. The house is to have a sleeping room for the chauffeur, and he will operate the chemical engine and answer every alarm.

The officers of the company are: President, Garret G. Ackerson, who is president of the Hackensack Golf Club; secretary, H. B. Ferber; foreman, E. D. Showell, and assistant foreman, James Le Baron Johnson, once chaplain of the New York Fire Department. The other members are Henry W. Sykes, Fred V. Ferber, Joseph Kinzley, Jr., James S. De Turck, Joseph F. Lockwood, William A. Cowee, H. P. D. Cowee, C. Van H. Whitbeck, Joseph C. Lincoln, H. W. Doubrava, Charles S. Conklin, E. C. Haslam, Robert L. Demarest, E. M. Bogert and W. A. Holman.

BALLINGER OR PINCHOT TO GO

Continued from First Page

mon source and some of those connected with the Administration believe that there is evidence sufficient to justify the opinion that the information upon which these magazines and periodicals based their attacks came from people connected with the Government who were anxious to do Mr. Ballinger an injury.

The fact that some of the statements of Mr. Ballinger's detriment have been coupled with eulogies of Forester Pinchot has attracted considerable attention. That Mr. Ballinger resents these attacks on himself and is inclined to be bitter over the effort to discredit him before the country has not been concealed by Mr. Ballinger himself. He is making ready to produce evidence that will refute the allegations against him. By his direction figures and data from the records of his department have been prepared and Mr. Ballinger is authority for the statement that these are accessible to any one who cares to look at them.

These figures and data appear to show that Mr. Ballinger has not only disposed of any water power sites, but has done more to preserve them to the Government than any other officer of present or past administrations. While in the interview with Mr. Ballinger, printed in THE SUN on Monday morning, he explained what had been done by him in an effort to conserve water power sites and prevent them from falling into the hands of any monopoly, other things have been said by Mr. Ballinger since the appearance of the magazine and periodical attacks on him which throw additional light on the subject of his contention that he is a firm friend of the conservation policy. Of one statement in a magazine that shortly after he became Secretary of the Interior he gave away Des Chutes Valley in Oregon without protecting the interests of the Government except as to a single dam site, when he knew the water power of the valley was extremely valuable, Mr. Ballinger said:

"That statement has absolutely no foundation in fact. It is false. It is wholly misleading and untrue." Then Mr. Ballinger proceeded to back up his denunciation.

"In the first place," he said, "I have been Secretary of the Interior since March 5, and up to this moment I have not approved the granting of a single water power site to any individual, corporation or company in the world. The only possible basis for this statement about the Department granting water power sites in Des Chutes Valley is that when I came into office there were applications here from two railway companies for rights of way up Des Chutes River into central Oregon.

"When they were approved they were approved only as rights of way, with the distinct understanding that at any time the reclamation service of the Interior Department should require it they should have to raise their tracks one hundred feet at a certain place where the erection of a bridge was contemplated. No water power site or anything like it went with this grant. The rights granted were simply an easement. From the mouth of the river up for about twelve miles the title to the land has been in private parties for some years and the lands above have been withdrawn for reclamation purposes and power sites and are still withdrawn."

Mr. Ballinger explained that since he had become Secretary of the Interior he had restored land in Des Chutes Valley to the public domain for entry and sale. This was done, he said, in deference to the sentiment of the settlers in that vicinity and when the land was withdrawn originally from entry it was not for the purpose of protecting water power sites, but was in the interest of the policy of reclaiming arid areas.

"When the order was given to restore this land," said Mr. Ballinger, "care was taken to see that anything that looked like a water power site was retained for the Government by a very simple process. We simply withdrew again from any kind of entry a strip of land on each side of the river and this leaves in the Government the title to every water power site upon it not in private ownership."

In answer to another magazine statement that Mr. Ballinger released to the Guggenheims and their friends all the power and reservoir sites withdrawn under the Roosevelt Administration, Mr. Ballinger said that the records of his Department showed that former Secretary Garfield's withdrawals numbered sixteen and covered sixteen rivers in four States, while the Ballinger power site withdrawals, made since March 5, numbered forty-six, covering forty-two rivers in seven States.

The figures prepared by Mr. Ballinger's direction and open to inspection show that the withdrawal for water power conservation in the Roosevelt Administration covered 3,335,250 acres, while Mr. Ballinger's withdrawals, including not less than 50 per cent. more water power sites, embraced an area of 432,318 acres only, thus showing that there was included within the original withdrawals an area of more than 2,900,000 acres of no value for power site purposes and therefore withdrawn uselessly.

One interesting fact that has come to light is that in a case decided by the United States Supreme Court in 1903, which was regarded by the Government as fully upholding the law of July 26, 1866, for the preservation of mineral lands, Mr. Ballinger as an attorney represented the successful litigant. The other party to the case was a big railway company.

BADLY HURT AT FOOTBALL.

Harry Allen of Great Neck May Die of Injuries Suffered on Election Day.

GREAT NECK, L. I., Nov. 11.—Harry Allen, 21 years old, deputy postmaster at this village, is in a serious condition at his home as the result of injury suffered in a football game on election day.

Allen was playing behind the line on the St. Aloysius Lyceum team of this place against the St. Vincent de Paul of Brooklyn. He had the ball and was making a good run when he was tackled and thrown heavily. In the rush some one kicked him in the head and he lay stunned for a while. He revived and continued playing.

He felt no ill effects until yesterday, when he took to bed and Dr. Parsons and two other physicians were called in. They said he was suffering from concussion of the brain and that he has only a slight chance of recovering.

Charles A. Munn Arrested for Speeding.

Charles A. Munn, publisher of the *Scientific American*, who lives in West Orange, N. J., was arrested at Broadway and Parsons avenue, Flushing, yesterday morning on the charge of running his automobile at the rate of twenty-four miles an hour. When he was arraigned before Magistrate Fitch Mr. Munn protested that he was not going faster than eighteen miles an hour. He was held in $200 bonds for the Court of Special Sessions and he gave as bail property in Manhattan valued at $20,000.

SPECIAL NOTICES.

IF YOU ARE A TRIFLE SENSITIVE

About the size of your shoes, it's some satisfaction to know that many people can wear shoes a size smaller by sprinkling Allen's Foot-Ease, the antiseptic powder, into them. Just the thing for Dancing Parties, Patent Leather Shoes, and for breaking in New Shoes. When bunions or overshoes become necessary and your shoes pinch, Allen's Foot-Ease gives instant relief. Sold everywhere, 25c. Sample FREE. Address, Allen S. Olmsted, Le Roy, N. Y. Don't accept any substitute.

JAMES STILLMAN COMES BACK

W. G. ROCKEFELLER ALSO RETURNS FROM EUROPE.

Daniel Guggenheim Says Talk of the "Invisible Supply" of Copper Is Foreign Nonsense—Kid McCoy Wants Jeffries-Johnson Fight to Go to France.

The Cunarder Lusitania, in last evening, docked handily, although she broke no records chiefly because she found high head seas in her course most of the trip. Some of the voyagers were Mrs. Whitelaw Reid, wife of the American Ambassador to England, who will spend the Christmas holidays with his father, D. O. Mills; J. Annan Bryce, M. P., brother of the British Ambassador to Washington; Daniel Guggenheim, the copper man; James Stillman, who has been three years away; W. G. Rockefeller who is a son of William Rockefeller, and who has been abroad about a year recuperating; J. C. Colgate, Mrs. Anthony J. Drexel, Benjamin L. Winchell, president of the Rock Island and Pacific; Charles M. Jacobs, the engineer, and Norman Selby, otherwise Kid McCoy.

Mr. Guggenheim, who has been four months in Europe, has completely recovered his health, which was poor when he sailed hence. He spent most of his time at Carlsbad and in automobiling in Germany and France with his wife and daughter. He said the people of Europe were eagerly watching this country which had become a sort of commercial barometer for them. Not many years ago Europe took much less interest in the prosperity of America, but now it was keenly realized on the other side that the well being of America meant European commercial and industrial progress. About copper Mr. Guggenheim said the supply in licensed warehouses was normal. The talk of the invisible supply was nonsense and was due to the policy of foreigners to magnify the supply so as to hammer down the prices

Mr. Jacobs made an inspection of the underground railways of Paris, particularly the tube under the Seine, which is twenty-six feet in diameter and through which two trains are run at once. He said he was not in favor of the two track tube, and that engineering opinion was practically unanimous now for the single train tube, such as the Pennsylvania has under the North River. The trains in these tubes acted as pistons, pushing out the bad air.

Mr. Jacobs said he thought he would retire, at least temporarily, from work and take a needed rest.

Kid McCoy comes here as the representative of a French-American syndicate that will bid for the Johnson-Jeffries fight. The syndicate has guaranteed to pay $50,000 for the privilege of pulling the fight off in the Grand Prix week in the latter part of June. The syndicate will guarantee a full house, made up in part of some of the most distinguished people of France and England, and will promise to see that the battle is on the level. There will be no interference by the police, no matter how hard the gladiators may pound each other. The syndicate wants forty-five rounds, which Mr. McCoy observed was "practically a fight to a finish."

SIR THOMAS STILL HOPES.

Speech at B. J. Greenhut's Dinner on His Hankering for Our Cup.

Sir Thomas Lipton was the guest of honor at a dinner given by B. J. Greenhut at Sherry's last evening. About seventy guests were present.

The tables were laid out in the shape of a huge Shamrock and miniature Shamrock III.'s bobbed here and there among the leaves, which decked the table.

Mr. Greenhut introduced Sir Thomas as the first speaker, after a toast had been drunk in his honor. Sir Thomas thanked the guests for their greetings, and said it was his fondest hope to be with them once again off Sandy Hook in 1911. He said that in the last year, out of seventy-five races in which he had competed, he had won fifty-two prizes, but that he would be willing to sacrifice them all, if he could succeed in lifting the cup now held by the New York Yacht Club.

He had no doubt that the club would meet him half way and alter the measuring regulation which at present prevents him from challenging. And if in 1911 he is unsuccessful he will "look forward to another day."

John D Crimmins replied for the New York Yacht Club and said that he realized that under present conditions no foreign boat could hope to compete on even terms for the cup, and that a "veritable brick wall has been reared against foreign competitors," but that he hoped within the year to see this all changed and an equitable arrangement made upon which to base the competition.

Other speakers were Supreme Court Justice Platzek, Clay M. Greene and Commodore Wilson Marshall of the Larchmont Yacht Club.

Among the guests were Gen. James A. Clarkson, H. H. Vreeland, Herman Ridder, Supreme Court Justice Mitchell Erlanger, Henry Morgenthau, Frank Presbrey, Felix Warburg, Frank E. Vogel and Morton W. Smith.

Wanmaker to Give Appraisers a Dinner.

George W. Wanmaker, Appraiser of the Port and Republican leader of the Eleventh Assembly district, will give a dinner to-night at the Republican Club to the appraisers from ports all over the country who have been in conference here. Collector Loeb is to make a speech.

OLD VASSAR BREWERY TO GO.

The Building in Which Matthew Vassar Amassed a Fortune Brewing Ale.

POUGHKEEPSIE, Nov. 11.—The old Vassar brewery, standing on the river front, which has been a conspicuous landmark for many years, will be torn down by Capt. J. W. Hinkley, who bought the property at foreclosure sale several years ago. The destruction of the old building is of particular interest because within its walls Matthew Vassar, the founder of Vassar College, produced the finest ale that America ever brewed.

Through its sale in all parts of the world he amassed a fortune, a part of which was devoted to the erection and endowment of Vassar College, the pioneer woman's college, which was originally known as "Vassar Female College," until an east wind came bowling along from Boston and blew the "female" away.

No ale has been brewed in Vassar brewery since the death of Oliver H. Booth, a nephew of Matthew Vassar, about ten years ago. Mr. Booth conducted the brewery from 1866 until his death. The brewery buildings were erected in 1836. They are now in a ruinous condition.

SAYS STUDENT STOLE LENS.

Fordham Professor Has Carl Beck Arrested on the Charge.

Carl Beck, 23 years old, of Bay Thirty-sixth street and Benson avenue, Brooklyn, a student in Fordham University, was locked up at Police Headquarters last night on the charge of stealing a microscope lens worth $40 belonging to the university.

The charge was made by Dr. V. E. Sirapure of the university faculty, who accuses Beck of taking the lens from one of the laboratories on November 9. The arrest was made in The Bronx yesterday evening by Detectives Flynn and Illich of The Bronx branch bureau.

While the police have entered the name of Dr. Sorapure as the complainant against Beck, the doctor last night declined to discuss the case and said he was not certain that Beck was guilty. He said many articles of equipment in the medical department have been missed and that the detectives are after several other students.

Beck is a first year student in the medical department, and according to Dr. Sorapure has an exemplary record. He comes, the doctor added, of an excellent Brooklyn family.

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