Expect Huerta to Declare Election Void and Retain Power

Calero and Flores Magon, had no printed ticket at the polling places, their constituents being obliged to write their names in blank ballots.

Huerta did not vote. He spent the day at his Popotla suburban home.

Since the Deputies and Senators are not subject to the election provisions governing the Presidential election, it is said to-night that the choice for Congress is assured. It is assumed on the showing, so far as known, the Catholic party will get a majority in both Chamber and Senate.

Gen. Felix Diaz broke with Huerta to-day and telegraphed to the President his resignation as brigadier-general in the army.

Col. Vidauavrazaga, secretary to Gen. Blanquet, War Secretary, reported by telegraph that Diaz had flatly refused to accompany him to the capital, and that he would return at once without him.

Telegrams received here late to-night indicate that there has been voting only in the districts where Federal troops are in control, and in those places the soldiers as well as the Government officials voted for Huerta. Little or no polling has taken place in the north.

In Mexico city the usual Sunday crowds marched through the streets and the bands played as usual in the parks.

A decree will be issued by Huerta to-morrow increasing the army from 85,000 men, its alleged present number, to 150,000. Huerta proposed such an increase some time ago, but the Congress which he dissolved limited him to 80,000.

Who the Candidates Are.

The candidates for President and Vice-President are as follows:

National Democratic party, FELIX DIAZ and JOSE LUIS REQUENA.

Clerical party, FEDERICO GAMBOA and EUGENIO RASCON.

Liberal party, MANUEL CALERO and JESUS FLOREZ MAGON.

Liberal Republican party, DAVID DE LA FUENTE and ANDREA MOLINA ENRIQUE.

Nueva Leon reports that the rumor of Diaz's arrest reached there early, but such voting as there was appeared to be in his favor. Few ballots were cast, however.

Several hundred votes were cast at Juarez, and Diaz is in the lead there. Soon after the polls opened Gen. Jose Salazar appeared with 700 cavalrymen, all of whom cast their ballots and immediately left for the south. If their horses are in good condition these cavalrymen should be able to repeat the performance many times before the polls close.

At Chihuahua the disorder is reported to have been so great as to determine the military Governor to order a postponement of the voting for State officials.

Voters in Capital Are Apathetic.

Little interest is being manifested in the election in Mexico city. There was the usual Sunday crowd in the streets, but little talk of politics or the possible results of the election. Everywhere voters are apathetic. Reports from a dozen precincts in which more than a thousand voters were registered show that only fifty-nine ballots have been cast. The military patrol is keeping the crowds moving and gatherings at street corners are quickly dispersed. Hundreds of voters who are unfriendly to the Huerta Government are remaining at home and the belief is that they have been intimidated.

This same fear may explain the lightness of the vote in other sections of the country, particularly along the northern border and in the ports where Diaz is known to be strong. A report says that at Piedras Negras, where the Constitutionalists are particularly strong, the polls were not opened at all. Heavy rainstorms are reported to have kept hundreds away from the polls in other places.

Whatever the final returns from the elections show, the Constitutionalists are not likely to regard the voting as conclusive. The whole election is being openly denounced as a farce by the leaders. Gen. Venustiano Carranza again voiced this opinion to-day at his headquarters in Hermosillo. He said:

"Constitutionalists will not recognize the result of the electoral farce, whether it is said that Huerta or any other citizen is elected, because in the actual conditions of the country it is absolutely impossible to hold legal elections. Therefore we will keep on combating with arms the regime which may result."

Text of Candidates' Manifesto.

The Government gave out late last night the full text of the manifesto which was signed by all the candidates for President and Vice-President with the exception of Gen. Felix Diaz, who was represented at the conference by Jose Luis Requena, the candidate on the same ticket for Vice-President. The manifesto follows:

"To the Mexican people:

"Believing that such is the sentiment of the various political parties which support our candidacy, we fulfil the duty of elemental patriotism by declaring to the whole nation the firm determination of each one of us to respect the popular will when it is manifested legally in the forthcoming election.

"Therefore we declare that if one of the tickets represented among us triumphs the Government thus formed will be respected by the losing candidates, and in case it is impossible to obtain an expression of the popular will according to the formalities sanctioned by law we offer loyally and patriotically to concentrate all our energies in collaboration with the constituted Government for the pacification of the country so that the popular will may be again consulted.

"We are firmly convinced that by adopting this line of conduct and following it, even though it mean the postponement of the realization of our political ideals, the future Government will be consolidated and peace assured, which is the supreme aspiration of the country in this unfortunate epoch of her history.

"Therefore we exhort our partisans to prevent possible disturbances in the solemn moment of voting, to preserve absolute serenity and on no account to give cause for the disturbance of public order, indispensable in ordinary circumstances and especially to-day, when the entire republic does not enjoy the full benefit of peace for which as candidates and as Mexicans we earnestly long."

NO ELECTION IN COAHUILA.

Gov. Maas Wasn't There to Issue His Proclamation.

LAREDO, Tex., Oct. 26.—There was no official election to-day in the State of Coahuila, Gov. Joaquin Maas having failed to reach Saltillo in time to issue his proclamation.

Election day was celebrated in Nuevo Laredo, across the Rio Grande, by the marriage of Col. Gustavo Guardiola y Aguirre, the city's new military commander, to Miss Maria Caballero, said to be the most beautiful girl of northern Mexico. Townspeople and Federals joined in the celebration.

HUERTA DETERMINED TO RETAIN CONTROL

Washington Thinks He Will Cause Election to Be Declared Void.

CONGRESS WOULD ACT

Provisional Executive Would Then Be Appointed Constitutional President.

WASHINGTON, Oct. 26.—Advices received in Washington to-night from Mexico seemed to confirm the previous predictions of general apathy toward the elections for the Presidency held in that country to-day. Only a very light vote was cast, the report stated, and the people as a whole showed little interest in the elections.

While none but guesses could be made here as to the outcome of the elections the meagre reports received were interpreted as indicating that the forecasts of "no election" would be verified by the result. Should the elections be declared null and void this, it has been pointed out, would leave the way open for Huerta to do one of several things, all of which might be made to inure to his own advantage.

According to the understanding here Huerta may declare all the elections void and continue on for an indefinite period as provisional President and dictator of Mexico. This would be the simplest course for him to pursue, but would lay him open to charges of absolute breach of faith in every particular and would undoubtedly strengthen the opposition to him.

Another course which will lie before him in case the Presidential elections are declared void is that it may be ruled that the elections for Deputies were all they should be and thus a new Congress would be set up. These new Deputies will of course be Huerta men and the Congress as a whole will undoubtedly be prepared to cooperate with Huerta instead of obstructing him as did the Maderista Congress he dissolved recently.

Congress May Urge Huerta to Stay.

Huerta might then tender to the Congress his resignation as provisional President. Congress might refuse to accept it and instruct him to continue as provisional President, though of course not as dictator, until another election for the Presidency could be held. This election might be postponed indefinitely, say until the complete pacification of the country, thus leaving Huerta in control for a long period. This time, however, he would have a greater show of legality in his position than is accorded him at present, though as a matter of fact he observed the constitutional forms in becoming provisional President last February.

But still another course lies open to Huerta should the Presidential elections be declared a failure. He might resign as provisional President, to take effect upon the qualification of a constitutional President to be chosen by Congress. This Congress might then, and probably would, proceed to elect Huerta. This may easily happen and in many quarters especially well informed here it is the outcome that is most expected. Huerta could then say to the whole world that he held his office not as an ad interim President nor as President by a coup d'etat but as elected by Congress, that body acting in the failure of the popular electorate to choose a candidate.

There are some in Washington who insist that Huerta will prefer to insist that the elections be regarded as fulfilling all the Constitutional requirements and that the man with the most votes be ushered into office. This theory is based on the belief that he will prefer thus to establish a record for good faith and regularity rather than draw on himself suspicions by announcing that the elections have been a failure and continuing in office. It is admitted, however, that until further reports are received nothing but speculation is possible, as Huerta has withheld even from his closest advisers all knowledge of what is his plan of action.

Huerta Ready to Act.

The Administration is convinced that he has mapped out a complete course of procedure, which he will disclose and put in operation, when the time comes for passing on the results of the voting.

Mr. Bryan returned to Washington late last night and was in touch with the State Department during the day. He said to-night that only the most meagre and unimportant messages had been received, merely to the effect that the voting seemed to be light. Whether this voting is light according to American standards by Mexican standards was not indicated in the departments despatches.

It was recalled to-night that only 17,000 votes were cast in the election, by which Madero was brought into the office of President. The people of Mexico outside the army, office holders and political workers have not been educated up to the idea that the ballot is for every one.

How little the conditions in Mexico are understood was demonstrated here to-night. Soon after sunset members of House and Senate began calling up the newspaper offices to ask:

"Who was elected in Mexico?" Even were the exercise of the suffrage in Mexico on anything approaching the plane of the same function in the United States the lack of communication in that country, to say nothing of the disturbed conditions, would make it impossible for the result to be known for many days. Predictions vary from three or four days to more than a week as to the time which must elapse before any result of the elections can be known.

Administration officials were silent to-night as to the immediate policy of this Government. Again the suggestion was heard that the proposed circular note to all the Powers defining clearly the policy of this Government for the special benefit of Europe might not be sent. In any event, it was made clear that nothing will be done in the matter before Wednesday, when the President takes up his work at the White House again.

WILSON'S SPEECH CRITICISED.

London "Times" Says President's Ideals Cannot Be Realized.

Special Cable Despatch to THE SUN.

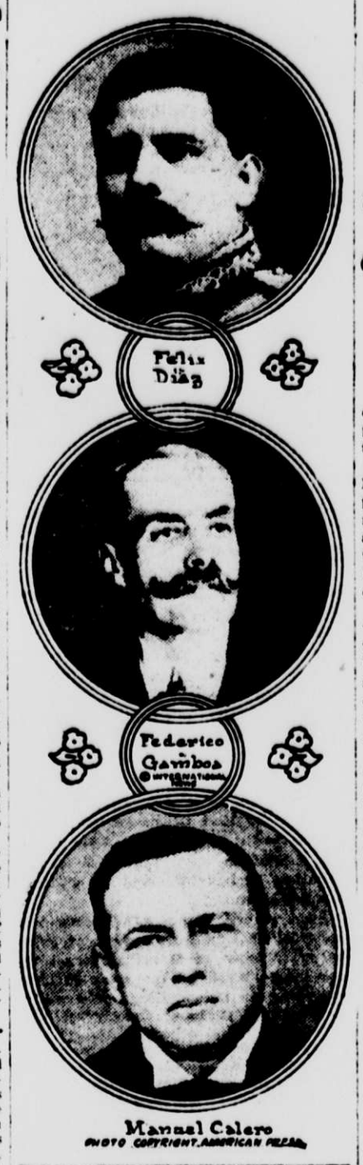
LONDON, Oct. 27.—The *Times*, while acknowledging the lofty idealism and unquestionable sincerity of President Wilson's speech on the Mexican situation at Swarthmore, Pa., Saturday, doubts the possibility of its application to practical politics.

"We do not believe," says the newspaper this morning, "that a Government which would realize even roughly the ideals of President Wilson can be established in Mexico."

Regarding Great Britain's attitude it says in effect that England does not care who conducts the Government of Mexico so long as the Executive chosen is able to maintain order, justice and stability. That, says the *Times*, is the reason Great Britain recognized Huerta, and that recognition implies no approbation of his methods.

The *Daily Mail* pays a high tribute to President Wilson's ideal but declares that it is not applicable to any recent government in Mexico, adding that Huerta's

Candidates for Mexican Presidency



Government is rather less bloodstained than that of Porfirio Diaz. British policy, it says, is guided by practical considerations of the interests of the nation as a peaceful trader. The *Mail* fears that the moral indignation of the American press against Huerta is not inspired by the same source as Wilson's.

"The danger in the Mexican situation," it continues, "is the danger always lurking where idealism mingles with politics. Idealists seem fated to stir up trouble and their idealism is more deadly in effect if there are unidealistic forces behind it seeking to use to serve their own ends."

103 VOTES CAST IN JUAREZ.

Huerta Said to Have Ordered Ballots Favoring Diaz.

El Paso, Tex., Oct. 26.—One hundred and three votes out of a population which in 1911 was 16,000 were cast in the Mexican national election in Juarez, opposite El Paso, to-day. Ninety-three of these were cast for Felix Diaz, and it is reported in Juarez that a message came this morning before the polls opened from provisional President Huerta instructing his officials to see that the votes were cast for Diaz.

Mayor Guillermo Cruz denied this and declared: "This is the first time in history that the citizens of Juarez have had perfect liberty in casting their ballots."

The city was quiet all day.

SHIP, AFIRE, RACES TO PORT.

Roth Liner Sowwell, With Blazing Cotton Aboard, Gets to Halifax.

HALIFAX, N. S., Oct. 26.—With the forward deck red hot from a cotton fire below, the Roth liner Sowwell put into port to-day after a 400 mile race to safety. On Friday morning the cotton burst out aflame, and just as the alarm brought all hands on deck the steering machinery was thrown out of commission by the heavy seas. Next the hand steering gear was carried away, and for five hours the ship floundered at the mercy of a northeast gale while repairs were being made.

In the meantime the crew were in a panic and cowered in the stern, while the captain, two officers and engineer struggled to cut a hole through the deck to start a steam jet playing on the blazing cotton bales.

The Sowwell left Savannah, Ga., ten days ago bound for Havre, but coaled at Newport News en route. She has a cargo worth nearly a million dollars. The fire is being extinguished with the aid of local fire fighting apparatus. The hold will be flooded to the deck top to-morrow.

MR. ROCKEFELLER APOLOGIZES.

Had Grieved His Former Gardener, but It's All Right Now.

CLEVELAND, Oct. 26.—Ebenezer Roberts, an aged man, formerly gardener for John D. Rockefeller, was standing on the steps of the Euclid Avenue Baptist Church today when his former employer came out from service. Mr. Rockefeller went quickly to Roberts, grasped him warmly by the hand and apologized for having passed him without speaking three weeks ago. He had heard that the old man had been much grieved by this unintentional slight.

"I was never too proud to speak to you," said Mr. Rockefeller. "It was merely an oversight. I wish you many more years of life."

Roberts was so much affected that he wept.

Mr. Rockefeller distributed bright new Lincoln pennies to children about the church, telling them, with a smile, to put them in a savings bank.

TO DISCUSS RAILROAD VALUES.

Commissioners Begin Meeting in Washington on Tuesday.

WASHINGTON, Oct. 26.—The annual meeting of the National Association of Railway Commissioners will be held here beginning next Tuesday. Topics for discussion include the valuation of the property of public utilities, especially of railroads, as a basis for establishing a fair rate of return upon the capital invested. The Interstate Commerce Commission, under authority from Congress, is about to begin the valuation of interstate roads.

The topic is on the programme for Thursday, when papers by members of the association will be read followed by discussions.

SAYS U. S. POLICY IS STRANGLING MEXICO

Episcopal Minister of Nopala, Hidalgo, Blames Wilson Attitude for Crisis.

PLEADS FOR RECOGNITION

Carranza Should Be Accepted if Government Objects to Huerta, He Asserts.

"The world has never seen anything crueler or more pharasaical than the present attitude of the United States toward Mexico."

This was the statement with which the Rev. Samuel Salinas, himself a Mexican, prefaced an interview he gave to a SUN reporter last night. Dr. Salinas has been a missionary and a rector of the Protestant Episcopal Church for twenty years. He is attending the general convention of his church.

He was born in Cuernavaca and his work has been done in southern Mexico, in the country of Zapata and the bandits, but he has travelled widely and has absorbed the views of all classes of Mexicans. His parish is at Nopala in the State of Hidalgo and he has under him nine missions.

Dr. Salinas talked with the restraint characteristic of cultivated Mexicans, but occasionally, when questions put to him touched upon the attitude of this Government toward his country, he displayed vehemence that was almost bitter. He received THE SUN man at 415 West 118th street, where he is visiting friends.

Says U. S. Is Strangling Mexico.

"I am not a politician," said Dr. Salinas, "but even clergymen have the right at times to utter political truths. The United States is strangling Mexico. When I say the United States, I do not mean, and the people of Mexico do not mean, the American people. They mean the present Government that stands on one side and adopts the holier than thou attitude toward Mexico.

"Here, my friend, is what is in the mind of every Mexican who thinks at all. Here is our situation. On one side we have President Huerta, the man in power. On the other side we have Gen. Carranza, the man who wants to be in power. As matters stand we must accept the rule of one of these. Your Government says Huerta is unworthy, a bloodstained dictator. Why, then, does it not have the courage and fairness to recognize the Constitutional leader, Carranza? If it does not approve of revolutions, why will it not recognize the de facto Government, that of Huerta?

"All we desire is for you, our big brother of the north, to say that some one faction, some one authority is good and shall be recognized. But you won't do that. Your President stands to one side, as if all Mexicans were unworthy, and says virtually, 'I will not approve of anything you do.' It is unbearable. No country was ever so cruelly placed. Your Government insists on leaving the door to anarchy, chaos and bloodshed wide open."

"Just what do your countrymen want the United States to do?" Dr. Salinas was asked.

"To do what is right and Christian," said the rector. "You should recognize one side or the other so as to end this frightful turmoil. Why should the United States refuse to approve of Huerta and yet suggest no alternative? That is poor statesmanship. It is poor Christianity. It argues small knowledge of the conditions in Mexico.

Must Be Huerta or Carranza.

"As matters stand it must be Huerta or Carranza. The one is backed by the army. The other is supported by moral sentiment, constitutionality and legality. One must be chosen. Mexico as a whole does not care which. Mexico wants your country to take a stand so that it can have substantial backing."

"Is that the view of all classes of Mexicans?"

"I can say truthfully that it is," replied Dr. Salinas. "Half the country is shedding blood in Huerta's cause. The other half is shedding blood for Carranza. There can be no arbiters in Mexico. It should be the duty of the United States to say which of these men should be supported by Mexico, and if the United States said so firmly civil war would soon end. But your President leaves us to brigandage and chaos."

Time for Intervention Has Passed.

"Would the Mexican people tolerate intervention by the United States?"

"Never!" said Dr. Salinas vigorously. "The time for intervention has passed if there ever was a time for it. The hour that an American army entered Mexican territory you would see all factions, all parties, uniting and forgetting their personal antagonisms. Mexico is a proud nation. We are proud of our national honor. We may disgrace ourselves, but we will not let others humiliate us. I tell you that the thieves and the virtuous would fight shoulder to shoulder against the United States, and that there would be wicked war for years to come.

"The policy of your Government for the past few months has accentuated the feeling among Mexicans that they will not endure the presence of American soldiers in their country. If your Government had displayed real friendliness, a real desire to help us, a real effort to give us a creditable Government, things would have been different. Do you suppose your Government is helping the people of Mexico by standing off haughtily and saying: 'We will not deal with murderers and tyrants.' Yous Government is not injuring the murderers and tyrants. It is strangling the Mexican people by such a policy."

"What progress has the Carranza revolution made?"

"Frankly it has advanced steadily," said Dr. Salinas. "The Huerta Government has done little or nothing toward checking the rebellion. Carranza has gained adherents. He holds more territory than ever before. He has beaten off the Federal forces. I do not say that he can triumph, because he has not been able, I understand, to secure loans or arms. But he represents a moral idea, the constitutionality and legality of government."

"What sort of rule, what kind of man does Mexico want?"

"A man who won't promise too much and who will keep what promises he makes," said the minister. "That was Madero's trouble. He was a good man, a sincere man, but he promised more than he could fulfil. I mean in regard to the agrarian problem. There is our great problem, the puzzle of land distribution, how to divide the vast landed estates so that the humble peons will have a few acres to live on. Madero promised such a distribution and was unable to keep his word because of the great power of the landed interests. Huerta will be equally helpless before such interests. It will take a generation and vast quantities of money, which Mexico must borrow, to solve that problem. The people will have to be patient and rulers will have to learn not to fool them by impossible promises."

"What is the general feeling in Mexico toward Americans?"

"Cordial, friendly," said the Minister. "I give you my word, Mexicans like Americans. They look up to them. They want to be friends with them. Americans who have spent years in Mexico know they have nothing to fear from Mexican citizens. But Mexicans distrust and fear your Governments, just as Americans have a right to distrust and fear our Governments. What a pity it is that badly informed Governments can wreck the good feeling between their peoples! That, I am afraid, is what is taking place now."

"Do you believe that there is a likelihood of war between Mexico and the United States?"

"That question is hardly fair," said the Minister. "If your Government acts fairly toward us there can be no war. But if you leave us to anarchy and bloodshed without troubling to give us the advice that one Christian man offers to another in distress, I shall not try to predict what will happen. The bad feeling is increasing and largely because the United States Government adopts that 'pass by on the other side' attitude. And if you invade our country after refusing to aid and counsel us, God knows how much bloodshed will follow."

CAPT. BARR ANSWERS VOLTURNO CRITICISM

"Good Night's Work and Proud of It," Says Commander of Liner Carmania.

Capt. J. C. Barr of the Cunarder Carmania, the first steamship to respond to the call for succor from the burning Uranium liner Volturno, arrived yesterday from Liverpool with the official report of his action, which evoked criticism here and abroad.

Before leaving Liverpool, Capt. Barr turned over his report to the British Board of Trade and yesterday gave copies of it to the ship news reporters in the ship's smokingroom, prefacing it with a verbal statement telling of the methods and difficulties of launching and managing lifeboats and the manœuvring of big turbine ships in a seaway. At the end of his remarks on these themes he said, calmly and with positiveness:

"I feel that it was a good night's work, and I am proud of it. No mariners have criticised my action, only passengers and they do not understand."

"When a steamship is stopped in a strong wind and a seaway, Capt. Barr said, "she falls off, or comes to, until she falls in the trough of the sea, roughly at right angles to the direction of the wind.

Wind's Hold on Ship's Hull.

"The wind, having always a hold on the ship's hull, pushes her through the water. Her sidewise motion is called leeway; in a stopped ship it is called drift. As it is much easier to push a ship endways than sideways, and as the propellers act as a drag she gets a little forward motion in addition to the big side drift and consequently her stern has a tendency to lie a little nearer to the wind than her bow.

"Now, let us consider the boats. As a boat has relatively a small grip on the water, she should, and in smooth water she would, if kept stopped, drive faster than the ship; but in a seaway, as the boat is sheltered from the wind except when on the crest of a wave, the ship drives faster than the boat.

"From this you will be able to see the importance of the ship being to windward of the boat, especially if the boat be heavily laden, or from any accident, she is not able to use all her oars. In a heavy sea a ship's boat attempting to run before it would be easily capsized, so it becomes necessary to keep the boat's head to the sea.

Tells of Effort to Rescue.

In true sailor lingo Capt. Barr told how he made his first effort to take off passengers of the Volturno.

"We reached the Volturno at about noon," he said. "It was blowing a gale, with heavy seas, and she was rolling heavily and lifting propellers clear out of water. It seemed a hopeless task to get a boat to her, but I resolved to try one and sent the first officer, Mr. F. Gardiner, away with eight men. The boat got well away, but was in difficulties as soon as she got from under our lee. He could not reach the Volturno. I tried to short turn the ship, but she would not look at it, so I had to make a bold sweep to get to windward and drop down on him. It was two hours before we got him alongside again."

Capt. Barr related how he dropped life rafts down to the Volturno, and how, "as his ship was hard to manœuvre he could do no more under the existing conditions." He used oil to comb down the crests for other lifeboats. From where he lay, he said, he "could not fetch the Volturno" so he sent no boats, as he "could not get closer without upsetting the whole scheme" of rescue.

After telling of hauling aboard a boat's crew of the Minneapolis, exhausted in an effort to lay alongside the Volturno, Capt. Barr said: "Dawn was showing, and as I could not back, I had to come outside the fleet with speed and round for my position, by which time we had enough daylight to see the Volturno clearly and the other two boats I had seen had been picked up. The Devonian and two other steamers were close under the Volturno's lee using their boats. I tried to run in and get some boats away, but had to turn out for the Devonian and again for La Touraine when I did get close in, and I could see that all the people were off the Volturno and no more boats were required. The sea was much quieter and the Narragansett was close in and putting oil overboard."

The Carmania brought here forty-three survivors of the Volturno picked up by the Devonian. They were met by General Manager Thomas of the Uranium Line and sent to the Clara de Hirsch Home and the Hebrew Sheltering and Immigrant Aid Society.

VICE SEGREGATION DENOUNCED.

Archbishop Keane Says Only Remedy Is Faith in God.

PITTSBURG, Oct. 26.—Segregation of vice and the public agitation over sex hygiene are unfortunate, as they bring the social evil before children and other innocent persons, according to the statements of Archbishop James John Keane of Dubuque, Ia., who lectured here to-day. The Archbishop said:

"The evil is born in man. The only remedy is self-denial, and this requires a motive. The motive is supplied only by faith in God and the hereafter. Movements like the present are spasmodic and are found in all ages. The Greeks tried it and failed because of lack of supernatural faith.

"Public agitation calls the attention of children and innocent persons to things they should not know. Curiosity prompts them to seek information through improper literature and other channels. This excites the passions, disturbs the mind and causes the unhappiness of a troubled conscience. The whole movement is a futile effort to supply a human remedy for a thing that supernatural faith alone can cure.

"Legislation governs only external acts and cannot make a man think purely, and unless he thinks purely his actions are not pure."

Men's $5 Derbies today $1.95

Too light to please the maker but none too light for you

¶ The product of a maker whose $5 Derbies are famous for quality and style. Known the length and breadth of Manhattan as the best built Derby that ever crowned a head. Reeking with respectability and reputation. And just the right weight for comfort. Blocked in eight new Fall models—$5 models—and the smartest aggregation of hat styles ever. All sizes.

Men's $3 Cloth Hats reduced to $1.75

¶ These hats are of English tweeds, worsteds, Scotch cheviots, and fuzzy homespuns, in an assortment of beautiful patterns. Smart and comfortable.

$4 Walking Sticks at $1.95

¶ A new importation. Handsome designs in sterling silver, with best quality horn ferrules.

Saks & Company

Broadway at 34th Street.

BELMONT HINTS OF BLACKMAIL IN SUIT

Attacks Venner as Professional Litigant in Interborough Fight.

VIGOROUS WORDS IN BRIEF

Financier and Associates Say Venner Did Not Dare Testify in Court.

Clarence H. Venner is attacked as a professional litigant by August Belmont and other incorporators of the Interborough Rapid Transit Company in a brief filed with Justice Van Siclen in the Supreme Court in Brooklyn in Venner's suit to compel the return of 15,000 shares of stock voted to Mr. Belmont for services. The defendants hint that blackmail was the purpose of the action. Mr. Venner's failure to go on the witness stand is commented upon in the following way:

"Venner, in the full panoply of his favorite pose, has gone out as St. George against the dragon of corporate corruption, and even while he is still winding his horn through the public press it turns out that the monster is a myth; that the lair of fraud is of his own invention, and that the only person who has not dared to submit himself upon the witness stand for the most complete investigation is his own notorious self."

The brief, which was drawn by De Lancey Nicoll, Joseph S. Auerbach, Courtland V. Anable and Charles H. Tuttle, is based upon the testimony taken at the trial of the action several weeks ago. Among the defendants who testified at the trial besides Mr. Belmont were Andrew Freedman, Gardiner M. Lane, Walter G. Oakman, William A. Read, Cornelius Vanderbilt and George W. Young. One of the charges was that the stock was voted to Mr. Belmont not for his services in giving New York its first subway but through fraud and concealment.

Hints of Blackmail.

The lawyers for the defence argue as a first point the salutary rule that the law views with suspicion the plaintiff's role in this matter.

"The case presents," they say, "the amazing spectacle of this bleeding, self-appointed victim of deceit, unable to risk upon the witness stand exposure of the contents of his sheep's clothing. While unworthy motives will not of themselves close even the ear of equity and while even the professional litigant may have accidentally an honest and meritorious grievance justice is not so altogether blindfolded as easily to be made in the name of the law an involuntary partner in blackmail."

The defendant's lawyers say that the charge of fraud and conspiracy have been made with "that freedom characteristic of Venner when under the shield of privilege." Then the brief says:

"Throughout the trial the plaintiff endeavored to the utmost to show that the resolutions of May 14, 1902, were a mere cover for a conspiracy to rob the corporation of 15,000 shares of its capital stock, and to prove by elaborately tracing certificates of participation and of stock and by the entries in the corporate books that the individual defendants were rewarded out of those shares and so juggled and distorted the company's accounts as to conceal the transaction.

"Of course the irresistible physic of the facts quickly purged this case of the plaintiffs' foul accusations. There was no conspiracy; no concealment; no designing issue of false representations; no forgery of the company's books; no spoil and hence no division of the spoil; no action through dummies; no domination or dictation; and no exercise of auger but sound business judgment in the making of an honest and very profitable bargain for the company.

Denies "Dummy" Board.

"There is in short the widest possible variance between the facts alleged and the facts proved, and on this ground alone the bill must be dismissed."

As to the charge that Mr. Belmont had a "dummy board" at the time of the incorporation of the subway company, the brief argues that, "the proof shows these allegations to have been not only untrue but insincere, since Venner knew the high position and independent character of the gentlemen who were both the incorporators and the directors; and that not one of them could Mr. Belmont have even ventured to regard as his dummy or tool."

In answer to the allegation that the directors had only a nominal interest in the company, the lawyers point out that these gentlemen had an immense stake, "running into many millions of dollars, which was depreciated proportionately by every share of stock which Mr. Belmont might receive without adaquate consideration."

In addition to his work in procuring an operating franchise for the subway and the purchase of the Pelham Park and the City Island Railway, and thus paving the way for remedial legislation, the brief gives the following description of Mr. Belmont's services in the subway enterprise:

"If there is one thing in this case more than another that is beyond all dispute it is that the name of August Belmont & Co. was the sword with which the Gordian knot of the subway situation was cut, that the standing of that firm was the ægis under which, and under whose alone, it was possible to secure the necessary capital to furnish the exorbitant bonds required and the immense sums of additional money for the equipment and operation of the subway; that the genius and generalship of that firm were the sole means by which the innumerable difficulties and powerful oppositions were overcome and success grasped at the end, and that by Mr. Belmont's efforts the breath of life was obtained for the enterprise at the very moment when it was about to be smothered under the weight of legislative inaction, and all the interests more or less conflicting were so kept in firm solidarity that it was possible to weld them into a single company standing behind both construction and operation."

The brief asks for the dismissal of the complaint with costs to the plaintiff, and an extra allowance of $2,000 for the defendants.

CATS CATCH THEIR OWN FISH.

Draw in Line With Their Breakfast Hooked Fast.

TARRYTOWN, N. Y., Oct. 26.—Ernest Ballard of Tarrytown Heights was surprised this morning as he was leaving home for church to see his two cats coming up the road, one with a fish in its mouth and the other carrying a line.

Ballard surmised that some fisherman in the lake had forgotten to draw in all his lines last night, and the cats found one this morning and in playful mood pulled it in with the fish hooked on.

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