FITZGERALD CALLS PATRONAGE A CRIME

Representative Yearns for a President Who Would Stop the Pork Barrel.

BARNES HITS "RIPPERS"

ALBANY, May 26.—Representative John J. Fitzgerald of Brooklyn, chairman of the Ways and Means Committee of the House of Representatives at Washington, speaking before the Constitutional Convention Committee on Finance to-day, termed "an absolute crime" the fact that the Federal Government spends about $20,000,000 annually on public buildings for political patronage.

"We don't provide public buildings for the public service," said Mr. Fitzgerald. "We provide them to meet political exigencies in certain localities. We pay New York prices in sage brush communities for lots, and all over the United States you can find buildings valued at from $75,000 to $150,000 in communities of from 1,000 to 5,000 population."

"How would you stop this?" asked one of the committeemen.

"If you would elect a President to veto these bills once in a while you would stop it," declared Mr. Fitzgerald.

Simon L. Adler of Rochester, member of the Assembly Ways and Means Committee for years, also talked on the budget system.

Abuse of Executive Power.

William Barnes, chairman of the Committee on Legislative Powers, declared that there has been a grave abuse of the executive power in sending emergency messages to the Legislature to facilitate the passage of legislation. These messages are permitted when bills have not been printed the required three days.

Mr. Barnes, Mr. Austin and other members of the committee agreed that the time has come to prevent the passage of bills which have been amended in pencil, interlined and so marked up as to be almost illegible, and they are inclined to favor a constitutional provision that no bill shall be passed unless it has been printed one day and doing away with emergency messages.

"The emergency message has taken on the form of an executive demand for the passage of legislation," declared Mr. Barnes. "This abuse of the executive power should be stopped."

Mr. Barnes suggested that Mr. Austin amend his proposed amendment so as to reduce from three days to one the time required for printed bills to be on the desks before being passed. It is thought this will be reported favorably to the convention.

Dry Issue Up Again.

William H. Anderson, State superintendent of the Anti-Saloon League, has written a letter to President Root insinuating that he has made committee appointments antagonistic to the best interests of the temperance advocates. Notably he mentions that William Barnes of Albany, whose newspaper has attacked the prohibition propaganda, is chairman of the Committee on Legislative Powers.

Mr. Anderson announces that the letter to Mr. Root is "the first step in the movement of the Anti-Saloon League to resist to the uttermost the attempt which is certain to be made, unless the liquor interests become convinced that it can't succeed, to slip something into the proposed new legislation to protect liquor traffic from the people."

Mr. Anderson says that if any clause favorable to the liquor interests is adopted the prohibition interests will line up to defeat the new Constitution. He asks President Root to make public announcement of his attitude on the liquor question.

The general expectation is that President Root will ignore Mr. Anderson's letter.

Would Cut Direct Tax.

Senator Robert F. Wagner will introduce to-morrow a proposal which seeks to lessen the direct tax by at least $2,565,360, the amounts in the appropriation bills which were disapproved by Gov. Whitman. In relation to his proposal Senator Wagner said:

"The direct tax which was provided for by the Republican Legislature was based upon a deficiency in governmental funds of about $19,500,000. We have always contended, and I do not now recede from my position, that this deficiency could be entirely prevented and the direct tax rendered unnecessary.

"Gov. Whitman by his vetoes agrees with me to some extent. He has eliminated nearly $2,600,000 from the appropriations and thus lessened the deficiency to less than $17,000,000. Logic and economy, it would seem, compel him to reconvene the Legislature so as to pass a new direct tax bill based upon the latter deficiency instead of upon $19,500,000. Thus the tax burden would be lightened and we would not be obliged to face the unsound and economic situation of having an unnecessary surplus of nearly $2,600,000 in the State Treasury. New York city alone would save almost $2,000,000.

"But apparently the Governor disregards the hardships of a direct tax upon New York city and the rest of the State in these days of financial depressions. He has given no indication of an intention to call an extra session and thus to lessen the tax. Hence I have suggested this remedy.

Plan to Lessen Tax Rate.

"My amendment proposes that whenever a law levying a direct tax provides for the collection of a sum of money in excess of what is necessary for the full accomplishment of the object of the tax, the State Comptroller shall, nevertheless, raise and collect only such sums as are necessary, and for that purpose he may proportionately lessen the tax rate specified in the law."

Compulsory arbitration of labor disputes was strongly opposed by Samuel Gompers to-day before the Industrial Relations Committee of the Constitutional Convention.

"To enact such an amendment to the Constitution would be equivalent to returning men to slavery," he said.

The twenty-one recommendations of labor to the convention which Mr. Gompers submitted in a prepared memorandum contained virtually all of the general reforms labor long has demanded. Chiefly they would broaden the power of organized labor and restrict the activities of courts and the militia in labor disputes.

James W. Wadsworth introduced the amendments favored by William Rhinelander Stewart, president of the State Board of Charities, broadening the power of the Board of Charities and giving it jurisdiction over private charitable institutions.

William McKinney proposed an amendment giving the courts of the State power to annul acts of the Legislature. Other home rule amendments were introduced by Seth Low and W. W. Franchot.

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PORTO RICANS CHARGE PLANTERS RULE POLICE

Labor Men Tell Industrial Board of Conditions on Island.

WASHINGTON, May 26.—The Washington sittings of the Federal Commission on Industrial Relations are rapidly drawing to a close. There will be no more witnesses on the Colorado Fuel and Iron Company strike or the Rockefeller interests. Realizing this, Socialist writers who have been following the hearings since John D. Rockefeller, Jr., was on the stand have departed.

Porto Rico had her innings to-day. The labor situation in that island was unveiled by two representatives of cigarmakers and agricultural workers, Rivero Martinez and Santiago Iglesias. Both admitted they were "out on bail," having been arrested on a charge of making incendiary speeches during a strike.

They had much to say in condemnation of the police, which they charged are under the domination of the planters. They told of meetings, parades, speeches, riots and police interference attended with murder in one instance and broken heads in nearly every case. They said the condition of the laborer was bad and asked for Congressional investigation. J. C. Bills, Commissioner of Labor of Porto Rico, was present to try to refute their statements.

David Clark, editor of the *Southern Textile Bulletin* of Charlotte, N. C., charged that Dr. A. J. McKelway, representative of the National Child Labor Bureau, knowingly had testified falsely against the cotton mill men.

The commission had two meetings to-day, at which differences of policy were emphasized. The issue was mainly as to the advisability of calling more witnesses and as to the form of report to be made.

There probably will be only one more day of the hearings, after which the commission will go to Chicago and prepare a report on its work.

Among the witnesses yet to be heard is Samuel Gompers.

LEGAL DECISION HITS HYPHENATED CITIZENS

Justice Whitaker Rules Term "German-American" Has No Legal Standing.

In refusing yesterday to take judicial cognizance of the term "German-American citizens" Supreme Court Justice Whitaker said that "the term American includes all classes of citizens, natives and naturalized, irrespective of where they originally came from, whether it be Germany or any other country." Justice Whitaker also said:

"The court cannot give judicial sanction to the grouping of American citizens in different classes, and shape or color its decisions in accordance therewith; so that what has lately become known as hyphenated citizenship has no color or standing. It cannot properly be recognized by the court or any other branch of the Government."

Justice Whitaker accordingly granted an injunction in a suit by the Life Photo Film Company to restrain Commissioner of Licenses George H. Bell from interfering with the plaintiff's photoplay "The Ordeal," based on a poem written in France after the Franco-Prussian War depicting the sadness occasioned by the war. The National Board of Censors and the License Commissioner condemned the play on the ground that it tended to arouse "feeling" on the part of Germans and German Americans, and the Lexington Avenue Opera House, which was presenting the play, was notified that unless the films were withdrawn the license of the theatre would be revoked. The producer of the play sought a temporary injunction restraining Commissioner Bell from interfering with it, but the court ruled that the plaintiff must wait until the trial to get relief.

In his decision Justice Whitaker said that the play itself is such that "to a sensible and ordinary mind it could in no way create racial strife." For this reason the court says the film company "should not be interfered with in the transaction of its legitimate business because of the supersensitiveness of alien residents."

GOVERNOR LEAVES FOR FAIR.

Mrs. Whitman, Daughter and Staff in Party on Special Train.

ALBANY, May 26.—Gov. Whitman, accompanied by Mrs. Whitman and his daughter, Olive, left Albany on a special train for San Francisco this afternoon at 2 o'clock. The Governor's military staff and several prominent legislators and their wives were in the party.

The special train on which the party travelled is due to arrive at San Francisco on May 31. Altogether the Governor will spend eleven days at the Panama-Pacific Exposition.

The Governor and his family are making the trip in the private car New York.

Until June 18, when the Governor is expected back in Albany, Lieut.-Gov. Edward Schoeneck will be acting Governor. He is expected in Albany to-morrow or Friday.

Marshall Is Elections Chief.

ALBANY, May 26.—Frederick Marshall, a Republican district leader in Manhattan, was appointed State Superintendent of Elections to-day by Gov. Whitman. He succeeds John R. Voorhis of New York, John Pallace of Rochester and William J. Hillery of Buffalo, the three Democratic superintendents.

Elections Inquiry on Tuesday.

The public investigation of the Board of Elections will begin next Tuesday morning in the private office of Commissioner of Accounts Wallstein. The inquiry is being made at the request of Mayor Mitchel, the Citizens Union and the Honest Ballot Association.

PUBLIC SERVICE BOARD EXONERATED BY WHITMAN

No Evidence Shown to Uphold Charges of Inefficiency or Misconduct and Four Accused Members Will Retain Their Places.

ALBANY, May 26.—The charges brought against four members of the New York city Public Service Commission by the Thompson legislative investigating committee were dismissed today by Gov. Whitman.

The Commissioners thus exonerated are Chairman Edward E. McCall, J. Sergeant Cram, George V. S. Williams and Robert C. Wood. They will retain their places.

"I do not find in this record proof of such inefficiency as is contemplated by the statute which gives the Governor the right of removal," said the Governor in a memorandum disposing of the charges.

The Governor also declares the evidence does not support a charge of misconduct in office or neglect of duty against the Commissioners. He does find, however, that the members of the commission have not been efficient in matters of detail.

"The outcome is exactly as I thought it would be from my knowledge of the Governor," declared Chairman McCall when he heard of the Governor's action.

"I felt all along that he would not be taken off his feet by any popular clamor, but that he would consider the charges judicially and fairly. His findings show that this has been done."

The Governor's decision in part follows:

"The law vests in the Governor power finally to dispose of these charges. There is no appeal from his decision, and his acts are not reviewable in the courts. That very fact places all the greater responsibility upon the Executive and is the more reason for the exercise of most careful scrutiny and unbiassed judgment.

Not a Dollar Misused.

"It is unnecessary for me to enlarge upon the magnitude of the work which this commission is called upon to perform, nor upon the fact that it has controlled the expenditure of vast amounts of public moneys. There is not even a suggestion anywhere in any of these records nor on the part of any persons who have made complaints that any one of these Commissioners has been responsible directly or indirectly for misuse or misappropriation of a dollar. In fact, so far as I am at present advised and so far as this record discloses, notwithstanding what may have appeared at any time in the public press, the personal integrity of these Commissioners has not been impugned.

"I examined carefully into the charge against Chariman McCall (perhaps the most serious charge of all) that he was inefficient and neglectful of his duty in failing to require the Bradley Construction Company to cease work on the Lexington avenue route of the subway after having been advised by the chief engineer of the commission that this work would be useless in the event the dual subway system was adopted, as is more fully specified on page 10 of said report.

"The record of the testimony taken by the legislative committee and that committee's report indicated that the work on the Lexington avenue route of the subway was not stopped until after the signing of the dual contracts and after Chairman McCall was appointed to the commission.

"I have examined the original files of the commission bearing upon this subject and find that this work was stopped before Chairman McCall took office. This charge, therefore, must be dismissed from consideration.

"The law provides that for inefficiency, neglect of duty or misconduct in office a Commissioner may be removed. This is not mandatory and the Governor is given full discretion. I find:

"First—The evidence does not support a charge against these Commissioners of misconduct in office.

"Second—It does not support a charge of neglect of duty.

"I believe the record shows that the commission has not been so efficient in matters of detail and in the handling of the regulative work devolving upon it as it should have been.

"The testimony of the secretary and the chief clerk of the commission shows that the handling of informal complaints of citizens was left entirely to their charge and that there was no general support nor supervision given them by the Commissioners.

"There should have been in the commission a system whereby the Commissioners, or certain of them designated by the chairman, should have had a direct supervision of the handling by the subordinates of these informal complaints.

"The Commissioners should have known whether or not their subordinates were accomplishing satisfactory results and where, as in the Spillane case (to cite a specific case), a street railroad company neglected to comply with the reasonable requests of the commission's subordinates, the Commissioners should have taken the matter in charge and compelled obedience by the company.

Where Fault Lay.

"The testimony taken by the legislative committee shows that the efforts of the Commissioners' subordinates to obtain action upon complaints regarding service on the lines of the Brooklyn Rapid Transit Company and the Interborough Rapid Transit Company were, in many instances, productive of no satisfactory results. It is apparent that this was due, in part at least, to the fact that the Commissioners themselves did not supervise the handling of these complaints and did not give to the efforts of their subordinates the support which was necessary.

"The five members of the commission had served respectively five, four, three and two years and in one case nearly one year and were blameworthy in this regard.

"There is evidence that certain members of the commission were not aware of the existence of certain orders regarding lines of the Interborough Rapid Transit Company, which said orders had been made by the Public Service Commission before such members were appointed, and that such members failed properly to inform themselves on that subject.

"There is also evidence that all of the five Commissioners failed to proceed as promptly and diligently in disposing of matters taken up by them in formal hearings as their obligation to the public required. The claim on the part of the Commissioners before me that their time and attention were required during the particular months in question upon the work incident to the construction of the subway (and on this subject) explains at least, though it does not altogether justify, such delay. There is no proof, however, that the final determination after any of these hearings was improper.

"It is true, as the records show, and there is no evidence to the contrary from any source, that the time of the commission was occupied with the vast construction work devolving upon it. I do not feel that the failure properly to supervise one branch of their work, important though it was, namely, the handling of complaints (and this is the only specification that seems to be established beyond question in the evidence), is sufficient to justify removal from office and the placing upon these men of a stigma which inevitably attends such removal.

"I believe that the proper orders of the commission will be enforced in the future, and shall hold the commission rigidly responsible for any failure of effort to obtain such enforcement.

"It is manifest that if public officers are to realize the expectations of the public, they must feel that they can rely upon a general support in their efforts to discharge their duties and that in positions which are extremely difficult and which involve many and grave responsibilities they should be exempt from fear of removal, except upon grounds that are thoroughly substantial and assignable.

"The fact that I have been given absolute discretion does not justify my disregarding simple elementary rules of evidence.

"I have no doubt whatever that, were my actions reviewable an appellate court would reinstate these Commissioners, were I to remove them on this evidence.

"I do not find in this record proof of such inefficiency as is contemplated by the statute which gives the Governor the right of removal.

"CHARLES S. WHITMAN."

MORE POWER URGED.

McCall Would Protect Board From Public Clamor.

ALBANY, May 26.—There has been a general agreement among the members of the Public Service Commissions and former members who have appeared before the utilities committee of the constitutional convention that the commission should be recognized by the Legislature in order to protect them from public clamor.

Chairman Edward E. McCall of the New York city commission, Chairman Seymour Van Santvoord of the up-State commission and Martin S. Decker, formerly a member of the up-State commission, told the committee to-day that not only should the commissions be made constitutional bodies but that their salaries should be increased rather than decreased, that the terms of office might well be increased to ten years and that the power of appointment should remain as at present in the Governor with the consent of the Senate.

They also would make it impossible for a new Governor of different political complexion from the Public Service Commission to remove a Commissioner except with the approval of a two-thirds vote of the Senate. Now a Commissioner is removable without the consent of the Senate.

Oppose Bi-Partisan Board.

The Commissioners seemed generally to favor the proposed constitutional amendment of Judge W. M. K. Olcott of Manhattan, which accomplishes all of these things, but they proposed a provision in the Olcott amendment which would have commissions of three Republicans and two Democrats or vice versa, according to the politics of the Governor appointing. They insisted that the calibre of the men appointed as Commissioners and not their politics was the important thing.

"I consider it the positive duty of this convention to make these commissions constitutional bodies," declared Judge McCall. "Then the Commissioners would feel safe from threats of localities and legislators, who become so insistent for action on the part of the commission as to threaten our very existence by eliminating us through legislation.

"We have come to think that there is a Chamber of Commerce on nearly every corner in Brooklyn and two Boards of Trade on the other corners which seem to hold daily meetings and pass resolutions demanding that the commission do the impossible. Often a sentiment is worked up which merely represents a desire to get Commissioners who will be more responsive to the wishes of those who are behind certain projects.

"I speak as a partisan Democrat when I say that a Governor or Legislature which interferes with a Public Service Commission for political purposes, while securing a temporary advantage, eventually will be overwhelmed with absolute political destruction.

Ready to Quit Board.

"No power on earth can hold me in the Public Service Commission after the completion of the subways. I am serving there now at a big sacrifice, and in recommending that the commissions be put beyond interference through public agitation when the Commissioners have acted on their consciences. I am speaking for the Commissioners who are to come after me, and in the public interest.

"Of course, the present Governor would be above removing a Commissioner because of public agitation or for political reasons." A smile spread over the faces of the committee when the Judge made this remark, for shortly before he was advised the Governor had dismissed the charges against him.

"The State and the city may as well realize that they must pay commensurate salaries if they are to get the right men to act as Commissioners," Mr. McCall continued. "I think the Public Service Commissioners should receive as much as the Supreme Court Justices and that the Justices should get at least $25,000 a year.

"One of our counsel getting $5,000 a year was pitted against corporation attorneys getting $20,000 each when recent subway contracts were formulated. I do not believe the power to legislate on rate cases should be taken from the Legislature."

Chairman Seymour Van Santvoord opposed giving a Governor power to remove a Commissioner. He also said:

"If you should take away from the commission the power to pass upon the issuance of corporate securities you might as well abolish the commissions. We have an important problem to solve now. The jitney bus is becoming a menace to the trolley and we must determine whether they are to be allowed to parallel a street railroad and divert 35 to 40 per cent. of its business in view of the fact that the trolley is regulated by the commission and the company has spent thousands of dollars on our orders."

HAYWARD INDIFFERENT.

Is Sure Governor Acted With an Eye to Public Welfare.

Commissioner William Hayward when he learned yesterday that his associates in the board are to be the same four Commissioners whose removal was virtually demanded by the Thompson committee, of which he was counsel, said he was sure that the decision was reached after careful deliberation and with an eye to the public welfare.

"I am glad to say that the fact that I was counsel for the committee which conducted the investigation and filed the charges has not seemed to prevent my working in harmony and in pleasant personal relationship with the others," he added.

Commissioner Williams said yesterday:

"It is gratifying to be vindicated, especially by a Governor of opposite political faith and in a matter which by many persons was regarded as political. I did not think it was any light thing to be charged with inefficiency and neglect of duty."

Commissioners Wood and Cram had nothing to say.

PHYSICIANS SCORE BIRTH REGULATIONS

Dr. Abraham Jacobi Says Spies Sought Prohibited Information From Him.

500 ATTEND MEETING

Dr. Abraham Jacobi, who presided last night at a meeting in the Academy of Medicine, 17 West Forty-third street, called by the Committee on Birth Control, told his hearers that "several spies and detectives" had "tried their hands on" him this week since the use of his name in connection with the meeting.

Explaining this statement afterward Dr. Jacobi said he had received a number of letters in the last few days asking for information forbidden by Section 1142 of the Penal Code—the section against which the Committee on Birth Control is conducting an agitation. These letters, Dr. Jacobi said he had not the slightest doubt, were written by agents who were seeking to involve him in a criminal charge such as that made against Margaret Sanger of the *Woman Rebel*. The names signed were unknown to him and the giving of information would have made him liable to a fine or imprisonment under the law.

Dr. Jacobi said he paid no attention to the letters. He added that the County Medical Society was not interested in the detection of possible violators of this section, but did not venture a guess as to the identity of the agents who were trying to get a case against him.

500 at Meeting.

The meeting was attended by about 500 persons—all the auditorium would hold—the greater part of whom were women. Henrietta Rodman, the school teacher who was suspended recently for criticising the Board of Education, was active in promoting the conference.

In his address Dr. Jacobi said that a large percentage of children born do not reach the average development required for the performance of their duty to the family and the State. "Hereditary influences propagate epilepsy, idiocy, feeblemindedness and cretinism," he continued. "These children should not have been permitted to be born. Poverty includes overwork for men and women, improper feeding, coarse or insufficient clothing, tenement congestion and want of air, temptation, dissipation, neglect of children, too many children, much disease, many deaths.

"Would it be wise on the part of the children not to be born? Surely. But here they are, born for starvation, or factory work, or vice, or an Emperor's war game, and the laws see to it that whoever gives advice to prevent them being born without any harm to father or mother is branded a criminal. What in Europe is right by law is forbidden among us; and what is stamped as a crime to-day will be considered a beneficial measure to-morrow.

"If there are too many children in the middle class family for comfort and health and life the family will sink back into poverty. If there were fewer that family would be exactly what you want it to be, the prop and staff of the State. But if you advise them how to avoid poverty you run the risk of falling into the hands of spies and detectives. In a year or two public opinion will veer about and people will wonder how stupid and callous they have been."

East Side Conditions.

Dr. Emily Dunning Barringer, who was an ambulance surgeon at Gouverneur Hospital several years ago, took up the question of why the women of the East Side have so large families when they are so poor. This she attributed partly to the fact that they consider themselves a "protected class." When a child is to be born the mother is advised at free clinics and is taken to a hospital in an ambulance. After the child is born the mother can obtain milk for it, visiting nurses watch it and advise regarding its care; if the child is sick free medical treatment is forthcoming.

"I have seen no greater contentment than in many of these homes," she continued. "The very poor do not starve in New York; this privilege is reserved for the middle class, who are supposed to be better able to care for themselves."

Dr. Louis Bisch said the three great classes of the mentally unfit with which the public has to deal are the epileptic, the feeble-minded and the insane—"potent menaces to the community which may transmit the menace to their children."

"We must diminish the possibility of the propagation of the mentally unfit," he said. "It is said that this is contrary to nature and therefore immoral. An immoral thing is that which injures society. Nature is full of mistakes; every time a diseased appendix is removed the operation is 'contrary to nature.'

Another woman physician, Dr. Lydia Allen de Vilbiss, said the right to bear children or to refuse to bear them and the right to participate in the Government under which one lives are fundamental human rights which are not arguable. Twelve thousand babies born in New York last year, she said, were "robbed from the moment of their birth of their birthright of a sound mind in a sound body because we are still so stupid as to believe that a pound of cure is better than an ounce of prevention."

The question whether the dissemination of such information would lead to increased immorality was taken up by Miss Laura Garrett, who said people were not longing for immorality, but for goodness; and that the average man and woman wanted children to the extent for which they could care for them and be assured of their developing into worthy men and women.

Miss Lavinia Dock, speaking from nine years experience as a nurse, said she believed the ideal standard of sex relations would be found when parents had children only when they wanted them and when women no longer were subjected to "compulsory maternity."

Dr. William J. Robinson, president of the medical board of the Bronx Hospital, brought up another point; that such knowledge reduced to a minimum illegal operations.

Dr. S. Adolphus Knopf argued that "a large number of underfed, underdeveloped children means race suicide and a smaller number of children, raised under better conditions, means race preservation."

Dr. Ira S. Wile, a member of the Board of Education, said:

"The law tells me that if I think it necessary I can perform an operation to save a woman's life—but says, 'God forbid that she should be spared the operation.' The regulation of birth control is not a question of poverty or wealth, but of social value to the State. It is not so much a question of decrease of birth rate as of increase in the intelligent birth rate."

Dady Fails to Place Sharkey.

State Comptroller Travis yesterday filled the fourth and last vacancy in the Brooklyn transfer tax office by the appointment of Joseph Welwood, a brother of Robert Welwood, Republican leader in the Second Assembly district, as appraiser in place of Fred Lundy, Democrat. Robert F. Sharkey, the veteran Republican leader in the Fifth district, failed to land the $4,000 a year job, although he had the strong backing of Col. Michael J. Dady.

VILLA INTRENCHES IN SIGHT OF ENEMY

Only Six Miles Separate His Forces From Those of Obregon.

EL PASO, May 26.—Advices from central Mexico to-day are that Gen. Villa, after being checked in his advance south against Gen. Obregon, has intrenched without retreating to Aguascalientes. It is conceded that the lines remain practically the same as before the battle, with Obregon intrenched six miles south of Leon and the Villistas intrenched within sight of the Carranza lines.

Obregon's Yaqui contingent on Villa's right flank saved the Carranza troops from a severe defeat, according to an El Paso man who has returned from the battle front.

"The Yaquis," he said, "were supplied with hand grenades and a sort of explosive rock. Villa was using all of his artillery on the left flank and the attack on the Yaquis had to be made with small arms. They held their ground.

"On the left flank Villa captured four machine guns and I saw one big gun demolished by the Villa artillery fire.

"Villa and Angeles were on the firing line throughout the engagement. The battle was really a draw, though the Villa forces retired."

Large supplies of ammunition for Villa continue to be received in Juarez. More than 1,000,000 rounds have been crossed in the last week.

The main advance of a Carranza army of 10,000 men against Torreon began to-day, according to messages received by the Carranza Consulate from Laredo.

Vera Cruz advices declare the Zapatistas are preparing to evacuate Mexico city and that the Carranza troops are close to the city.

HERE TO STUDY SCHOOLS.

Carranza Commission Arrives for Education Inquiry.

A commission of fifty-five members, sent by Gen. Carranza to study the system of popular education best suited to the needs of the Mexican people, has just arrived in this city from Vera Cruz. It is under the general supervision of Alfonso Cravioto, who besides acting as president of the commission will study more particularly the American system of public libraries. Other subjects which will be studied by different members are moral and civic education, school discipline, the education of backward and abnormal children, kindergartens and industrial and rural schools.

As Senor Cravioto pointed out last night, this is the second educational commission to be sent here by Carranza. The first arrived here last December, its object being to prepare the way for the present commission.

This commission, in which there are forty-four women and eleven men, will have its headquarters in Boston and will remain for at least a year.

BREAD RIOT EXPECTED.

Conditions in Mexico City Become Worse Every Day.

Special Cable Despatch to THE SUN.

VERA CRUZ, May 26.—Conditions in Mexico city are growing worse every day. Complete disorder prevails in the Villista, Garza and Zapatista camps. Bread riots are expected at any moment. Hopes are expressed that the Constitutionalists will arrive in time to allay hunger and open communications.

The greatest battle of this revolution is expected between Obregon and Villa at Aguascalientes when the opposing forces clash. Obregon is well prepared, having a good sized army well provisioned.

FOOD SHORTAGE ACUTE.

Many Reported Killed in Riot at Monterey.

WASHINGTON, May 26.—Official and unofficial advices are to the effect that the food shortage in Mexico is becoming so acute as to give rise to a fear of riots. A food riot in Monterey on May 19 is said to have been the most serious affair of the kind that has occurred in Mexico in many years. The populace attacked premises in which food was supposed to be stored and it is reported that many lives were lost.

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COLLAPSE OF GROUT CASE IS THREATENED

Notary Fails to Remember Whether Defendant Swore to Bank Report.

NO PERJURY IF HE DIDN'T

County Judge Lewis of Brooklyn, before whom ex-City Comptroller Edward M. Grout is being tried for perjury in connection with the second collapse of the Union Bank, reserved decision yesterday on a motion to exclude the bank report to which it is charged Mr. Grout swore falsely. This report is the keystone of the case, without which it collapses utterly. To exclude it is to throw the case out of court.

The opportunity to place this serious obstacle in the way of District Attorney Cropsey came up unexpectedly while the prosecutor was examining the first witness for the State and Stephen C. Baldwin, counsel for the defendant, lost no time in taking advantage of it. The witness, Willard C. Penton, bank clerk, notary and an officer in the dummy Metropolitan Holding Company, could not remember swearing Grout to the report in question.

Mr. Cropsey tried to refresh the memory of his witness by every means at his command. He pointed out that the statement—overstating the assets of the bank by more than $2,000,000—bore Mr. Grout's signature and that the signature of the witness himself indicated that he, as notary, had taken Grout's acknowledgment under oath. The witness admitted all this, admitted that the signatures would indicate that Mr. Grout had made the statement under oath and that he had sworn him, but continued to reiterate that he had not any recollection of the incident.

Thereupon Mr. Baldwin arose with his objection, saying the report was inadmissible as evidence. He asked that it be excluded.

It was immediately apparent that this question, if decided in Mr. Baldwin's favor, would end the case. There could be no perjury unless there had been false swearing, and the indictment was based entirely on that. Mr. Baldwin held that the witness, in failing to recollect, also failed to show that Mr. Grout had so sworn.

This is the second snag Mr. Cropsey has struck within two days, and far more serious than the one which caused a premature adjournment Tuesday in order that briefs might be submitted and the question considered over night. The earlier question was decided partly in Mr. Baldwin's favor. He objected to the introduction by Mr. Cropsey of eighty-five items not included in the original indictment.

Regarding the eighty-five items, Judge Lewis ruled that they might be included in order to show guilty knowledge on the part of Mr. Grout, but that they must not be included as part of the indictment, nor could Mr. Grout be convicted on any one of them.

Judge Lewis will give his decision today on the latest objection by Mr. Baldwin.

AUTO LIGHTS TO BE DIMMED.

Jersey Official Asks Police to Help Educate Drivers.

TRENTON, N. J., May 26.—Commissioner William L. Dill of the motor vehicle department to-day sent letters to the chiefs of police of all municipalities in the State asking cooperation in the enforcement of the law prohibiting the use of dazzling headlights.

"One of the greatest menaces to night travel is the dazzling headlight," said Mr. Dill, "which in many cases is so intense as to almost blind the eyes of users of the road.

"May we ask your cooperation in bringing about an enforcement of this act? It would seem that many of the motorists are not yet familiar with its provisions, and that until such time as they have had ample opportunity to comply with its requirements, arrests and prosecutions for violations might properly be deferred."

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MEXICANS KILL TWO U. S. MEN.

Smugglers Escape After Robbing Bodies of Battle Victims.

MARFA, Tex., May 26.—The dead bodies of Joseph Sitters, customs inspector, and E. B. Hulen, ranger, who had been missing since the battle between river guards and thirty-five Mexican smugglers on May 24, were found to-day seven miles north of Pilares. They had been robbed after being killed.

Customs Inspector Charles Craighead and Rangers Cummings and Trollinger narrowly escaped with their lives in the fight. The Mexican gang is said to have been in command of Chico Cooner. They are believed to have escaped across the Rio Grande.

Jack Howard was killed by the same band of Mexicans on February 10, 1913. Hulen was a brother of ex-Adj.-Gen. John A. Hulen of Houston.

Sandy Hook Route

Opens for Season

TO-DAY

Spring schedules of New Jersey Central Seashore lines, to North Jersey Coast resorts, take effect.

Steamers sail from foot of W. 42nd St. and Cedar St.

All rail lines from foot of W. 23rd St. and Liberty St. See Time tables.

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