

BROOKER RENOUNCES ROBBINS; ASKS FOR A SEPARATE TRIAL

New Haven Director Says the Hearing With Road's Ex-Counsel Would Prejudice Jury.

LEDYARD AND M'HAIG MAKE LIKE REQUESTS

The long threatened break between Edward D. Robbins, former general counsel of the New Haven railroad, and some of the defendants indicted with him for violating the Sherman law came yesterday when Charles F. Brooker filed a petition for severance in the United States District Court in which he stated frankly that he did not wish to be tried with Robbins. His reason for asking a separate trial was that the evidence which the Government intends to introduce against Robbins might prejudice the jury against the petitioner as well.

It is evident from the nature of the Brooker application that some of the defendants intend at the trial to repudiate the alleged acts of Robbins, at least to the extent of declaring that they never would have voted for the absorption of subsidiaries and for other transactions which the Government complains of. Robbins, as general counsel, advised them that the acts were perfectly legal. It will be recalled in this connection that Robbins not only, according to record, approved of the absorption of the subsidiaries, but actually formed many of the concerns which afterward figured in the involved transfer of the assets of the purchased companies.

The evidence against Robbins to which the Brooker petition refers concerns personal profits said to have been made by Robbins in his work for the New Haven company and his alleged responsibility for the spinning away of the books of the Billard Company at a time when the Government was particularly anxious to get them.

Separate Trials for Others. Petitions for separate trials were also made by Charles M. Pratt, Lewis Cass Ledyard, Henry K. McHarg and Frederick E. Brewster, who have their application on motion pending in the court. Ledyard, however, refuses to bring his petition to the hearing, but is being represented by Assistant United States Attorney-General Swacker in a recent bill of particulars that he, Ledyard, had worked directly through official circles to forestall the prosecution of the New Haven directors.

Mr. Ledyard admits that he had a part in 1912 with Mr. Pratt, then President, and George W. Wickham, then Attorney-General, and now Mr. Ledyard's attorney. He insists that he never consented to the transfer of the Attorney-General that no good could come of prosecuting the New Haven men at that time, considering the attitude of the public toward the New Haven case. He also insists that the facts concerning his interviews with the President and Mr. Wickham were told by him before the Interstate Commerce Commission.

"At the time of these interviews," says the petitioner, "Mr. Mellen was under indictment in connection with certain negotiations with the New Haven company, a matter with which I had no connection whatever, as it occurred wholly during my absence in Europe during 1912. I was not present when Mr. Mellen told me after his indictment that the Grand Jury was continuing its sessions, and from the witnesses called before it and the charges made in the newspaper, I believed the Government officials in charge of that investigation were endeavoring to go back to the acquisition of the New Haven company."

"I felt that such action on the part of the Administration at that time might have very serious results upon the credit of the New Haven company and I openly went to the Attorney-General and to the President and urged upon them that in the then existing conditions it was inadvisable in view of the then prevalent attacks upon the New Haven road to public good could be served by such action. The President and Attorney-General both agreed with me."

The Attorney-General afterward informed me that he had accordingly instructed his chief counsel, Mr. Mellen, to investigate to limit their inquiries to the Grand Trunk matter, which had alone led to any investigation being made. I made no objection to this action on my part. I was perfectly frank with the President and with the Attorney-General, believing that I had the right to make the protest which I did make, and I was confirmed in my impression by their acts."

Originally twenty-one men were indicted in the New Haven case. Three were granted immunity and five were given a separate trial. If the applications of those who asked for separate trials yesterday are granted, it will leave eight defendants, including Brooker, William Rockefeller and Robert W. Taft, as defendants at the initial trial. The reasons why his client does not wish to be tried with Robbins, Ledyard, Victor, attorney for Brooker, recalls paragraphs 14 and 15 of the Government bill of particulars, the former charging that Robbins during three years preceding the indictment procured or aided in procuring the assets of the New Haven railroad, and the latter charging that Robbins, while engineering the intricate deal through which the Metropolitan assets found their tortuous way into the fold of the New Haven, secretly sent the Morse line's two biggest loans to the Pacific coast, where they became the property of the Pacific company. Subsequently it is alleged he transferred to his wife certain shares of the Pacific company, also a part of the proceeds of the said transaction.

"A great deal of this evidence," says Mr. Victor, "which will clearly be admissible against the defendant Robbins on the issue of the guilty knowledge or intent of Robbins, and which will clearly not be admissible against the defendant Brooker, will be grossly prejudicial to Brooker, particularly in view of the issues of motive and intent, and will in fact be prejudicial that, upon a joint trial of these two defendants, to instructions which the court can give will offset the inflammatory effect on the jury."

The trial, Mr. Victor believes, will take at least four months and will be fraught with many technicalities that it will be practically impossible to separate in the minds of the jurors the evidence which pertains to Brooker and that which pertains to Robbins. "I do not mean," says Mr. Victor, "by any statement in this affidavit in any way to throw legal blame upon Mr.

WHITMAN SAVES WATER SUPPLY FROM POLLUTION Governor Changes Plan to Empty Sewage of Mohansic State Hospital into Croton Lake—Will Go Into the Hudson.

The members of this commission made a personal inspection of the watersheds and carefully studied the existing conditions.

The favorable attitude of Gov. Whitman was likewise surprising because of the distance a letter in the files of the executive chamber from Dr. S. S. Coldwater stating that it was his belief that the proposed sewage disposal would "do no good, jeopardize the interests or health of the people of this city."

The letter was written to ex-Gov. Glynn early last year when the bill providing for the abandonment of the Mohansic site was pending before him. Another letter on record confirmed this opinion of Dr. Goldwater, which was based upon the report of the commission which investigated the plant.

The conference at which the Governor heard all about the Mohansic plan was attended by Attorney-General Woodbury, State Commissioner of Health, Biggs; Dr. Lindsey Ruid Williams, Deputy Commissioner of Health; State Health Commissioner James V. May, Dr. Harris, superintendent of the Mohansic hospital; Theodore Lorton, Health Department Engineer; Frank B. Lord, legal adviser, and William A. Orr, secretary to the Governor. State Architect Fisher and Deputy Charles A. Stassford, Mayor Mitchell was not represented.

Commissioner Biggs outlined for the Governor the plan which would carry the effluent from the Mohansic Hospital would pass before reaching Croton reservoir, which, he said, would clear away any sewage.

In view of this explanation Gov. Whitman pointed out to Mayor Mitchell that he had been misinformed about the plan. "You are entirely in error," the Governor wrote, "in assuming that the sewerage works at the Mohansic plant are a temporary system of sewage disposal, which would be a menace to the health of your city from the moment it was in operation." For I am advised that this system is an absolutely necessary preliminary to a permanent plan to carry the effluent from this plant to the Hudson River, if this course should be decided upon.

State Commissioner of Health Biggs stated emphatically that he would not approve of any plan by which untreated sewage from Mohansic would be pumped into the Croton watershed, which would be a menace to the health of your city from the moment it was in operation. "For I am advised that this system is an absolutely necessary preliminary to a permanent plan to carry the effluent from this plant to the Hudson River, if this course should be decided upon."

Opponents of the proposed sewage disposal plan were in favor of pumping the effluent from the Croton watershed, under high pressure, into the Hudson River. This would have the effect, the engineers at the hearing asserted, of polluting the river as far as New York City and the Hudson valley, with an estimated cost of between \$25,000 and \$50,000 yearly.

The Governor stated in his letter that he had concluded that the cost of a system by which the treated effluent could be carried to the Hudson would be in the neighborhood of \$125,000, with an estimated cost of between \$25,000 and \$50,000 yearly.

Robbins or to impute to him any guilty knowledge or intent of violation of any law, my intention being to bring to the attention of the court only such facts regarding the case as seem to me necessary to enable the court to understand that the defenses of the two defendants in question are in substantial respects radically different.

In support of the contention that Robbins and the directors as to the legality of the absorption of many of the New Haven subsidiaries Mr. Victor quotes from the testimony before the Interstate Commerce Commission in Washington given by William Skinner, who gained immunity in the present prosecution. Mr. Skinner swore that Robbins and the directors did not violate the Sherman law when they consolidated the various means of transportation.

Brooker in his petition says that he is an ex-employee of the American Brass Company, and president of the American Brass Company. According to the Government he was on the New Haven board from 1912 to 1915, and during that time was concerned in the purchase of the Westchester railroad franchise, in which deal, it is said, about \$10,000,000 "vanished" into the hands of the New Haven.

Brooker says that he was vice-president of the Harlem River and Portchester and perhaps a few other subsidiaries. He denies that he ever had any knowledge of the assets charged by the Government. He says that in voting he always exercised his best judgment, and that his views before casting his ballot. He likewise denies having received any other compensation than his director's fees.

He insists that in all matters of importance he always took the advice of Robbins and his assistants in the legal department of the New Haven, and that the legality and effect of the proposed transactions, "in the honest belief that such counsel were, from their general training and practice, and from continuing and daily services in the affairs of the New Haven, familiar with the facts and learned in the law."

In exercising his duty in good faith, he relied upon such opinions and advice," concludes Brooker.

KILLS WIFE AND ESCAPES. Three Children Witness Tragedy on Stoop of Brooklyn Home. Mrs. Hannah Doran, 36 years old, was shot five times by her husband, Edward Doran, last night while she was sitting on the doorstep of her home, 422 Pacific street, with her three children. She died instantly. Doran escaped after he was chased two blocks.

J. M. Filmore, a boarder, said he was in the house shaving when Doran and his wife were talking loudly on the front stoop. He saw the husband take a revolver from a shelf and follow her to the rear yard and climbed over a fence. Two policemen who saw the man running through Dean street pursued him two blocks when he jumped on a trolley car at Bergen street and escaped.

PACKERS TO SEE POLK TO-DAY. Will Ask U. S. to Intercede With Britain in Meat Case. WASHINGTON, Sept. 20.—Acting Secretary of State Polk will receive a delegation representing Chicago packers tomorrow relative to the judgment of the British prize court confiscating \$15,000,000 worth of American packing house products.

THE ANSWER

The Thompson-Starrett company has for years past demonstrated the integrity and efficiency of its methods in various cities of the Union, and the esteem in which its services are held by prominent property owners in New York is evident from the fact that in this city today its name is associated with several of the biggest building propositions of the age, both built and building.

THOMPSON-STARRETT COMPANY Building Construction

ARMS MAKERS STRIKE; PLOT, EMPLOYERS SAY

Brown and Sharpe Company's Machinists Walk Out in Providence.

PROVIDENCE, R. I., Sept. 20.—A big strike was begun at the Brown and Sharpe Manufacturing Company's plant today where war supplies contracts are being filled for the Allies. The workers struck to secure an eight hour day with ten hour pay and recognition of the machinists' union, but the officers of the union refused to accept a scheme to retard the delivery of war orders.

A month ago the Burns Detective Agency put operators into the shops to check the work of the workers. The pro-union agitators, and strike trouble had been looked for. This came today when the demands of Robert Fechner of Savannah, of the International Association of Machinists, G. L. Fehbig, president of the Metal Trades Department, American Federation of Labor, Providence Council; Fred C. Botani, general vice-president of the International Brotherhood of Blacksmiths, Buffalo, and Eugene L. Murphy, business agent of the International Molders Union, Newwood, Mass., were turned down by Superintendent W. A. Vail.

Half of the 5,000 men walked out and this evening pickets prevented the night shift from going on. Tomorrow the members of the union will meet and a bitter fight is on.

TAILORS MAY STRIKE TO-DAY

20,000 to be Affected—Unions Expect Women's Aid. Union leaders predicted last night a strike of 20,000 tailors—8,000 men and 12,000 girls—in the Fifth avenue district to-day or to-morrow. The strike plan was informed at a mass meeting held at the headquarters of the Tailors' Union at Cooper Union last night.

Rose Schneiderman, general organizer of the Ladies Garment Workers International Union, advised the tailors to hold themselves in readiness for a general strike at a moment's notice and promised her aid.

The demands of the tailors are as follows: First class tailors, \$29 a week minimum; second class tailors, \$25; male helpers, \$20; female helpers, \$15; two legal holidays and a forty-eight hour working week.

NEW HAVEN ROAD GUARDED. More Trackwalkers Out and Violence is Feared. BRIDGEPORT, Conn., Sept. 20.—The strike today of the last of the trackwalkers and maintenance of way men between Norwalk and Milford on the New Haven road has precipitated a serious situation. For several years the rails and tie railroad officials have called on High Sheriff Simeon Pease of Fairfield county and he has dozens of special deputies patrolling the tracks.

While more than 100 men are on strike nearly that number of deputies, railroad police and constables are guarding the tracks. For several years the men have been on strike and are asking for increased wages.

F-4 VICTIMS REACH THE U. S.

Twenty-one Bodies Arrive at San Francisco From Honolulu. SAN FRANCISCO, Sept. 20.—The bodies of the twenty-one victims and men who perished in the crash of the F-4 transport plane outside Honolulu arrived in port today from Hawaii on the U. S. S. Supply. In her holds were eight half-draped coffins, the bodies of the victims, and the remains of the others were sealed in the bodies of the seventeen unidentified.

STRICKEN IN CAB DIES. Henry B. Brown, Known in Wall Street, Heart Disease Victim. Henry B. Brown, for many years manager of Drake Bros. stockbrokers, was taken in a taxicab yesterday afternoon and died soon afterward in Gouverneur Hospital.

LOST HUSBAND HEARD FROM. John Carley of Verona Found in Montreal. VERONA, N. J., Sept. 20.—The wife of John Carley, who disappeared from his home two weeks ago, received a letter today from Montreal, N. J. He had been found there suffering from loss of memory. A letter in his pocket led to his identification and also indicated that he had been in contact with Dr. Frank Patte of Hawkesbury, Que.

AWARDED THE GRAND PRIZE AT THE PANAMA-PACIFIC INTERNATIONAL EXPOSITION AT SAN FRANCISCO.

CHURCH POOL TO HELP DR. HILLIS PAY HIS DEBTS

Plan Under Consideration to Save Big Timber Tracts in British Northwest and Then Realize by Marketing the Land.

The Rev. Dr. Newell Dwight Hillis, creditors among the distinguished members of Plymouth Church are making hurried plans to forestall any further discussion of the business ventures of his pastor, who confessed from his pulpit on Sunday morning that in those ventures he had strayed from his ideals. His haste is by way of settling his financial obligations before the \$50,000 libel suit of Dr. Hillis's nephew, Percy D. Hillis, comes to trial—if it ever gets that far—but the answer to their hope from that quarter yesterday was a letter demanding a public retraction of the minister's alleged libelous statements last July.

"That interview must be denied in toto," reads the letter of Percy Hillis to his uncle, made public yesterday, "with the same publicity with which it was given out, or I shall be forced to take action to compel you to prove your statements to protect my name. It may be a late date to start such proceedings, but I have always believed that the day would come when you would admit to me the mistakes and not seek to make me the goat for all of them."

There is in the letter besides that pertinent paragraph a veiled hint of the seriousness of the present discussion to the congregation of Plymouth Church. The progress of the plans to adjust Dr. Hillis's financial indebtedness without litigation promised yesterday to be successful, but at the same time it was said Dr. Hillis's confession on Sunday was read in cold type by the congregation yesterday with emotions which the members did not feel when his financial force struck them during its delivery. It was said that many of the leaders of the church did not hear it on Sunday morning.

Debits Placed at \$200,000. These plans for the settlement of Dr. Hillis's financial obligations—the outgrowth of speculations in Algonquin timber—according to the best obtainable estimates, place the debts at \$200,000. Only half of this amount is involved in the gold debenture bonds issued on the Algonquin tract in British Columbia, to the amount of \$100,000. The other half comprises, it is said, personal loans to Dr. Hillis for investment in various enterprises, some of which are secured by collateral, some by personal notes indorsed by the pastor and others absolutely unsecured.

Members of Plymouth Church who seem best informed on the pastor's tangled affairs do not expect that Dr. Hillis will have to go to the predicted extreme of selling his Algonquin home at 23 Mount Pleasant, Brooklyn. The special committee of Algonquin timber bondholders is informed that in a fair market Dr. Hillis's timber holdings would not only pay the \$100,000 of the gold debenture bonds but leave a substantial equity to himself and family. In fact, it was said yesterday that if all Dr. Hillis's interests were sold at once, he would be able to pay the \$200,000, except the timber licenses on the Algonquin tracts.

The plan that has been proposed for the financial settlement therefore is this: Inasmuch as Dr. Hillis's income is not sufficient to pay the annual timber license fees, which are now \$100,000, also to pay interest on the bonds and other obligations, Dr. Hillis, in order to prevent the reversion of the licenses to the Canadian Government or to litigation in other quarters, will give his largest creditors of \$100,000 to \$105,000 to take in full settlement of their claims a part of his personal property. This plan is felt, would enable Dr. Hillis to pay the fixed charges on the balance of the timber licenses and pay his interest to his smaller creditors until the timber could be sold later and the principal paid off. This plan will probably be adopted.

Meanwhile the libel suit pending, Percy Hillis, in reply to a telegram wired to The Sun last night that his lawyer, William Austin Moore, was his spokesman. Mr. Moore said that Dr. Hillis's nephew was simply seeking a retraction and not any part of Dr. Hillis's material affairs. Percy Hillis will allow the twenty days to elapse in which Dr. Hillis may give notice of appearance before filing a formal complaint. As showing proper authorization of the libel summons served on Saturday, Mr. Ferguson gave notice of appearance to "Dear Uncle Dwight" dated July 23, 1915. Besides the paragraph before printed the letter says:

"The letter which came last night together with clippings from Chicago, New York and Portland papers. In view of your wires, saying 'Pay no attention to alleged interviews' &c. I authorized you that you had given out the information, but your letter last night assumed full responsibility for it, and judging from the interview in the Sun you must have been fully aware that that paper and from that source spread over the country, to my knowledge."

Knows the Whole Tangle. Mr. Ferguson is admitted by Dr. Hillis's friends to be the one who knows most about the pastor's business affairs. He has been in the past several years the chairman of the board of trustees of the church, and for five years he was Dr. Hillis's attorney and handled all of Dr. Hillis's business affairs. He and Dr. Hillis broke friendly relations last April, but it was said yesterday that not a few of the influential members of the church were still in contact with Mr. Ferguson in his recent differences with Dr. Hillis.

"I was asked to be attorney for Dr. Hillis," said Mr. Ferguson last night, "but I refused because I was not willing to be a party to the financial transactions which were being carried on. I was asked to be attorney for Dr. Hillis, but I refused because I was not willing to be a party to the financial transactions which were being carried on. I was asked to be attorney for Dr. Hillis, but I refused because I was not willing to be a party to the financial transactions which were being carried on."

Profits Once Were Large. Details of these transactions during the years that Mr. Ferguson handled Dr. Hillis's speculations in wheat and timber lands are fragmentary. It was learned, however, that prior to 1910 Dr. Hillis made large profits out of his small investments in the Canadian Government's minor successes to great investments until he had borrowed several hundred thousand dollars from his friends. At one time, it is said, he borrowed large sums of money to make first payments on timber contracts totalling \$300,000.

The present crisis in his financial affairs, according to authentic sources, was precipitated by two factors—his failure to meet notes for personal loans from his friends and the fear of holders of bonds on the Algonquin timber licenses which Dr. Hillis owned that the Canadian Government would foreclose the property because of non-payment of the license fee of \$140 for each of twenty-five tracts.

Gossip resulting from Dr. Hillis's slowness in making his notes and in paying the bondholders that their equity in the lands would be wiped out led to several recent meetings of the bondholders and the formation of a committee of four to reach an adjustment. This committee consists of Frederic W. Hinrichs, Dr. Hillis's present attorney; Frederick G. Corning, P. A. Rowley and Mr. Beale.

The \$100,000 bonds on the Algonquin timber licenses are held by about eighty or ninety persons, mostly members of Plymouth Church, whose holdings vary from \$1,000 to \$5,000. Mr. Ferguson held \$20,000 of them at one time, accepted for services to Dr. Hillis, but they are now held by Dr. Rossiter W. Raymond. Mr. Ferguson held \$20,000 of them at one time, accepted for services to Dr. Hillis, but they are now held by Dr. Rossiter W. Raymond.

"I have just read the morning newspapers and have been deeply impressed by your statement. You have done right, and no matter how harsh critics may be, remember there is a sense of justice in the world that is all but wider than religion itself. You have made a best of friends in this country. They have confidence in you and love you. But you have more friends to-day than you ever had before. I myself have been the subject of criticism and the center of storm, but I have lived to see the right and am recognized and grow. If criticism could kill a man I would have been slain a million times. But the more you stamp on the truth the deeper you plant the seed of justice. I have but a little time in the city, but I want to see that little time in developing your message of sympathy and confidence. Every man makes mistakes, and when he has made a mistake all honorable men ought to be forgiven. It is not your fault that you have done as you did. Do not let that one last word—do not for one moment allow this to interfere with your work in Plymouth Church or in the country. Good-bye, and God bless you."

NOVA Baking Powder Absolutely Pure Avoid All Substitutes

ORR FINDS KNIVES IN CELLS OF SING SING

Hammers, Too, Confiscated by Governor's Secretary in Surprise Visit to Prison.

ORRINGTON, Sept. 20.—Two reasons for the surprise visit of William A. Orr, vice secretary to Gov. Whitman, to Sing Sing prison yesterday were revealed today.

A rigid search of the 12,000 cells was made under the direction of Deputy Warden Church in the absence of Warden Osborne. A number of knives and a few hammers also, it is said, were confiscated. Apparently the search was instituted directly by the Governor instead of through Superintendent Riley or Warden Osborne.

The reason for the search was the receipt of a letter by Mr. Whitman declaring that convicts were concealed in the prison. The attorney of the search is doubted here by those acquainted with prison affairs. They say that the factory lifts and other places around the prison should be searched rather than the cells. Under the present regulations, prisoners could receive revolvers from visitors, and they are not separated by wire screens, as was the rule before Mr. Osborne's regime.

According to employees, Pat Alger, a prisoner, said to-night that he had revealed to Mr. Orr what he knew of the whereabouts of the hidden weapons. He said that he had been in the cell of a man who had been in his cell for five weeks, complained bitterly that he was being persecuted by the present regulations, and that he had endeavored to make him change his story in regard to the alleged illegal communication with a named murderer.

Don't Cast on Letter. Neither Dr. Hillis nor his attorney, Mr. Hinrichs, was available yesterday. Mr. Hinrichs left for his home at Woodstock, Conn., soon after a talk with Dr. Hillis in the morning. Dr. Hillis, another of Dr. Hillis's attorneys, denied that Dr. Hillis ever received the foregoing letter, but it was said in other quarters that the letter was forwarded with Mr. Lark in the afternoon. The pastor spent most of the day in his study at the Arbuckle Institute. Many messages of sympathy poured in on him, but of them from William J. Bryan. The Bryan message as given out by Dr. Hillis follows:

"I have just read the morning newspapers and have been deeply impressed by your statement. You have done right, and no matter how harsh critics may be, remember there is a sense of justice in the world that is all but wider than religion itself. You have made a best of friends in this country. They have confidence in you and love you. But you have more friends to-day than you ever had before. I myself have been the subject of criticism and the center of storm, but I have lived to see the right and am recognized and grow. If criticism could kill a man I would have been slain a million times. But the more you stamp on the truth the deeper you plant the seed of justice. I have but a little time in the city, but I want to see that little time in developing your message of sympathy and confidence. Every man makes mistakes, and when he has made a mistake all honorable men ought to be forgiven. It is not your fault that you have done as you did. Do not let that one last word—do not for one moment allow this to interfere with your work in Plymouth Church or in the country. Good-bye, and God bless you."

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QUALITY DOMINATES BORDEN'S GRADE A MILK PASTEURIZED BOTTLED AND SEALED IN THE COUNTRY There's a Borden wagon, in charge of a courteous salesman, in front of your door every morning. He will be glad to serve you. Your food money will buy no better value than this. 10 CENTS A QUART "CALL THE BORDEN WAGON" AWARDED THE GRAND PRIZE AT THE PANAMA-PACIFIC INTERNATIONAL EXPOSITION AT SAN FRANCISCO

SAXON CARS Strength Economy Service Costs least to run Some cars cost less to run than others. But only one can cost LEAST to run. That car is the Saxon Roadster. It makes 30 miles per gallon of gasoline—75 to 100 miles per pint of oil. Half a cent a mile is the Saxon average every where for car operation. Saxon "Six" \$785—Saxon Roadster, \$935 Saxon Motor Co. of New York 251 W. 57th St. Phone Col. 7811