MR. MILBURN CLOSES

Submits General Propositions as to the Anti-Trust Act.

REAL PURCHASES EXEMPT

Restraint of Trade, He Claims, Would Be Merely Incidental.

GOVERNMENTS CASE OPENED

Legality of Mr. Harriman's Operations Being Considered by the Interstate Commerce Commisison.

John G. Milburn, the last of the Harriman legal forces to have his say before the interstate commerce commission, closed his argument today relating to the combination of the Southern Pacific and the Union Pacific lines. He declared that the Sherman anti-trust law had no bearing on the case, because the acquisition of the Union Pacific and the Southern Pacific were outright purchases by the same individual or group of individuals. He laid down the following general propositions:

1. A restraint of trade to be within the anti-trust act must be a direct, immediate and necessary effect of the transaction, and not merely an indirect or incidental result.

2. A restraint of trade consequent upon a purchase of property, in any of its various forms, is incidental merely and therefore not within the act.

3. The purchase must, of course, be real; if a mere device for the suppression of competition, as it was held to be in the Northern Securities case, while it may be effective to operate upon the legal title as between the parties, it is, in fact, unsubstantial and may be disregarded.

4. Provided the purchase be real and substantial, the motive which induces it cannot affect the result; for any resultant restraint of trade is still only consequential and incidental to the exercise of an absolute and undoubted right; that is, the right to acquire property.

5. Therefore, the purchase by a railroad company, within its corporate powers, of an interest in another line of railway, is not within the act, because the restraint upon trade, if any, is not direct, but merely incidental to the purchase.

6. If, however, the purchase by a railroad company, within its corporate powers, of a line of railway, made to suppress competition, be obnoxious to the act, that result does not follow if the purchase be made for a legitimate and proper purpose of the purchasing company.

7. In any event, a purchase by a railroad company of an interest in a line of railway which is not parallel and competing, is not within the act.

8. The purchase by the Union Pacific of its interest in the Southern Pacific was not made to suppress competition, but to protect its property by an extension of its line in that way to the Pacific coast.

9. The Union Pacific and Southern Pacific are not parallel or competing lines or systems.

Propositions Elaborated.

This summary proved to be the outline of his entire speech, and he followed its presentation with an elaboration, giving special attention to the contention that the purchase of the Southern Pacific by the Union Pacific was a legitimate business transaction, and not in any way in contravention of the anti-trust law. He said that if the laws of the state by which the Union Pacifice was chartered had prohibited such a purchase it could not have been legitimately made, but that in no event could the federal anti-trust law be held applicable.

He contended that the main purpose of the purchase had been to gain a through line from Omaha to San Francisco, and declared that there had been no subterfuge about the deal or hidden motive in it. It had been a bona fide purchase and could not be criticised as a business transaction from any point of view. Having no purpose of preventing competition it did not fall within the meaning of the Sherman law.

Calling attention to the fact that Mr. Harriman's purchase of Southern Pacific stock had occurred at the same time as his purchase of Northern Pacific stock, Commissioner Lane suggested that the two transactions might indicate a purpose to control competition in transcontinental business, but Mr. Milburn said that the record in the case indicated no such purpose—the two transactions being independent and separate.

A Reasonable Inference.

"But is it not a reasonable inference that the primary purpose was to get control of these three great transcontinental lines for the control of rates?" Mr. Lane asked, but Mr. Milburn would not consent that any motive had been shown in the purchase of Southern Pacific stock except to get the line from Ogden to San Francisco.

"Taking that portion, it must also take the line from New Orleans to San Francisco and Portland. Moreover, the negotiations for the Southern Pacific stock had been begun long before an effort was made to obtain Northern Pacific stock.

"Any other theory is a mere dream," he declared.

"If it is a dream, it is not the dream of this commission, but of Mr. Harriman," responded Commissioner Lane, and Mr. Milburn turned his attention to the question whether the Union Pacific and Southern Pacific are parallel and competitive. He declared they were not.

In reply to Commissioner Clements, Mr. Milburn said it was his contention that a purchase such as that made in this case, even though it does effect a restraint of trade, is not controlled by the anti-trust act. It was sufficient if there was a purchase. He would not, however, go to the extent of expressing an opinion as to what should be said in case a monopoly is established.

"Mr. Harriman," said the commissioner, "stated that but for the restraint of the laws he would take over the Santa Fe, and that he would get control of the Northern Pacific. Suppose he had carried out this plan and also controlled the Illinois Central, he would thus control all the lines running into Oregon and California. Does he not acknowledge that he was checked by the restraint of the law?"

Harriman a Dreamer.

Mr. Milburn replied: "I don't think that too much stress should be laid on such a remark. Mr. Harriman was not speaking from a legal point of view, but was expressing an idea he had in his mind and which cannot be carried into practical operation except through government ownership—from which God save us! His ambition was a mere dream."

In further answer to the question he elaborated the views already outlined, and, with an appeal to the commission not to go too far in disturbing existing business relations, closed the case for Mr. Harriman.

The Government Contention.

Special Attorney C. A. Severance made the first address for the government, giving his first attention to the contention that the Sherman anti-trust law does not cover the Union Pacific-Southern Pacific deal because it was a purchase. He said that the decisions of the Supreme Court afford sufficient refutation of this contention. He also entered upon an argument to show that it is not necessary that roads should be parallel as well as competing in order to render the law applicable.

Would Have a General Inquiry.

Mr. Milburn complained of the course of the commission in singling out the Harriman interests for investigation and said he should be pleased to have an inquiry into the entire subject of community interests. He would have the Pennsylvania, the Vanderbilt, the Northern Pacific, the Rock Island and the Great Northern systems inquired into, for all of them had grown up under the eyes of the commission, by the acquisition of stock and consolidation, and all control parallel and competing lines. He believed a general inquiry would result in showing the beneficial effects of large concerns. The mere matter of the size of a concern had no terrors for him.

"If," he said, "the politicians would only let the railroads alone for two or three years and let this commission exercise its present powers in calmness, I believe that many of the problems would be worked out and solved properly."

Mr. Milburn was about to close when Commissioner Lane asked him to give his attention to a question.

He said that the principle involved in the pending matter had been definitely determined by the Supreme Court in the case of Harriman agt. the Northern Securities Company, in which the court had unanimously held that the exercise of power, whether as owner or trustee, which would give one company control over another to the end that competitian is restrained is in contravention of the Sherman act. Other decisions to the same effect were cited, and Mr. Severance expressed the opinion that they fully determine the point that a mere purchase can remove a transaction between railroads from the operation of the Sherman law.

Only Effect to Be Considered.

Mr. Severance also entered into an argument to demonstrate that the motive of a consolidation could not be held properly to affect a transaction; only the effect could receive recognition under the law. He detailed the transactions under which Senator Clark's Salt Lake road had been brought into the Harriman system, saying it was through a threat of a parallel road. He had no doubt that the case falls within the Sherman act if it could be shown that the Union Pacific and Southern Pacific are competing lines, and then entered upon an argument to show that they do compete, both starting at Oregon and one terminating at the Missouri and the other at the Mississippi river, and both having connecting lines into Chicago.

In this connection Mr. Severance spoke of the Union Pacific as controlling the Illinois Central, and Mr. Lovett took exception to the remark.

Mr. Severance adhered to his position, saying that it had been shown that the Union Pacific owns 29½ per cent of the stock of the Illinois Central, and that under ordinary conditions this is sufficient to give a substantial control.

Mr. Severance declared that the consolidation of the two railroads had had the effect of destroying competition between the various steamship lines on the Pacific, and quoted statistics to show that much of the business of Oregon which had been influenced by former competition now does not enjoy that advantage. Indeed, he contended that there is not much diversity of opinion as to whether competition had been disturbed by the consolidation.

At 12:30 the commission took a recess until 2 p.m.

DIRECTOR OF SURVEY

GEO. OTIS SMITH SUCCEEDS WALCOTT AS DIRECTOR.

George Otis Smith has been appointed director of the geological survey in succession to Charles D. Walcott, who was elected secretary of the Smithsonian, and who has since been filling both positions. Mr. Walcott's election was nearly two and one-half months ago, and there has been a great deal of speculation as to his successor. A number of names have been discussed, but Mr. Smith was not among those mentioned. There was a possibility that Willard Hayes, chief geologist of the survey, would have been selected, but while he is a scientist of international reputation, he did not like the prospect of the executive work, particularly that involved at the Capitol every session, and while Mr. Smith has been under him in the survey, and was one of Mr. Hayes' warmest supporters for the place, he was finally selected.

It is understood that an effort was made to secure Prof. Van Hise of the University of Wisconsin, but while the position is one of great prominence in the scientific world it does not carry enough salary to make it very attractive from a financial point of view. There were a number of candidates who were anxious for the place, among them William Bullock Clark, state geologist of Maryland; Prof. Holmes of North Carolina, who has been in charge of certain fuel investigations for the survey, and others; but general satisfaction was expressed among the members of the survey today that the appointment had been made from the inside rather than from the outside of the office.

Mr. Smith's Career.

Mr. Smith has been in the survey for about ten years, and is recognized not only as a good field worker, but an excellent executive. He was born in Maine on Washington's birthday, 1871, and retains his legal residence in that state and a summer home in Skowhegan. He graduated from Colby College in 1893, and immediately joined a geological survey field party in the Lake Superior iron region. The next three years were devoted to postgraduate work in geology at Johns Hopkins University, under the late George Huntington Williams. While at Johns Hopkins another field season was spent in the Marquette district of the Lake Superior iron region, and one in reconnaissance work in the state of Washington. Immediately upon his graduation in June, 1896, with the degree of Ph. D., Dr. Smith joined the staff of the geological survey as assistant geologist, having taken the first civil service examination for that position.

His field of geological work has included Maine, Washington, Utah, North Carolina, the New England states, New Jersey and Pennsylvania. During seven field seasons Dr. Smith was engaged in detailed and reconnaissance areal geologic surveys in Washington. During the last eleven years his experience has been such as to identify him with the various scientific activities of the survey, although he has always been a member of the geologic branch. While doing areal work in central Washington a special study of several artesian basins was made and the results published as a water supply paper. Later work in New England also formed the basis for hydrologic reports contributed to the publications of the water resources branch. In connection with a special reconnaissance along the northwestern boundary and across the Cascade range in 1901 the geologist was obliged to make a topographic map upon which to record his geologic observations, exact geographic locations being made necessary in the course of the examination of the boundary monuments.

Later Work in the Bureau.

At the conclusion of this western experience, which included economic work in the coal fields of Washington and in the Tintic mining district of Utah, Dr. Smith began areal work in Maine in connection with the state survey commission. Later the general supervision of all the geologic work in New England and in the areas of crystalline rocks in New Jersey, Pennsylvania and Maryland was assigned to him. While engaged in this work on the crystalline rocks a special study of several minerals of economic value was undertaken and the results published in the reports of the division of mineral resources. Last July he was appointed geologist in charge of petrology with scientific supervision of the survey work in that department.

During the past year Dr. Smith has served as chairman of the assistant committee on accounting and bookkeeping, working under the direction of the committee on departmental methods. In this committee work for the Keep commission he has been associated with officials from all departments of the government, thus securing the opportunity of familiarizing himself somewhat with the problems of departmental administration. As in the case of every one connected with the Keep commission work, this experience has enabled him to assist in administrative reforms in the bureau with which he is connected, and at present he is chairman of the committee on business methods in the geological survey.

His appointment is to take effect May 1.

To Inspect Local Military Posts.

Col. John E. Greer, ordnance department, has been ordered to visit Fort Hunt, Va., and Fort Washington, Md., on official business pertaining to the inspection of seacoast armament and the work of ordnance machinists thereon, also Fort Myer, Va., on official business pertaining to the inspection of field batteries, and upon the completion of this duty will return to his proper station.

WILL SUSPEND EXAMINATION

SENATE MILITARY COMMITTEE TO TAKE A RECESS.

Senator Foraker Will Go to Ohio, Where There May Be Important Political Developments.

The Senate committee on military affairs after a short meeting this morning decided that it would discontinue its examination of witnesses and take a recess of several weeks. Some days ago it was understood that there were on hand enough witnesses to keep the committee busy until next Wednesday, at least, but today it was determined to dismiss these witnesses and to recall them, if necessary, later in the proceedings.

It is well known that Senator Foraker has an engagement to attend a dinner at Canton, Ohio, next Wednesday evening, and he will probably leave the city Sunday. It is generally expected that some interesting developments may come out of Ohio affecting presidential booms and especially that of Secretary Taft while Senator Foraker is there. The senator is likely to remain in his state until the committee meets again, and from present indications he will be kept busy.

When the committee met this morning Maj. Jos. P. O'Neill, 30th Infantry, who ordered the experiments at Fort McIntosh to determine how well men could be seen marching at night and also to determine the deflection of bullets, was recalled and cross-questioned by Senator Warner.

Lieut. H. G. Leckie, who was sent to Brownsville by Gen. McCaskey to make a report on the location of bullet holes and also to make careful measurements of certain places, was also recalled and was cross-questioned by Senator Warner.

Their cross-examination did not in any material way change the statements made on their direct examination.

The committee met again at 2 o'clock today, in order to further discuss the day it will reassemble to continue the investigation, and also to consider whether or not it would go to Brownsville.

Recess Taken Until May 14.

When the committee reassembled at 2 o'clock a recess was taken until May 14. Before that time subpoenas will be issued for about a score of witnesses who have testified in the Purdy investigation and in the Penrose court-martial proceedings to what they saw on the night of August 13, and they will be examined by the committee.

Until these witnesses have been examined the committee will not decide upon a visit to Brownsville.

AN AMICABLE ADJUSTMENT

RIVER FRONT LESSEES AND DISTRICT OFFICIALS AGREE.

Proposed Improvements to Include Pier — Latter to Cost About $200,000—Other Plans.

Another conference, described as a very amicable one, regarding the proposed improvements along the river front from the foot of 14th street to the Washington Barracks Park, took place in the Mariners' Temple on Water street, opposite the harbor police precinct, today, between Mr. W. J. Douglas, the engineer of bridges for the District; Mr. D. E. Garges, private secretary to Engineer Commissioner Biddle, and Harbormaster Sutton, the committee representing the District in charge of the proposed water-front improvements, and representatives of practically every business interest on the harbor.

Those present and taking part in the discussion were William C. Wimsatt of Johnson & Wimsatt; James O. Carter of Carter & Clark; Ambrose P. Stephenson of Stephenson & Bro. and the Maryland, Delaware and Virginia Railway Company, Robert C. Ballard of Ballard & Carter, A. G. Forsberg of the Forsberg machine works, Perry Johnson of Johnson Bros., Samuel Kimberly of the American Ice Company, C. F. Bennett of Bennett's marine railway, J. E. Taylor of the Potomac Navigation Company, Dr. Greer of the Capital Yacht Club, E. M. Willis of the Home Ice Company, Capt. C. W. Ridley of the Mount Vernon and Marshall Hall Steamboat Company, E. S. Randall of the Washington and Potomac Steamboat Company, A. G. Johnson, John Miller, W. W. Riley, R. Harry Johnson and Floyd Davis, representing other interests.

The discussion was an informal one, Engineer Douglas explaining the plans he had prepared as a basis for discussion, using a big drawing showing the proposed piers in detail.

Views of Business Men.

Mr. William Wimsatt of Johnson & Wimsatt, stated that personally he was willing to put up with inconvenience for the sake of the improvement that the carrying out of the plans would make, and Mr. Wimsatt's sentiments were approved by the majority of those present.

The question of having a steam railway down Water street, with spur tracks out upon each wharf, was discussed, and the general sentiment was that it was unnecessary. Several of the gentlemen present expressed a fear that if the railway companies were allowed to get a foothold on Water street, it would not be long before they would be in possession of most of the river front. This, it was contended, had been the experience in other cities.

In order to get an idea of the sentiment for and against the railroad on the street, Mr. Douglas called for a yea and nay vote on the question, and but two voices were in favor of the railroad, so that it is probable the new plans will appear without the steam railroad feature.

The question was asked as to what style of pier it was proposed to build. Mr. Douglas replied that that part of the subject had not been thoroughly gone into, but the idea is to build a pile foundation, with an earthen crib on top, the center of each pier to be paved with granite block, with wood block on each side. The estimated cost of the improvements, Mr. Douglas said, was between $150,000 and $200,000.

It was the universal opinion of all present that the present wharves and docks were a disgrace to the national capital, but all agreed that until the harbor is widened to a thousand feet new docks and piers will be of but small advantage. In reply to a question as to length of leases and cost it was stated that this was another matter that had not been gone into, but that the District authorities are not disposed to do anything that will tend to injure business along the river, and that the wharf lessees could feel assured that they would get fair treatment.

Anchorages for Launches.

Regarding the anchorages for small launches and pleasure craft, it was suggested that an oval basin could be cut in the Potomac Park, opposite the wharves, where small pleasure craft could lie out of the way of the steamers and sailing craft, instead of occupying anchorage space in the harbor, as they do now. After discussing the matter with Dr. Greer, the representative of the yachting interests, Mr. Douglas agreed to embody some such idea in the new plans.

The committee in charge of the harbor improvements stated that it was the intention of the District authorities to take care of all the wharf lessees, and to give them as much space as they now have under the present wharf system. The conference lasted for about an hour and a half, and the plans as prepared by Mr. Douglas were generally approved, except that it was thought that more dock room should be given west of 8th street for the lumber and wood handling piers, and that no steam railroad was needed. Mr. Douglas stated that new plans will be prepared, embodying the ideas he had gathered as to the wants of the lessees, and providing for a marine railway west of 12th street, and that they would be presented to the next session of Congress. Work on the improvement will be started as soon as Congress makes an appropriation for it, and it was hoped that this would be done at the next session.

ANNUAL REPORT READ

Woman's Missions Considered by M. P. Conference.

VISIT TO THE WHITE HOUSE

Committee Named to Make the Necessary Arrangements.

WESTERN MARYLAND COLLEGE

Church Extension Society in Session Today During Recess—Pulpit Assignments for Sunday.

With a large audience in attendance the sessions of the third day of the Maryland conference of the Methodist Protestant Church were held this morning in the Rhode Island Avenue Methodist Protestant Church, 1st street and Rhode Island avenue. Rev. H. O. Keen of Georgetown, Del., conducted the devotional exercises, and at the conclusion of the service the annual report of the Washington and Alexandria branch of the Woman's Foreign Missionary Society of the church was read. It showed the finances of the organization to be in good condition.

The report was referred to the conference committee on missions for consideration. The matter of the members of the conference calling to see President Roosevelt was mentioned, and, after deliberation, the president of the conference, Rev. Dr. Sheridan, was authorized to appoint a committee of three to see the President and ask that the members be received. He named Rev. Dr. T. H. Lewis, president of the Western Maryland College; Rev. Dr. G. Q. Bachus and Daniel Baker the members of the committee.

Rev. Dr. Lewis was recognized to make the annual report of the Western Maryland College, at Westminster, Md. He said that at the present session of the college there are 245 students, twelve additional to the number enrolled the preceding session. The finances of the institution are in splendid shape, but the speaker said, he desired to do all in his power to impress upon the members of the conference the need of an endowment for the college. In his estimation, he added, a college such as the institution at Westminster should have an endowment fund.

Rev. Dr. Sheridan stated that he desires that any member of the conference desiring to speak with him in reference to any business relative to the work of their various churches to have absolutely no hesitation in calling upon him during the day and conversing at length upon the work to be done. He then called Rev. W. N. Strayer to the chair while he consulted with various members of the conference upon the matters affecting their churches.

Rev. J. D. Kinzer, president of the board of governors of the Westminster Theological Seminary, made the annual report for that institution. He stated that thirty-three students are in attendance, and that the present year had been a successful one when the good work done all along the line is considered.

Dr. Kinzer stated that it was the belief of the members of the board of governors that the 25th anniversary of the founding of the institution should be marked by extending the course of study from two to three years.

Church Extension Society Meets.

The conference took a recess at 10:30 o'clock in order to allow a meeting of the Church Extension Society. Rev. J. M. Gill, pastor of the Rhode Island Avenue Church of this city and the president of the society, took the chair, and after the reading of several reports, the society elected the following officers to serve during the ensuing year: President, Rev. J. M. Gill; first vice president, Rev. J. L. Straughn; second vice president, Rev. J. W. Trout; F. A. Holland, secretary, and T. Harry Bartlett, treasurer. The elections to the board of managers of the institution resulted in the following selections: Rev. J. D. Kinzer, Rev. J. S. Bowles, Rev. J. S. Bowers, Rev. F. T. Tagg and Rev. F. C. Klein of the clergy, and Messrs. W. T. Meginness, T. Harry Bartlett, W. W. Smith and J. N. Gilbert of the laity.

The meeting was then closed, and the session of the conference again taken up, when the names of Revs. J. T. Lassell of Maringers, Md., and J. M. Yingling were placed upon the list of superannuated ministers of the conference. It was later reported that the sum of $300, which was donated to the church at Towson, Md., had not been paid to the church because of the fact that the edifice had not yet been erected.

The pastor of the church was ordered to hold the money on deposit until the time the funds will be needed.

The election of trustees of the conference was next in order, and resulted in the selection of Revs. F. T. Little, S. J. Smith, J. H. Roberts and C. A. Benjamin. After the election had been concluded those to be ordained into the ministry Sunday were announced as follows: Messrs. N. C. Clough, C. M. Elderdice, W. P. Roberts, L. B. Smith, E. L. Bunce and J. T. Bailey.

Pulpit Assignments.

The pulpit assignments of ministers of the conference to fill local pulpits Sunday were then announced. Embodied in the report of the committee on pulpit supply:

The assignments were:

Methodist Protestant—Rhode Island Avenue, morning, Rev. J. L. Mills; evening, Rev. J. D. Lucas; Sunday school, Revs. D. W. Austine and L. B. Smith; Christian Endeavor, Rev. W. A. Melvin.

First Church—Rev. W. M. Strayer, morning; Rev. S. B. Tredway, evening.

Congress Street—Revs. F. H. Lewis and E. D. Stone.

Mt. Tabor—Revs. G. S. Humphries and F. T. Benson; Sunday school, Rev. G. E. Brown; Christian Endeavor, Rev. R. H. Lewis.

North Carolina Avenue—Revs. S. W. Coe and Louis Randall.

Mount Olivet—Rev. J. W. Gray.

Walker's Chapel—Rev. J. W. Norris.

Alexandria—Revs. J. R. Garr and W. B. Elliott.

Fairfax—Rev. H. F. Wright.

Presbyterian churches:

Gunton Temple—Rev. Louis Randall, morning.

West Church—Rev. Louis Randall, morning.

First Church—Rev. J. M. Holmes morning and evening.

United Brethren churches:

Memorial Church—Reev. T. J. Ogden.

Memorial Church—Rev. T. J. Ogden.

Second Baptist Church—Revs. C. E. Redeer and C. M. Campher.

Anacostia Baptist Church—G. A. Morris, evening.

Methodist Episcopal churches:

Douglas Memorial—Rev. T. M. Bryan, morning.

Union—Revs. F. T. Benson and W. F. Hankst.

Wilson Memorial—Rev. A. S. Beane, evening.

McKendree—Revs. J. W. Traut and J. W. Balderston.

Metropolitan—Revs. F. C. Klein and G. I. Humphries.

Wesley—Revs. E. D. Stone and J. W. Trout.

Ryland—Revs. C. K. McCaslin and J. L. Ward.

Bradburn Memorial—Revs. J. E. Massey and J. D. Smith.

North Capitol—Rev. N. O. Gibson, morning.

Gorsuch—Revs. F. D. Reynolds and T. L. Rice.

Calvary M. E. South—Revs. J. T. Lassell and J. N. Elderdice.

Eldbrooke—Rev. W. N. Sherwood, morning.

Statement by Dr. Little.

Shortly before 1 o'clock, the hour fixed for the close of the session of the day, Rev. Dr. Little, former president of the conference, arose and stated that he desired to address the members upon a matter that he felt he should communicate to them at once. He mentioned the case of Rev. A. C. Boyd, and went into the details of the matter.

At the conclusion of Dr. Little's remarks the convention adjourned until 3 o'clock, when Dr. Munhall of Philadelphia made an address.

RUEF TRIAL IS POSTPONED

EX-BOSS OF SAN FRANCISCO PLANS HIS DEFENSE.

Will Present Contract in Evidence, Claiming He Was Retained as Counsel for Restauranteurs.

SAN FRANCISCO, April 5.—The trial of Abraham Ruef on a charge of extortion has been postponed until next Monday morning. When the case closed yesterday five jurors had been selected subject to peremptory challenge, which it has now been decided will be deferred until twelve men have been examined and passed. It has just been learned that the ex-boss will present a contract in evidence as the basis of his chief defense in the case now before the court and also on the other indictments charging him with extortion in the French restaurant cases, showing that he was retained as counsel for the men whom he is accused of mulcting.

This contract will show, it is claimed by Ruef's attorney, that he was retained to act as counsel for the restauranteurs for two years at an annual salary of $5,000. They will contend that the significant detail of the contract is that it was made to extend beyond the life of the administration of Mayor Schmitz, and that this shows that the relations between Ruef and the restaurant men were the ordinary relations between an attorney and his client.

The prosecution, while refusing to discuss this contract, disclose that they can prove to the jury that the political affinity between Ruef and Schmitz was used as a club over the heads of the restaurant keepers to force from them the $5,000 yearly "retainer."

The case of Louis Glass, former manager of the Pacific States Telephone and Telegraph Company, under nine indictments for bribery, has been postponed until next Thursday. It is not known yet what Glass will plead to the charge now before the court.

The case of A. K. Detwiler of Toledo, indicted in connection with the Home Telephone Company franchise, has also been postponed until the same date.

District Attorney Langdon and Francis J. Heney announced yesterday that it is their intention to extend the investigation into the actions of the board of supervisors which went out of office in January, 1906.

Grand Jury at Work.

The grand jury yesterday continued its investigation into the alleged telephone graft. No indictments were returned, and after being in session all afternoon the inquisitorial body adjourned until Saturday afternoon.

Among the witnesses examined in connection with the alleged methods by which the Home Telephone Company secured a franchise were Louis Sloss, a prominent capitalist; Nicholas C. Prendergast, outside man for the company; Robert N. Frick of Gerstle, Frick & Beedy, attorneys; Frank Wachter, superintendent of the Empire Construction Company, and E. C. Van Lieu, treasurer of the same company.

J. R. WALSH INDICTED

175 COUNTS IN DOCUMENT FILED AGAINST BANKER.

CHICAGO, April 5.—The federal grand jury today returned an indictment containing 175 counts against John R. Walsh, the former president of the Chicago National Bank. The counts charge misapplication of funds and credits of the bank and also allege that he made false entries in his reports to the controller of the currency.

The trial of President Walsh has been set for October 15.

TWO-CENT RATE IN PENN.

Governor Stuart Has Signed the Measure.

HARRISBURG, Pa., April 5.—Gov. Stuart today signed the bill making the maximum rate of fare on railroads within this state two cents a mile.

PHILADELPHIA, April 5.—The Pennsylvania railroad today made public Mr. McCrea's letter to Gov. Stuart requesting him to disapprove the two-cent railroad fare bill which the governor signed today. Mr. McCrea's letter, which is dated April 3, says the two-cent rate is a reduction of one-third in the average rate, and says the bill is unjust because it will not permit the railroads of the state to collect an average rate that is a fair and proper return for the service rendered.

BUSINESS PROPERTY SOLD.

A Real Estate Company's Plan for the Future.

A deed has been placed on record transferring to Edmund K. Fox the property at 1311 H street northwest, which was recently sold by Mr. John T. Arms. Mr. Fox, trading under the name of the A. F. Fox Company, has offices at the northeast corner of New York avenue and 14th street. It is understood, in securing the property, Mr. Fox plans some time in the future to erect there a building which will be suitable for his business.

The lot has a frontage of 25 feet and a depth of 79½ feet, and the price reported to be paid when the sale was announced a short time ago was $13 per square foot for the 1,987 square feet.

DR. WILLIAM J. BUSH DEAD.

Prominent Colored Physician Succumbs to Pneumonia.

Dr. William J. Bush, a prominent colored physician of this city, died at his home, 208 O street northwest, at 6:30 o'clock last evening after an illness of one week of pneumonia. Dr. Bush was popular among those with whom he came in contact. Born in Charles county, Maryland, about thirty-five years ago, he came to Washington to receive his schooling, and ultimately took a course in medicine at Howard University, graduating about eight years ago.

Dr. Bush was one of the founders of Potomac Hospital, was a medical inspector of the public schools, and a member of the Medico-Chirurgical Society and of the Knights of St. John.

His wife and five children survive him.

BANKRUPTCY PROCEEDINGS.

Lee R. Martin's Petition Involving Firm of Martin Bros.

Lee R. Martin, by Attorneys Leckie, Fulton & Cox, instituted proceedings in equity today for the appointment of a receiver for the real estate business of Martin Brothers, 1925 Pennsylvania avenue northwest.

In his petition, filed by Attorneys Leckie, Fulton & Cox, the complainant explains that he and his brother, Thomas R. Martin, who is named as defendant, have an equal interest in the business, and that the defendant has had control of the affairs of the firm for the past two or three years.

According to the bill of complaint there has been no settlement between the partners for a long time, and the complainant is unable to determine the condition of the accounts between them or the balance due from one to the other.

The firm, it is stated, is indebted to other persons, the amount of the debts being unknown to the complainant. It is also asserted that a large number of the firm's creditors desire the appointment of a receiver.

The court is asked to dissolve the partnership and order an accounting of its affairs.

Chief Justice Clabaugh, to whom the petition of Mr. Martin was presented, appointed Guy H. Johnson and Joseph D. Sullivan receivers to take care of the business. He directed that they give a $5,000 bond.

ARE OUT ON A STRIKE

Large Number of Men at Municipal Building Quit Work.

ALLEGATION OF 'OPEN SHOP'

Claim in Regard to Firm in Charge of the Plumbing.

VIEWS OF CONTRACTOR PARSONS

Thinks Action of Building Trades Alliance Was Proper — To Resume Operations Tomorrow.

One hundred and forty men, including bricklayers, carpenters, fireproofers, stonecutters, steamfitters, ironworkers, hoisting engineers and hodcarriers, who were at work at the municipal building, went on a strike this morning.

The occasion for the strike was a claim that the firm of James Nolan & Sons, in charge of the plumbing work, is conducting an "open shop." Mr. James L. Parsons, the contract in charge of the work, decided that the Building Trades Alliance had acted properly in ordering the strike, so he directed the non-union plumbers to leave off work. The result is that the men who went on the strike will return to work tomorrow morning.

Mr. Parsons told a Star reporter this afternoon that he thought the firm of plumbers had not properly interpreted the findings of the board of arbitration in the matter of the lock-out; and that it had not the right to employ union and non-union men together.

Mr. Parsons said he thinks the master plumbers are required by the decision of the board of arbitration to get rid of their non-union men, but, he added, the contractors claim they have the right to work union and non-union men together.

Note to Plumbing Firm.

Contractor Parsons says he called the attention of the firm of James Nolan & Sons to the possibility of his having a strike upon his hands, addressing the firm a note as follows:

"I am informed that the plumbers employed by you working at the municipal building are non-union men. If such is the case you are not complying with the findings of the arbitration, and if such men are kept employed it will interfere with the progress of my work. I therefore request that you employ such workmen as you were working when I made the contract with you."

Text of Reply.

The response Mr. Parsons received was: "We beg to say that we must decline to allow our business to be interfered with by the opinions or the arbitrary and unauthorized action of your other workmen.

"We are abiding the decision of the board of arbitration. Our action is not causing any delay in the prosecution of the work. The delay, if any, is caused by the attempt of your other employes to dictate how we shall conduct our business.

"We decline to withdraw our men employed on the work because they are not really responsible for the trouble.

"If you order our men to leave we shall hold you responsible for any damages thereby sustained by us."

After the strike was announced today another note was sent by Contractor Parsons to the firm of plumbers in which a demand was made for the withdrawal of the men in question. The demand not being complied with Contractor Parsons ordered the plumbers to cease work, and they obeyed.

Conclusion Reached by Board.

The conclusion reached by the board of arbitration, which was composed of A. S. Worthington, J. J. Darlington, Stanton J. Peelle, Jackson H. Ralston and Joseph C. Sheehy, was that "contracts of June 9, 1902, and of April 14, 1903, with the shop rules adopted thereunder dated November 6, 1903, are held to be in force, notwithstanding the departures therefrom by either of the parties thereto. Under said contracts and shop rules, as shown by the interpretation put upon them by the parties at the time, the individual members of the Master Plumbers' Association are not compelled to employ union men to the exclusion of non-union men, and the members of Local Union, No. 5, are not required to work for members of the Master Plumbers' Association to the exclusion of non-members of such association or for members of said association who employ non-upnion men in the District of Columbia."

BOARD NAMES UMPIRE

SIXTH MAN TO CONSIDER PLUMBERS' GRIEVANCES.

Owing to the failure of the conference committees of the Master Plumbers' Association and of the Journeymen Plumbers and Gasfitters' Local Union, No. 5, of the District of Columbia to appoint an umpire for the determination within thirty days of the meeting of the conference of any differences that might arise under the award of February 27, the board of arbitration, consisting of Stanton J. Peelle, Jackson H. Ralston, A. S. Worthington, Joseph J. Darlington and Joseph C. Sheehy, has appointed William H. DeLacy, judge of the Juvenile Court, as umpire of the conference committee.

The report of the board of arbitration is as follows:

"The undersigned, a board constituted by the joint action of the Master Plumbers' Association of the District of Columbia and of Journeymen Plumbers and Gasfitters' Local Union, No. 5, of the District of Columbia for the determination of the differences between said bodies, having by its award of February 27, 1907, reserved the right and power by its further award to select an umpire for the conference committee provided by the contracts between the parties creating this board as stated, in the event that such conference committee should fail within thirty days from February 27, 1907, to name an umpire, and the time named having passed and no umpire having been named, the board hereby awards that William H. DeLacy be, and he is hereby, appointed umpire of the conference committee provided by the contracts between the said parties.

"Done under the hands and seals of the said board of arbitration this 5th day April, 1907."

It is thought probable the decision of the board of arbitration will be agreeable to both bodies, as it is stated that the members of the Master Plumbers' Association are satisfied with the appointment of Judge DeLacy, and, on the other hand, he was one of the two proposed by the journeymen plumbers. The master plumbers proposed the names of Rev. Dr. D. J. Stafford and John W. Foster, while the journeymen proposed the names of Judge DeLacy and William F. Downey.

Deed of Trust for $100,000.

The Swartzell, Rheem & Hensey Co. today placed on record a deed of trust to secure the payment of a note for $100,000 in five years, with interest at 5 per cent, on the property recently purchased by the company on 15th street between New York avenue and H street. The note is payable to the order of Clarence B. Rheem.

Graham of Claverhouse

BY

Ian Maclaren

A Great Novel

By the Author of "Beside the Bonnie Brier Bush"

Begins in Tomorrow's SATURDAY STAR

To be published Saturday and Sunday through April.

The man who fought more duels with fortune and suffered more variously and cruelly at the hands of destiny than any other of his time and nation is the famous John Graham of Claverhouse, Scotland.

He had the faculty of being forever in the wrong and of seeing every prize he strove to win crumble to ashes within his grasp. None the less he was one of the most envied men in Europe, for his courage, his almost unearthly beauty, his brilliancy and his rare magnetism.

Never a woman but loved him, and only one in all his wild career who could win from him a single answering throb of affection. In fact, he was one of the most unusual, striking characters in history. Perhaps that is why Ian Maclaren has chosen him for the hero of one of the most striking, unusual novels ever written.

This novel is "Graham of Claverhouse," latest and best fiction work of this celebrated Scotch writer and one of the finest action novels in all literature. No one since Sir Walter Scott has so perfectly grasped the essentials of Scotch life and embodied them in stirring romance. Ian Maclaren has the rare ability of bringing vividly before a modern reader's eyes and senses the living, stirring forms of long dead heroes who yet live forever in the memories and hearts of their countrymen.

In "Graham of Claverhouse" he is at his very best. It is a story that carries the reader along by its tremendous power and unflagging interest, ever surprising him by a new and unexpected turn of plot, clever word picture or tense situation. Such a romance has not been written before during the present century.

OTHER NOTABLE FEATURES

Paris Apaches
By STERLING HEILIG.
ILLUSTRATED.

Dodges of Pool Room Keepers
By CLARENCE CULLEN.

For Little Men and Little Women
ILLUSTRATED.

Princess Maritza
By PERCY BREBNER.

The Woman in Overalls
MRS. COOK'S EXPERIENCE.

An Exile in Algeria
By FRANK C. CARPENTER.
ILLUSTRATED.

Fashions as Seen in Paris
ILLUSTRATED.

Behind the Thrones
By J. ELFRETH WATKINS.
ILLUSTRATED.

READ THE SATURDAY STAR

OVER UNTIL MONDAY

HEARING IN CASE OF MRS. BRADLEY DEFERRED.

Justice Stafford, presiding in Criminal Court No. 1, today postponed until Monday the determination of the motion made in open court today by United States Attorney Baker to set for trial April 16, immediately following the close of the Binger Hermann case, the charge of murder against Mrs. Anna M. Bradley, in connection with the shooting of former Senator Arthur M. Brown of Utah, at the Raleigh Hotel last December. The postponement was granted in order to give Attorneys Wells, Hoover & Wells, local counsel for Mrs. Bradley, an opportunity to submit affidavits in opposition to the naming of such an early date for the commencement of the trial.

Mr. Hoover, of counsel for the defense, in answer to an inquiry of Justice Stafford, said he thought he and his associates would be ready for trial about May 15.

To this date United States Attorney Baker took exception, saying that as the case was an important one he desired to conduct the prosecution in person, and thought it impossible to finish the Hyde-Benson-Dimond-Schneider land fraud cases before the summer recess.

The motion recently filed by Mrs. Bradley to have a number of witnesses summoned from Utah and California for her defense at the expense of the government was reached this morning before Justice Barnard, but at request of the government it was certified to Justice Stafford for hearing.

FUNERAL OF W. RILEY DEEBLE.

Services at the Chapel in Oak Hill Cemetery.

The funeral services over the remains of W. Riley Deeble, the real estate and insurance broker who died at his home, 2020 P street northwest, yesterday morning, will take place in the