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JAIL SENTENCES ARE ASKED IN 32 CASES

Justice Davis Hears Arguments on Guilty Pleas in Lockwood Prosecution.

DECISION IS RESERVED

Defendants Include John A. McCarthy, Former Partner of Charles F. Murphy.

Some Court Justice Vernon M. Davis heard arguments yesterday on a motion for jail sentences for thirty-two individuals and corporations that have entered pleas of guilty to indictments found as a result of the Lockwood committee's investigation charging violation of the Donnelly anti-trust law. Justice Davis took the cases under further consideration, meantime asking the Attorney-General to supply him with data covering the capitalization, gross business and profits of the defendant corporations during the last four years.

The court added that it would make its decision as soon as possible after the submission of the data, but that if this proved impossible by May 13, and which it was shown, exercised corporation and individuals, those trials would be postponed.

The defendants included John A. McCarthy, former business partner of Charles F. Murphy. All were members of the Association of Dealers in Masons and Builders Materials, formed in 1900, and which, it was shown, exercised monopoly of the market for that class of building material.

Justice Davis heard William A. De Ford, a Special Deputy Attorney-General, plead for jail sentences. Defendants, with the exception of Frank E. Wise, former president of the dealers association, were represented by Edward E. McCall.

Mr. De Ford sketched the history of the defendants' organization since it was formed in 1900.

"I have never heard in my life of a more elaborate plan of mechanism to violate the law," Mr. De Ford said. "No one could join this organization without being bound by its constitution and by-laws, and the members were bound together to put just so much of an economic burden upon construction and upon the backs of the public as they saw fit to put."

Counsel for the defendants pleaded that his clients seldom made an average profit of more than ten per cent, which figure, he stated, had been in effect, recognized by the Government in wartime contracts on a cost plus ten per cent basis.

"The Government set its seal of approval on that figure," Mr. De Ford said, "and these men, who have not trained legal minds, did nothing more than follow the lead of the President of the United States. These men were not actuated by any criminal intent, by malice, nor by any black heart."

3 MEN AND 3 WOMEN FACE FRAUD CHARGE

Accused of Working Stock Deal in Boston.

The Sillsky brothers, Frank, Abraham and William, and the Thurston sisters, Beesie, Irma and Eunice, were arraigned in the West Side Court yesterday on the charge of conspiring to defraud Boston brokers out of \$45,000 in cash.

According to Detective McCall, Frank Sillsky, who said he was a member of W. L. Darnell & Co., sent the other five to Boston, where they gave orders to about a dozen brokers to buy them \$20,000 worth of stock of Roi de France, a perfume manufacturer. Each paid \$1,000 on account. When the New York correspondent of a Boston broker tried to buy the stock on the curb he found that Frank Sillsky was the only man who had any. Sillsky, it is alleged, sold the stock at \$14 a share. The five who went to Boston never returned to get the stock or pay for it, and the brokers found themselves with stock not worth much more than \$3 on the curb, the detective said. A Boston judge issued the warrants.

The brothers furnished \$5,000 bail each on the technical charge of being fugitives from justice, and their case was adjourned until May 25. The women, who said they were models living at 240 West Fifty-seventh street, could not furnish bail.

LAWRENCE FAGAN DIES; 4 TIMES HOBOKEN MAYOR

Publisher and Prominent in Democratic Politics.

Lawrence Fagan of Hoboken, four times mayor of that city and for many years its most influential citizen, died yesterday in his home there in his 70th year, after an illness of four days.

Mr. Fagan was born in Ireland, came to this country as a boy and learned the blacksmith's trade in Jersey City. He became active in politics as soon as he was able to vote, and in 1889 was elected to a seat in the New Jersey Legislature, which he filled for two terms. Having by then moved his home from Jersey City to Hoboken and branched out from blacksmithing to iron manufacturing, he was nominated for Mayor of Hoboken at the end of his second term as Assemblyman and was re-elected three times. Twenty-eight years ago he founded the Hoboken Observer, which has since become the Hudson Observer, one of the most important newspapers in New Jersey.

Mr. Fagan was married twice, his second wife being Miss Margaret Foley, the daughter of Michael Foley, a building contractor of Hoboken. She survives him with their three children. He is survived also by a son and daughter of his first marriage.

MISS BOOTH IN WHITE HOUSE. WASHINGTON, May 9.—Evangeline Booth, commander of the Salvation Army, was received to-day at the White House by President Harding, who wished success to the drive for funds which the organization is making.

World's Champion Hen Lays 876th Egg and Dies

Special Dispatch to THE NEW YORK HERALD.

LXINGTON, May 9.—Lady Walnut Hill, world champion egg layer, owned by the College of Agriculture, University of Kentucky, died to-day of septicaemia. She laid her eight hundred and seventy-sixth egg yesterday.

Lady Walnut Hill held the world's record for consecutive egg laying, having laid ninety-four in ninety-four consecutive days in her pullet year. She also had a record of 810 eggs in four years of her laying.

Lady Walnut Hill was hatched April 12, 1916. She started on her record egg production November 6, 1916, and during her first laying year produced 292 eggs, 130 the second year, 184 the third, 154 the fourth and 66 so far this year.

SWANN TO CONTINUE PROBE BY WHITMAN

Will Have Him Prosecute Cases Turned Over by Legislative Committee.

Edward Swann, District Attorney, repeated yesterday his request to the finance and budget committee of the Board of Estimate for \$20,000 to continue the Whitman investigation, but the committee again refused a recommendation and voted to refer the matter to the board for an airing at the next regular meeting. In reply to the question of E. H. LaGuardia, President of the Board of Aldermen, whether the District Attorney could not reduce his staff and save some money, Mr. Swann replied that he could not. On the contrary, he said, he intends to keep former Gov. Whitman and Arthur M. King, his assistant, on investigation until the legislative committee gets down to work about August 1. After that he will keep Mr. Whitman to prosecute whatever cases may be turned over to the District Attorney's office by the committee.

The District Attorney explained that the Whitman investigation had been initiated by the charge of an Assemblyman that "never in the history of the city had there been such corruption in public life." So far, he continued, Mr. Whitman's activities have failed to substantiate the charge, though the former Governor, the District Attorney said he believed, had disclosed about all there is to be disclosed in the way of corruption in the city's administration.

"Still," he said, "I thought if corruption existed those connected with it ought to be punished, and if it didn't exist the public ought to know it."

CREW OF TUGBOAT WIN \$112,500 FOR SALVAGE

Saved Tanker Delmira, on Fire Off Florida Coast.

The men of the tugboat Victory, who ran alongside the burning oil tanker Delmira, off the Florida coast, and salvaged her, will receive \$112,500 for their daring and hard work. The amount for which the steamer was libeled. Word was received yesterday at the office of the Newtown Creek Towing Company that the tanker had been ordered sold by the United States District Court.

When the Victory came alongside the tanker the captain, his wife and child and the crew of six had been taken off. The fire, which was in the coal bunkers, was confined there despite the proximity of tanks containing 30,000 barrels of crude oil.

HOSPITAL TO OPEN

National Hospital Day will be celebrated on Thursday by the opening of the Ann May Memorial Hospital at Spring Lake, N. J. Invitations to speak have been sent to Bishop Mathews of the diocese of New Jersey, Bishop Thomas J. Walsh of Trenton and Rabbi Foster of Newark.

TELEPHONE COMPANY SURPLUS ATTACKED

City Will Contend \$36,600,000 Represents Overcharges to Subscribers.

TO USE MILLER DECISION

Maltbie Testifies Earnings Exceeded 8 Per Cent. From 1914 to 1920.

When the Public Service Commission resumed yesterday the hearing upon the petition of the city for a reconsideration of the order of the former commission allowing the New York Telephone Company a temporary increase in rates, M. B. Fertig, Assistant Corporation Counsel, placed on the stand Milo R. Maltbie, formerly Public Service Commissioner, who has made for the city a survey of the company's finances, and revealed that the city will contend that virtually the entire surplus of the company prior to 1920 belongs to the American Telephone and Telegraph Company, owner of the New York company's stock, but represents overcharges to subscribers in past years. That surplus amounts to \$36,600,000.

The city's contention, it was stated, will be based upon a decision of Judge Nathan L. Miller, now governor, in past Kings county lighting case, that a company is entitled to a fair return and no more. Mr. Maltbie said the company had earned \$36,717,825 from 1914 to 1920 over and above 8 per cent, each year upon its maximum investment.

Mr. Fertig charged that the company has included unjustifiably in operations expense items amounting to \$3,500,000. The rate payers, he contended, should not be asked to pay those items. Among them were \$500,000 income tax and \$1,500,000 for operators' school.

Mr. Fertig also assailed the contract between the New York Telephone Company and the American Telephone and Telegraph Company, under which the New York company pays 4 1/2 per cent commission to the American company. Mr. Fertig pointed out that the American company owns all the stock of the New York company, and contended that the commission should be eliminated over to the District Attorney's office, he said, is unfair and vicious and the subject of countrywide complaint.

John L. Swayze, counsel for the company, submitted a brief to justify the figures offered by his client, and contended: "In 1920 the New York Telephone Company spent \$25,000,000 for new telephone plants for New York city and this year will spend approximately \$35,000,000. This rate of expenditure must continue for several years to come. Under the rates prior to the order of the commission of February 23 granting a temporary increase in rates we were not earning to meet our operating expenses as a whole was earning less than 2 per cent. During this period we financed ourselves by borrowing from the American Telephone and Telegraph Company. On January 1, 1920, we owed that company over \$42,000,000 on open account, and we are paying for it at the rate of 6 per cent."

FINED \$5 FOR PINCHING GIRL'S LEG IN SUBWAY

Stanley Higby of 446 Fourth avenue, Newark, a meter tester for the New York Edison Company, pinched Miss Mary O'Rourke's leg on a Seventh avenue subway train last night and Miss O'Rourke promptly slapped him in the face.

Higby tried to run then, but Miss O'Rourke grabbed him and held on until the train reached Times square, when she turned him over to a special policeman, who took him to the West Forty-seventh street station. Later he was taken to the Night Court, where he pleaded guilty and was fined \$5 by Magistrate Doucas.

ARNSTEIN WITNESSES SAVED BY TESTIMONY

Suspended Sentences for Men in \$5,000,000 Bond Case.

Judge Thomas C. T. Crain yesterday suspended sentence on the four men who were the principal witnesses against Jules W. ("Nicky") Arnstein in Washington last week, and who had previously pleaded guilty in General Sessions to grand larceny in connection with the theft of \$5,000,000 worth of securities from the Wall Street district in 1919. All four were placed on probation by Judge Crain for a period of five years.

Herbert and Rudolph Bunora and Joseph and Irving Gluck, the defendants, saved themselves by their testimony against Arnstein and his confederates, who were found guilty on May 4 of bringing stolen securities into the District of Columbia. Arnstein, according to the District Attorney's office, will be tried in New York county for grand larceny "as soon as possible."

SCOT, 16, HELD ON SHIP; COMES ASHORE TO-DAY

Will Join Parents Now Living in Joliet, Ill.

A little Scot with a big forehead, who proudly gave his name as Alexander James Chalmers Leighton of Dundee, and whose talk was almost as intellectual as his looks, was held up aboard the Anchor liner Algeria by the immigration officials because he is under 16, and was unaccompanied by parent or guardian. When they asked him if he could read and write twenty words of English he answered that he could and a good deal more, and that he might, if the rules required it, write the same number of words in Latin and French.

Alexander's father is William A. Leighton, managing director of the Gerlach Barker Company, advertising specialists of Joliet, Ill., who came with his wife to the United States eight years ago, leaving Alexander in Dundee to finish schooling. Alexander will be released to-day, his detention being a necessary legal formality.

RAILROAD INQUIRY WILL BEGIN TO-DAY

Julius Kruttschnitt to Be First Witness Before Senate Investigators.

WILLARD TO APPEAR TOO

Committee Will Call Union Officials After Hearing Rail Managers' Side.

WASHINGTON, May 9.—Investigation of the whole railroad situation will be opened to-morrow by the Senate Interstate Commerce Committee. Julius Kruttschnitt, chairman of the board of the Northern Pacific Company, will be the first witness, and he is expected to present conditions from the standpoint of the railway executive.

The presentation of the railroad case will be under the general charge of Alfred P. Thom, general counsel for the Association of Railway Executives. Besides Mr. Kruttschnitt other railway executives to appear will include Daniel Willard, president of the Baltimore and Ohio Railroad. After hearing the managers the committee will call officials of the railroad unions and others interested in the transportation question.

In a statement outlining what the railroad managers expect to stress before the committee, T. Dewitt Cuyler, president of the Association of Railway Executives, said the executives were "straining every nerve to reduce expenses so that they may be able at the earliest possible moment to adjust rates to changed economic conditions, and certainly to the end that no individual rate shall be so high as to interfere with the normal movement of a commodity."

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NEW PRICES

THE following new prices on Oakland Six-Cylinder Motor Cars are effective Monday, May 9, 1921.

Table with 3 columns: Model, Old Price, New Price. Oakland Touring Car \$1395 \$1145. Oakland Roadster \$1395 \$1145. Oakland Coupe \$2065 \$1815. Oakland Sedan \$2065 \$1815.

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