A BARREN VICTORY.

SEQUENCES OF THE NEWMAN DECISION.

NOT UNFAVORABLE TO PROPERTY OWNERS, BUT MAY GIVE THE ELEVATED ROADS SOME TROUBLE—CONFLICT BETWEEN THE TWO DIVISIONS OF THE COURT OF APPEALS.

The full text of the opinion of the Second Division of the Court of Appeals in the case of Newman against the elevated railroad companies shows that the officers and counsel of the companies were unduly and prematurely elated over their first advices from Albany as to the effect of the decision. As they interpreted the dispatches of Tuesday, the Court had held that the provision of the General Railroad Act and of the Rapid Transit Act, requiring that commissioners of appraisal of compensation to property-owners should not "make any allowance or deduction on account of any real or supposed benefits which the party in interest may derive from the construction of the proposed railway," did not apply to the equity or common law actions brought in the courts against the elevated railroads. The officers, accordingly, expressed themselves as highly delighted, because, they argued, such a decision meant that property-owners in the upper part of the city, where real estate has generally been enhanced in value by the introduction of rapid transit, could not recover any damages.

The actual opinion of the Court in the Newman case does not sustain such a proposition, but directly the converse. It holds positively that these provisions of the railroad acts must control the admeasurement of damages in the suits of the courts. "Whatever is taken," the opinion says, "must be paid for by the railroad company at its full market value, and from such value no deduction can be made, although the remainder of the landowner's property may be largely enhanced in value as a result of the operation of the railroad. . . . The increase of value resulting from the growth of public improvements, the construction of railroads and improved means of transit accrues to the public benefit generally, and the general appreciation of property consequent upon such improvements belongs to the property-owner, and the railroad company is not entitled to the consideration of that element in the ascertainment of the compensation it must pay to the abutting proprietor."

These are exactly the propositions against which the elevated railroads have contended, and the published statements of the officers indicated that they supposed this decision had overthrown. They are the principles which the courts below have uniformly sustained the property-owners in maintaining. That is to say, where corporations like the elevated railroads receive the extraordinary privilege of using the public streets, all property-owners in the city have, in consideration of these public privileges, the right to the benefit that accrues therefrom to real estate generally. But the property-owner along the line of the railroad in Harlem has as much the right to this benefit as his neighbor in One-hundred-and-twenty-fifth-st. If, however, the damages which he suffers from the railroad in the street in front of his premises are to be offset against this general benefit, the result would in effect be to deprive him of the advantages from the public improvement to which be in common with the other taxpayers of the city is entitled. That this would neither be justice nor good law the lower courts have steadily held and the court of last resort has now affirmed against the persistent contention of the railroad companies.

The question of evidence upon which the decision in the Newman case turned was simply this: The defendants offered testimony which indicated that, although the upper parts of the building in question had been injured in rental value by the railroad, the lower part had increased in rental value and the Court of Appeals held that the trial judge erred in not allowing the jury to pass upon the question whether this increase in rental of the lower part was due to the elevated railroad. In other words, the Court of Appeals says that the appraisal of damages must be made upon all the facts affecting rentals and the conclusion reached from the net result. So far as this relates to evidence of the effect of the elevated railroad on business and trade, the same rule had already been laid down by the General Term of the Common Pleas in a recent opinion written by Chief Judge Larremore.

In other respects the reasoning of Judge Brown in the Newman opinion is new. But the decision will not, as the railroad officers and counsel appeared to suppose when they first learned of it, injuriously affect the claims of property-owners, either uptown or downtown, because, although this decision will open wide the door for all such testimony, it is only in a few extraordinary cases, as for instance some shop property in Sixth-ave., that such substantial benefits to the particular piece of real estate, independent of general benefit, can be shown. As a matter of fact, such testimony has been admitted without objection from the plaintiff in most of the cases that have been tried, including those in Harlem, but the defendants were unable to show such benefits. Aside, therefore, from the generally pernicious effects of unsettling what were supposed to be well determined rules of evidence and to change slightly in a few instances the methods of trying the cases, this decision has not been prejudicial to the claims of property-owners against the elevated railroad companies.

But its most serious consequences the companies themselves may have reason to apprehend. Instead of lessening their liability, this decision apparently enlarges it. Exactly what was feared when the Second Division of the Court of Appeals was created has happened—it has put itself into irreconcilable conflict with the First Division upon the fundamental principles of law controlling this series of elevated railroad litigation which is perhaps the most important, both from the magnitude and the intricacy of the interests involved, that the courts have ever had occasion to adjudicate upon. No two lines of reasoning could be more diametrically opposed to each other than that of the original Court of Appeals in the Story and subsequent elevated railroad cases and that of the Second Division in the Newman case. Justice Lawrence, in trying one of these equity cases on Thursday, remarked that if he understood the ruling in the Newman case, the Second Division has there substantially overruled all that the First Division had previously held in these cases.

The full text of the decision more than sustains the Judge's keen observation. The Court of Appeals held in the Story case, and has confirmed its ruling in a long series of decisions, that certain easements of light, air and access which the owner of property abutting on the street had as appurtenant to his premises had been "appropriated" by the elevated railroad company; that these easements were "property," and that until the company paid the owner for the property they had thus appropriated and taken they were wrongdoers and unlawfully operating their railroads. The question, therefore, of damages was simply the question of the value of those easements of light, air and access. This was the theory upon which all these cases have since proceeded in the courts of this city and the Court of Appeals. It is also the theory upon which the elevated railroad companies have themselves evoked the right of eminent domain in instituting their condemnation proceedings. In their petitions they have prayed for the appointment of commissioners to appraise the value of these easements of light, air and access which they had already "appropriated." Upon settlements and payment of judgments they have received leases which substantially conveyed to them such easements, and there has not been on one side or the other any different contention than that the value of these easements was the real measure of damages.

But now comes the Second Division of the Court of Appeals in the Newman case, and holds that the appropriation of the easements of light, air and access is not the main and principal basis of the action; that the loss of these easements by the property-owner is really a small part of his damage; that they have not, as was held in the Story case, been "taken" or "appropriated" by the railroad, but only "impaired" or "destroyed," and that what the plaintiff really recovers for is what Judge Brown terms the "consequential damages." "Those easements," he says, "cannot be severed from the land abutting on the street, and the effect of the construction of a railroad in the street is not to transfer them to the company, but to destroy or impair them. The right, therefore, of the property-owner to compensation is not the value of the easements in the street separate and distinct from his abutting property, but the damages his property sustains as a result or consequence of the loss of those easements. It follows that in making an award to a party situated as the plaintiff was with reference to the defendants' railroad there could be no compensation for property taken beyond a nominal sum and that his right to recover rested entirely upon proof of consequential damages."

In the Story case, on the other hand, the Court of Appeals held that "the principal question to be determined in this case is, has the plaintiff's property been taken for public use within the meaning of the Constitution of this State?" Also that by operating their railroad, "the defendant will take his property as much as if it took the tenement itself. . . . The defendant's railroad, as authorized by the Legislature, directly encroaches upon the plaintiff's easement and appropriates his property to the uses and purposes of the corporation. This constitutes a taking of property for public use. It follows that such a taking cannot be authorized except upon condition that the defendant makes compensation to the plaintiff for the property thus taken." And the court holds in conclusion that these easements can be conveyed to the railroads and that they can acquire title to them by the exercise of the right of eminent domain.

Of course the title which the companies acquire under the commissioner proceedings they have been carrying on must rest upon the authority of the Story case and the other ruling of the First Division; because the Second Division in the Newman case says that these easements are not such property as can be severed from the fee and conveyed in that manner.

SUGGESTIONS FOR THE SEASON.

(Medical Journal.)

Be specially careful of draughts and sudden changes.

Do not overwork. Of what use is wealth without health?

Keep your feet dry, but do not wear overshoes all the time.

Remember that the pores of your skin, when in health, are always open, and that closing them causes sickness.

Dress warmly, but not heavily. Woollen clothing that permits the exhalations of the body to escape, is the best.

Eat strengthening and hearty, but not too much greasy food. It is a mistake to suppose that fat food contains the most vitality.

If you feel chilly at any time, take a drink of pure whiskey at once. Duffy's Pure Malt is the purest and best and has the highest recommendations.

Do not call the Doctor for every slight ailment. If you have a cold, feel depressed and lack appetite and vigor you need something to tone and build up the system. Nothing will do this so readily as the pure article we have mentioned.

So far, therefore, as this decision can be said to have authority upon this question, it is against the validity of these titles to easements which the companies have been acquiring by purchase or condemnation proceedings, and the decision is injurious rather than beneficial to them. As between the two divisions of the Court of Appeals, however, there is little question where the authority lies. On the one side are the judges of the original court and the nineteen judges of the higher courts in this city; on the other, the Supreme Court judges now temporarily sitting in the Second Division of the Court of Appeals and some of the judges of the Supreme Court in the Second Department, from whose decisions in some of the Brooklyn Elevated Railroad cases Judge Brown, who comes from that department, appears to have taken his law rather than from the Court of Appeals itself.

AUSTIN CORBIN'S GENTLE SARCASM.

HE SENDS A REPLY TO THE COLLECTOR ABOUT HIS STOLEN WINE.

Austin Corbin has sent the following letter to Collector Erhardt, in which he continued his discussion with the Collector about his stolen wine, and raised some interesting queries about Civil Service rules:

By reason of my absence in Philadelphia, I did not receive your esteemed favor of the 4th inst. until this morning. I desire to avail myself of this opportunity to say that, whatever complaint I may have to make in the matter referred to, I know you are entitled to and should be awarded the fullest credit for an effort to afford to all persons having business at the Custom House good and honest service. I know that the wrong I complain of is entirely beyond your power to remedy without some change in the Civil Service rules, in the direction you indicate. But may I not, without being considered too persistent, and certainly without intended offence, urge you to present this case to the Treasury Department and ask for some action that will prevent its repetition. It is quite possible that in some cases, as you state, goods may be taken from the packages "in transitu," but I beg to call your attention to the fact that in this case I furnished your department a full invoice showing every bottle in the shipment, the kind and price paid for the wines, and I hold vouchers from the Government showing that every one named in the invoice was charged with duty, so that there can be no doubt that the Government received them all as per invoice. In one respect the thief was faithful to his Government, for he took care to see that I paid full duty on the wine before he stole it, so that our respected "Uncle Sam" got his full duty on what I received as well as what was stolen.

Since I made this complaint, I have heard of several cases even worse than mine. One especially, where in an invoice of twenty-four bottles of whiskey the consignee only received six, the balance having been "absorbed" in the Custom-House. In my case I lost only a little over 8 per cent; in that case there was a shrinkage of 75 per cent. I am not familiar with the Civil Service rules, and I wonder, in respect to the matter of sampling of wines and liquors, whether there is not also a competitive examination of samples. If there is, I should criticise the value of the law if any employe of the Custom House should pass that competitive examination with a taste so depraved as to permit the consignee, as in my case, to receive over 90 per cent of his invoice of carefully selected, fine old port, and when it came to whiskey, scoop in 75 per cent of the consignment.

If the "detective" part of these competitive examinations is no more reliable than the examination of the "samples of wines and liquors," I can well see that the "tools" at your disposal must be "pretty poor."

I feel that you will do all you can, personally, to put a stop to this condition of things, and I believe the Hon. Secretary of the Treasury, if his attention is called to it, will take some decided action to enable you to do so, and especially when it is brought to his attention how common this habit of purloining wines has gotten to be.

If it cannot be prevented, then, as there seems to be a decided preference to whiskey among some of these gentlemen, to whose tender mercies these wines are entrusted, over fine wines, it would be no more than just that a rule be established under which a gentleman desiring to import fine wines might compound with the thief, save his wines and deliver instead, an equal number of bottles of whiskey.

Mr. Corbin imported five cases of fine old port. Only one case was taken to the Public Stores for appraisement, and there the Appraiser found that one bottle was missing from the case. As the other four cases had each a bottle missing, the customs officials assume that the thefts were committed when the wine was in transit. Nevertheless the robbery gave Collector Erhardt an opportunity to speak out and urge publicly that the office of defective be taken from the classified service. The United States Civil Service Commission is said to be considering that question.

A NEW AMERICAN GUNBOAT.

THE CONCORD TO BE LAUNCHED TO-DAY—A VESSEL OF THE ARCHER TYPE.

Chester, Penn., March 7 (Special).—The new steel gunboat Concord is to be launched from the Delaware River Shipbuilding Company's (formerly John Roach & Son's) yard to-morrow afternoon. An invitation was extended to Secretary Tracy and officers of the Navy Department and the Naval Committees of the two houses of Congress to be present, but they had previously arranged to inspect the gun foundry at the Washington Navy Yard. The Concord is one of the two steel gunboats (Nos. 3 and 4) authorized by an act of Congress March 3, 1887, limiting their cost to $550,000 each, exclusive of armament. The other boat is the Bennington, now nearly ready for launching. The contracts for building these two boats were awarded to N. F. Palmer & Co., owners of the Quintard Iron Works in New-York City, November 18, 1887, the contract price for each being $490,000; an allowance of $100 premium being made for each initial horse power above the 3,400 required by the contract, or the same amount to be deducted for each horse-power below the limit. The Concord is 230 feet in length, thirty-six feet beam, fourteen feet depth of hold and 1,700 tons displacement. She is, in general construction, much like the Yorktown, now with the squadron of Evolution in Europe; the horse power is, however, 400 in excess of that of the Yorktown.

The Concord resembles the Archer and Raccoon type of British gunboats. She has twin horizontal triple-expansion engines, with a coal capacity of 393 tons. It is expected that she will develop a speed of seventeen knots on the measured mile, under forced draught, and an average of sixteen knots on the four hours' trial.

Her steel plates were made at Carnegie's works at Pittsburg; the Midvale Steel Works made the shafts; her propellers were made by a Philadelphia firm; the Delamater Iron Works, of New-York, made her iron castings; her engines were built by the Quintard Iron Works in New-York, and her hull was built here. Her armament will consist of six six-inch breech-loading rifles; two six-pounder, two three-pounder and one one-pounder rapid-firing guns; two Gatling and two thirty-seven-millimetre revolving cannon.

BUSINESS FAILURES LAST WEEK.

The business failures in the last week, as reported by R. G. Dun & Co., of the Mercantile Agency, were 223 in the United States and 37 in Canada, a total of 260, against 301 in the preceding week, and 281 in the corresponding week last year. Messrs. Dun & Co. do not see any material change in the business situation. A touch of winter weather has affected favorably a few interests, and easier rates for money have had their natural effect on many others. In regard to speculation in railway securities the conclusion is as follows: "The stock market has not changed during the last week in any material respect, the average of prices being substantially the same, though there was a stronger tone on Friday. The removal of fears concerning possible exports of gold, the rapid rise of foreign exchange, the indications that purchases on foreign account now exceed sales of securities, all tend to make the absorption of money by the Treasury less observed. It may be added that the decrease in activity of trade throughout the country tends to release larger amounts of money than have been expected to return to this centre at present. But with bank reserves remarkably narrow for the season, speculation for an advance in stocks is checked by the fear of artificial stringency in money, as it is naturally also by the approach of the season of open navigation without satisfactory settlements among the transporting lines."

PRAISE FOR THE STATE DEPARTMENT.

Foster & Co.'s schooner Coombs, which was recently held at Colon and not allowed to go on the San Blas coast for cocoanuts, brings no story on her arrival at New-York regarding the seizure of the other schooners by the Colombian gunboat La Popa. Foster & Co. received word yesterday, however, that their schooner Julian had been released and was on her way to the United States. All American trade with the San Blas coast is at a standstill. Mr. Foster said yesterday "The release of the Julian is due entirely to the good offices of the State Department. The Department has firmly, but without any bluster, insisted on the release of the Julian. Our only question now is one of damages."

STILL SELLING HORSES.

THE CROWD AND THE PRICES DIMINISH.

COUNT VALENSIN DISAPPOINTED AT THE RESULT—A BIG TOTAL FOR THE FOUR DAYS.

There was a perceptible falling off in the attendance at the American Institute building yesterday, the fourth of Peter C. Kellogg's great sale of trotting horses. Under ordinary circumstances yesterday's crowd of buyers, owners and lookerson would be deemed a large one, but it was somewhat dwarfed in comparison with the throngs that filled the north side of the great hall on Wednesday and Thursday. This falling off is due to the reaction following the excitement that attended the sale of Mr. Rose's stud, and there was also a marked absence of the life and spirit that characterized the proceedings of the previous days. Nearly all the leading professional and amateur judges of horses were again present.

Yesterday was devoted to the disposal of the consignments by Count Valensin and M. Salisbury, who is manager of Mr. Rose's farm. Mr. Kellogg began with Count Valensin's lot, which nearly all brought moderate prices. The star of the collection was Fleet, a four-year-old black filly by Sidney—Flight, who as a yearling showed 2:36 for a mile, and at two years old trotted the same distance in 2:24, a record only twice beaten—namely, by the great Sunol and Wildflower. When Fleet was led into the sale-track Mr. Kellogg announced that, while in transit from California, she had sustained a deep cut on the coronet of the hoof. The injury was, however, not permanent. Mr. Kellogg then called for an offer of $10,000, but there was no response. Will any one give $9,000?" cried the auctioneer, and there was still no reply. "Who'll bid $8,000?" he continued, but no one would accept the invitation. "Take her back," said Mr. Kellogg, at the same time adding: "As Count Valensin declines to accept a lower bid than $8,000, the filly is withdrawn from the sale."

Hatiti, a fine-looking brown filly by Valensin—Ivy, was bought by Jacob Ruppert at $3,300, after a fierce fight with a dozen other buyers; and for Bouton D'Or, a chestnut damsel who is the happy possessor of a 2:20 gait, I. T. Burden was content to give $2,000. The stallion Valensin, who looked well, deserved to reach a higher figure than $3,300, at which price he became the property of Dr. Fowler. Consolation, a grand-looking bay colt by Sidney—Surprise, was a cheap bargain to W. M. Schull at $800. Count Valensin was bitterly disappointed at the moderate prices realized by the majority of his stock. One contribution by W. H. Crawford, a bay yearling colt, by Guy Wilkes—Sunnyside, was knocked down to William Marks for $1,500.

A complete transformation came over the scene when Mr. Salisbury's lot were brought under inspection. Buyers suddenly awoke from their listlessness and bidding became brisk and lively, and prices all through were on the Rosemeade level. The leading lady of the company was Sidney's five-year-old pacing daughter—the beautiful Gold Leaf. She was in the pink of condition and is probably one of the finest movers ever seen on a track and has shown 2:11 1-4 for a mile. Her appearance as she went around the track created much enthusiasm. Several adventurous buyers were all eagerness to bid, but the appearance in the field of John H. Shults, grim and inflexible, quickly cooled their ardor, and at $8,000 Gold Leaf passed into the Brooklyn baker's possession. Mr. Shults also gave $4,000 for Thistle, a three-year-old brother to Gold Leaf. Other prices paid were: Muscadin, b. c., $1,000, Scott Quinten; Moss Rose, b. f., $1,650, W. Murphy; Saccharine, b. f., $4,500, E. J. Travis; Navarro, b. c., $1,000, Dr. F. C. Fowler; Alda H., blk. f., $2,000, Charles Roberts; Lady Guy, ch. f., $2,000, J. W. Daly; Sister Gilmer, b. f., $1,200, E. J. Travis; Miss Jay-Eve-See, blk. f., $1,000, H. Kirkendale; Young Lizzie, b. m., $1,100, George Tompkins; Guy's Sunol, b. f., $1,325, Dr. Fowler; Maid of Oaks, $1,440, E. D. Ely; Erect, blk. c., $5,000, H. Kirkendale; Pleasanton, b. c., $2,500, E. J. Travis; Jet Black, $2,500, Marcus Mansell; Highland Belle, br. m., $1,050, H. S. Russell; Patti, gr. f., $1,500, James McClelland; Lady Crittenden, bl. f., $2,825, F. C. Fowler, and Diana, b. f., $2,600, H. Kirkendale.

The total sum realized on yesterday's sale of forty-six horses was about $73,510, or an average of $1,597 a head. During the four days of the auction Mr. Kellogg has disposed of something like $346,000 worth of stock—an average of $1,870 for each animal. Messrs. Wilson & Handy, who on Wednesday bought the stallion Harvester for $3,000, yesterday sold him to Macy Brothers, of Kentucky, for $5,400. The sale will be resumed on Tuesday morning, when Mr. Rockefeller's lot will be put up.

TO DISPOSE OF MR. HAGGIN'S RANCH STOCK.

William Easton, the popular auctioneer, announces the first annual sale at the American Horse Exchange, Fiftieth-st. and Broadway, on Thursday and Friday, of J. B. Haggin's Rancho del Paso trotting stock. The catalogue comprises ninety-two head of stock, including colts, fillies and geldings, the produce of such well known sires as Albert W. (2:20), Alaska, Alcona, Echo, Cornelius, Robert Lee and Del Paso. The dams of the youngsters offered for sale include Miss Ryan, Young Woodbine, Hilda, Galena, A. Rose, Mabel, Flora, Rosa Clay, Jeannette, Silica, Cecelia, Vixen, Reta, Victoria, sister to Ben Ali, Mabelle, Gemma, Echota, Maude, Nellie Doon, Jennie G., Victorine, Alice Brown, Eldo, Mandane, Daphne, Hathaway Mare, Eofs, Mollie, Marie Rose, Augusta, Greta, Sweet Home, Jones' Mare, Middletown Mare, Young Lady Hamilton, Half Moon, Daughter of Sultan, Oak Leaf, Elmont, Ella Hill, Drew Girl and Lakeside.

The horses are now at the Easton Company's sale Paddocks, Hunt's Point, and will be on view up to Wednesday. The sale will begin at 10 o'clock each morning.

AN EIGHT OR TEN CLUB CIRCUIT?

WORK OF THE NATIONAL LEAGUE BASEBALL CONVENTION AT CLEVELAND.

John B. Day, the president of the New-York National League Baseball Club, returned to the city yesterday, but seemed more inclined to talk about the railroad accident from which he had so narrowly escaped than about the baseball convention at Cleveland. Mr. Day did not say whether he was pleased or not at the outcome of the meeting, but his manner seemed to imply that a good deal of work had been done there of which the public as yet knew little. It now transpires that the delegates appointed a committee to settle the eight or ten club circuit question, the committee consisting of Spalding, of Chicago, Robinson, of Cleveland, and Soden, of Boston. Mr. Day still hopes that the committee may succeed in inducing Indianapolis to withdraw. He did not think the committee had got so far as to make Brush an actual cash offer for his club's retirement. He also said that the rumor that Brush had named a price for his club was unfounded. Mr. Day said that the make-up of the League circuit rested with President Brush, for if Indianapolis retired, then Washington would also go out.

There was a mistake in the playing schedule as telegraphed from the West. It was said that the Cincinnati club would play in New-York on September 26 and 27. Instead, the Cincinnatis play here on those dates in August.

There was no motion calendar in the United States Circuit Court yesterday, and the hearing on the application for an injunction to restrain William Ewing from playing with the Brotherhood club will not be had until next Friday. Ewing was seen last night and said that he did not think it would come up even then. Manager Powers will start for Rochester early next week. He told his players yesterday to report for work at Washington on March 28.

Philadelphia, March 7.—The proceedings of the Philadelphia Baseball Club against shortstop William Hallman to restrain him from playing with any other than the Philadelphia club came up to-day in the Court of Common Pleas before Judges Arnold and Thayer. George Tucker Bispham and Colonel John I. Rogers appeared in behalf of the Philadelphia club, while John J. Johnson and Alfred Moore looked after Hallman's interest. John Vandersilce appeared for the Players' League. George F. Duysters, who represented the New-York League club in its suit against Ward, was an interested spectator and sat by Colonel Rogers. Each of the lawyers, including Mr. Duyster, argued the matter in turn from their respective standpoints, and the court then took all the papers in the case and held the matter under advisement for the present.

ARTISTIC AND CORRECT DRESS.

A COURSE OF LECTURES GIVEN BY A SCHOOL FOR PHYSICAL CULTURE.

A course of seven morning lectures, to be given under the auspices of the Jenness-Miller School for Physical Culture, began with a practical talk by Mrs. Jenness-Miller yesterday morning, in Hardman Hall, at Fifth-ave. and Nineteenth-st. Mrs. Miller's subject was "Artistic and Correct Dress," which she illustrated by different costumes of her own designing. A National system of dress for women, she said, should be absolutely without ligatures and bands. The gown she wore illustrated how unnecessary corsets were to a good fit. It was of olive green plush and hung in short full folds from the waist. When she disappeared to change it for another she asked to be timed. She was back on the platform in two minutes and a quarter, although she had to go down stairs to the dressing room.

She reappeared in a pink gown of India silk, made in one piece on what she called the gown form foundation. This, she said, was a good model for school girls' dresses, because it did not cramp them in taking proper exercise. Then she disappeared to put on a street gown—time, 2:20. This she said threw little weight upon the hips or the back. Afterward she showed a tea gown and one for full dress.

The next lecture will be delivered on March 12, by Miss Jenness; subject, "Correct and Elegant Carriage."

CHILDREN
ALWAYS
ENJOY IT.

SCOTT'S EMULSION

OF PURE COD LIVER OIL WITH HYPOPHOSPHITES OF LIME AND SODA IS ALMOST AS PALATABLE AS MILK. CHILDREN ENJOY IT RATHER THAN OTHERWISE. A MARVELOUS FLESH-PRODUCER IT IS INDEED, AND THE LITTLE LADS AND LASSIES, WHO TAKE COLD EASILY, MAY BE FORTIFIED AGAINST A COUGH THAT MIGHT PROVE SERIOUS BY TAKING SCOTT'S EMULSION AFTER THEIR MEALS DURING THE WINTER SEASON.

Beware of imitations.—The original SCOTT'S EMULSION is put up only in Salmon color wrapper, and is for sale by ALL DRUGGISTS.

☞ Beware of imitations.—The original SCOTT'S EMULSION is put up only in Salmon color wrapper, and is for sale by ALL DRUGGISTS.

WATCHING THE CITY'S INTERESTS.

THE SALARY OF THE CITY CHAMBERLAIN LIKELY TO BE MATERIALLY REDUCED.

The first meeting of the heads of the city departments to consider and approve or disapprove the bills which affect the municipality of New-York now pending in the Legislature was held in the Mayor's private office yesterday. As there are about 700 of these measures, embracing all sorts of plans and projects for getting money out of the city treasury, the task before the meeting, it may be assumed, was not any easy one. Besides Mayor Grant there were present Recorder Smyth, Controller Myers, Corporation Counsel Clark, Commissioner Gilroy, of the Department of Public Works; Presidents Hutchins, of the Park Department; Coleman, of the Tax Department; MacLean, of the Police Department; Purroy, of the Fire Department; Meakim, of the Excise Department; Post, of the Dock Department; Wilson, of the Health Department; Sheehy, of the Charities and Correction Department, and Commissioner Loomis, of the Street Cleaning Department. The session was an executive one.

In taking the chair, Mayor Grant stated his object in calling the meeting and expressed a hope that those present would join him in opposing the passage of all bills to increase the salaries of municipal officers, all bills to exempt corporations and other large financial concerns from taxation, and all bills which might grant franchises without adequate compensation and protection to the city. Several bills for the construction of bridges across the North and East Rivers were looked over, and it was decided to disapprove all of them as they stand at present. The Assembly bill for building a new bridge over the Harlem River in place of the McComb's Dam Bridge received a good share of the attention of the conference. The Park Department passed a resolution on January 25 approving the erection of such a bridge, and requesting the Board of Apportionment to recommend the passage of a bill placing the construction under the control of the Department of Public Works.

The Board of Apportionment took action accordingly and a bill for the purpose was introduced by Assemblyman Webster. Commissioner Gilroy called the attention of the meeting to the fact that the Park Department had a few days ago rescinded their resolution. Commissioner Hutchins made no explanation for the Park Board and, after some discussion in which Controller Myers and others took part, a resolution was adopted referring the bill to the Park Department, with the request that it would declare itself for or against the bridge. Mr. Gilroy said that he thought that the same set of engineers might take control both of the building of the bridge and of the One-hundred-and-fifty-fifth-st. viaduct, which was now under contract by his Department. Nevertheless, if the Park Department would agree to build the bridge he would move to substitute that department for his own, and request that the bill be so amended. The question was laid over for further consideration to-day.

The conference decided to oppose the bill removing the reservoir at Forty-first and Forty-second sts. and Fifth-ave., on Commissioner Purroy's declaration that the removal might seriously affect the water supply in that part of the city. The bills to create a Park Police pension fund, and Alderman Walker's bill to build a promenade roof on every sixth pier and make it a public pier, were not approved. Commissioner Post strongly opposed the Walker bill as injurious to the commerce of the city.

The bill to abolish the office of City Chamberlain was taken up, and Controller Myers gave his views upon it at length. He said that the office ought not to be abolished. New-York, he said, was different from any other city; it did not have a paymaster's office distinct and separate from the Controller's department. There should be a check upon the operations of the Finance Department, which the Chamberlain's office afforded. But Mr. Myers believed that the duties of the Chamberlain might be modified with advantage to the city. Some of its powers were of little value and might be taken away. He thought too that the salary should be materially reduced and that all the fees should be paid into the city treasury. Other views were expressed, and it is understood that the bill will be amended much in accordance with the Controller's suggestions. The salary may be reduced to a figure in the neighborhood of $8,000 a year.

The conference will meet again at noon to-day.

WHAT IS THE ALASKA COMPANY?

AN INJUNCTION HAS BEEN PROCURED AGAINST IT ANYWAY.

The action of the New-York Commercial Company, Limited, in obtaining from Judge Andrews, of the Supreme Court a temporary injunction and order to show cause, by the terms of which the New-York Commercial Company of Alaska is temporarily restrained from being incorporated under the laws of this State and ordered to make it clear to the court why its incorporation shall not be refused and its assumed name discontinued, has caused considerable discussion in business circles as to the causes which led to the obtaining of the injunction two or three days ago. Edward M. Shepard, of No. 31 Nassau-st., who represents the New-York Commercial Company, Limited, was seen by a reporter yesterday afternoon and said that the injunction had been obtained on account of the similarity of the name of the new company to that of his client, and for the further reason that this similarity of title had caused great confusion in the business of his client. He personally knew nothing of the New-York Commercial Company of Alaska. It was also learned that this company was not at present represented by an attorney.

Charles R. Flint of the enjoining company could not be seen yesterday afternoon, but Mr. De Bings, his representative, said that the company had been much annoyed of late by the receipt of letters from remote points containing bids for the taking of seals for them. These letters were addressed to the company and showed plainly that their writers had confounded its name with that of some other company having a similar name and also engaged in seal fishery. He had never heard of the Alaska company until the injunction proceedings were instituted.

Thomas C. Platt was seen by a reporter and asked regarding the rumor that he was president of the enjoined company. Mr. Platt said that he was the president of no Alaska company whatever and said further that he had never heard of the New-York Commercial Company of Alaska.

ALLEGED UNDERVALUATION OF WOOD PULP.

Word was received by the Collector of the Port of New-York three weeks ago, from the Consul at Stettin, Norway, that a quantity of wood pulp consigned by A. Wertheim to his house in this city was invoiced at an undervaluation. This information led to an examination of six invoiced consignments to this house from Norwegian manufacturers by the Customs inspectors, and it was learned that the goods were invoiced at 20 per cent under their value. The amount involved was about $12,500. The penalty for any undervaluation exceeding 10 per cent is a fine of 20 per cent of the appraised value of the goods. Mr. Wertheim was informed by the Appraiser, M. W. Cooper, of the decision, but he appealed from it and the case was referred to a committee of merchant appraisers. This committee met on Thursday and sustained the Governmental appraisement. Appraiser Cooper was seen yesterday afternoon at his office. He verified the general report and said that fifteen other consignments to Wertheim & Co. were held for examination. The duty on paper pulp is 10 per cent ad valorem. There is a marked difference in the quality and value of the material, the chemical rolled pulp being worth nearly double the crude pulp.

Mr. Wertheim was found at his office yesterday afternoon and seemed to be unconcerned about the affair. He said that he dealt directly with the manufacturers in Germany, Austria and Norway, and was able to buy at extremely low rates. His goods, he said, were always invoiced at cost price. He looked upon the present action as the result of jealousy among competitors, and declared that he would not abide the decision. The amount involved in the fifteen invoices held for examination is about $70,000.

THE COURTS.

CAN SHE MAKE HIM OUT A BIGAMIST?

The suit of Caroline J. Gregg against Joshua Gregg, the carpet dealer at Fifth-ave. and Fourteenth-st., for an absolute divorce, was begun before Judge Dugro, in the Equity Term of the Superior Court, yesterday. The case has been in the courts for a long time. The woman brought a suit for a limited divorce some years ago, and the complaint was dismissed. Mr. Gregg denies that he ever married the woman. Since the alleged marriage ceremony took place Mr. Gregg has married again, and his wife is now living. Should the plaintiff win the case it will make Mr. Gregg a bigamist. The plaintiff alleges that Mr. Gregg took her to Coney Island one Sunday in July, 1883, and that they were married by Police Justice Gardner, at the Brighton Beach Hotel. She also declares that Mr. Gregg gave her a written memorandum in which he acknowledged her as his wife, that he introduced her as Mrs. Gregg and that he wrote letters to her as his wife. All of these letters and the memorandum, she declared, were burned up when the flat in which she lived caught fire. When Mr. Gregg heard that this documentary evidence was destroyed, she alleges he denied that she was his wife. Mr. Gregg denied all the allegations, and brought forward several witnesses yesterday who testified that the plaintiff was a woman of bad character, and was known by some persons as Mrs. Bowers and by others as Mrs. Densmore. The case will be continued on Monday.

THE ALIMONY MUST BE PAID ANYWAY.

Addie F. Whitney has brought a suit in the Court of Common Pleas for a limited divorce from Silas G. Whitney, on the ground of abandonment, and the case was up before Judge Freedman a few days ago on a motion for permission to amend the answer to the complaint. The couple were married at Hastings-on-the-Hudson in November, 1879. Mr. Whitney is the son of a former Mayor of Rahway, N. J. At present he is the proprietor of the Grand View Hotel at Atlantic Highlands, N. J., and manager of the Magnolia Hotel, at St. Augustine, Fla. Mrs. Whitney alleges that her husband deserted her in 1887. The new matter which Mr. Whitney wished to insert in his amended answer was an allegation that he had already procured a divorce from his wife, in the courts of Florida, in last November. Judge Freedman granted an order allowing him to do so, but providing only that he will pay the sum of $575 accrued alimony and counsel fees, which is due on an order to that effect signed by Judge O'Gorman some time ago. If the money is not paid within thirty days the motion is denied.

A GAME THAT WORKS BOTH WAYS.

William G. Angel, a merchant of Knoxville, Penn., employed William G. Jones to collect some money, and when a settlement between Angel and Jones was made, Angel alleged that Jones had held back $87 50 more than he ought to, and he caused him to be arrested upon a charge of larceny. When the case came up in the Police Court Jones was discharged, and he has now brought a suit against Angel for $50,000 for false imprisonment and malicious prosecution, and Angel was in turn arrested yesterday and held in $2,000 bail. Angel declares that he can show by checks that Jones received the extra money which he charged him with receiving.

HARD TIMES FOR THE DRUMMER.

Abraham Dansiger, as an agent for Samuels & Friedman, stayed at a Chicago hotel and wrote to his employers for a remittance. He waited three weeks for the money and then returned to this city, leaving his trunk of samples at the hotel for his board bill. Upon arriving here he was arrested, at the instance of Samuels & Friedman, upon a charge of larceny, for stealing the trunk, and he was locked up in the Tombs. Judge Patterson yesterday granted a writ of habeas corpus ordering his production in court, upon a petition in which the above allegations were made.

BITS OF LEGAL NEWS.

Judge Patterson in the Supreme Court Circuit yesterday directed a verdict in favor of the plaintiff for $13,115 17, in the suit of John Kean against Alfred W. Beasley & Co. The suit grew out of the transfer of the Staten Island Railroad. Kean sued as assignee of the former owners. Beasley & Co. gave in part payment notes to the amount of the claim in the present suit, and then refused payment on the notes on the ground that the earnings of the railroad had been misrepresented to them.

Colonel A. H. Rogers's crusade against the asylums was postponed yesterday, because it would cost $17 to have a jury investigate the mental condition of Messrs. Hasbrouck and Burney, who are now confined in Ward's Island Insane Asylum. He will make a motion to have the men tried as paupers.

August P. Wagner was counsel for George Ackerman in proceedings for an accounting as guardian of two infant children. Wagner collected $1,469, and paid over all but $140, which he claimed as pay for his services. The case was taken to court by Ackerman, and Judge Patterson, in the Supreme Court, directed Wagner to pay over $71 and keep $69 for his services. Wagner appealed to the General Term, but the case was decided against him. He refused to pay, however, and yesterday Judge Barrett signed an order declaring him to be in contempt of court and committing him to jail.

The suit of Arthur Dyett, as the assignee of John C. Eno, formerly president of the Second National Bank, against Seymour, Baker & Co., brokers, for $465,000, which, he alleges, is due him, was continued yesterday before the referee, ex-Surrogate Rollins, at No. 32 Nassau-st. Anthony R. Dyett represented Eno's assignee, and Prescott Hall Butler appeared for the brokers. The testimony heard yesterday was a repetition of that already given at the trial of the case before Judge Patterson in December, 1889. The hearing will be continued this morning.

BUSINESS IN THE SUPREME COURT.

Washington, March 7.—The Supreme Court of the United States to-day transacted the following business:

No. 207—Joseph J. Burns et al., appellants, agt. Julius W. Rosenstein et al. Ordered for argument after No. 213.

No. 432—Mollie N. Albright et al., appellants, agt. George Oyster et al.; and

No. 433—Mollie N. Oyster, appellant, agt. George Oyster et al. Death of Simon Kerister, one of the appellees in these causes, suggested by D. P. Dyer for the appellees; and appearance of George Oyster, administrator, etc., filed and entered.

No. 319—Pullman's Palace Car Company, appellant, agt. H. H. Hayward, treasurer, etc., et al. Argued.

No. 200—George H. Hammond & Co., plaintiffs in error, agt. Thomas D. Hastings. Argued.

No. 201—The Howe Machine Company et al., appellants, agt. the National Needle Company.

No. 202—The Howe Machine Company et al., appellants, agt. Alonzo H. Whitten et al. Argued.

The day call for Monday will be as follows: Nos. 201, 202, 357, 664, 1,467, 211, 212, 213, 207 and 1.

TWO LIVELY RUNAWAYS.

A horse attached to a sleigh and driven by Patrick Clark, of No. 228 West Fifty-first-st., took fright in Sixth-ave. and ran wildly for a distance of several blocks yesterday. At the Nineteenth-st. crossing it knocked down an elderly man and his wife and the sleigh ran over them. The accident created much excitement in the crowded avenue, and many persons who were near Altman's dry-goods store ran toward the couple in the snow, fearing that they had been hurt seriously, but the man helped his wife to her feet and a policeman learned that they had received only slight injuries. The couple were D. McCallay and his wife Mary, of Middletown, Ohio, at present staying at the Fifth Avenue Hotel. They went to the hotel, declining police assistance. They were able to leave their room for a walk in the afternoon.

A horse belonging to Charles Jones, of No. 320 East Twenty-third-st., ran away from in front of Jones's house at noon, dragging an empty buggy, and at Second-ave. dashed against a team attached to a car. Both the car horses were knocked down.

TO MAKE GOOD LOUNSBERY'S THEFT.

Colonel George Bliss, who is counsel for Theodore P. Huffman, John Moonan and Mr. Anderson, the bondsmen of George H. Lounsbery, has informed Postmaster Van Cott that the full amount of the Lounsbery defalcation as cashier at the Postoffice, over $47,000, will be made good in a few days. A large part of the amount will be paid from Lounsbery's estate. The suits against the bondsmen will be discontinued as soon as the money is paid over to Mr. Van Cott.

CLOSING PRICES OF CALIFORNIA STOCKS.

San Francisco, March 7.

	Yesterday.	To-day.		Yesterday.	To-day.
Alta	1.20	1.[illegible]0	Ophir	3.75	3.[illegible]
Best & Belcher	2.[illegible]	3.50	Potosi	1.55	1.50
[illegible] Consol.	.50	.50	Savage		1.[illegible]5
Chollar	2.20	2.[illegible]0	Sierra Nevada	2.10	2.10
Con. Cal. & Va.	4.[illegible]0	4.10	Union Consol.	2.[illegible]0	2.15
Crown Point	1.60	1.55	Utah	.55	.50
[illegible] Con.	[illegible].80		Yellow Jacket		1.95
Gould & Curry	1.35		Commonwealth	3.10	3.[illegible]0
Hale & Norcross	2.40	2.3[illegible]	Nevada Queen	.[illegible]0	.80
Mexican	3.15	2.95	No. Belle Isle	1.25	1.20

The Famed Cocoa of Europe,
The Coming one of America.
Household Words All Over Europe.

VAN HOUTEN'S COCOA

"BEST & GOES FARTHEST"

Now that its manufacturers are drawing the attention of the American public to this **first** and, ever since its invention, the **best** of all cocoas, it will soon be appreciated here as well as elsewhere all over the world. All that the manufacturers request is simply **one trial**, or, still better, a comparative test with whatever other cocoa it may be; **then** VAN HOUTEN'S COCOA *itself* will convince every one of its great superiority. It is because of this that the English paper *Health*, says: "Once tried, always used."

☞ To avoid the evil effects of Tea and Coffee, use constantly VAN HOUTEN'S COCOA, which is a STRENGTHENER of the NERVES and a refreshing and nourishing beverage.

EDWARD BELLAMY
VS.
GEN. FRANCIS A. WALKER.

Is the nationalization of Industry practicable? Are the ideas set forth in 'Looking Backward' likely to be realized? Gen. Francis A. Walker thinks not. Edward Bellamy takes the opposite view, however, and presents it with the great cogency and ingenuity in *The North American Review* for March. The same number of the *Review* also contains contributions by Gen. Nelson A. Miles on Irrigation; Senator J. S. Morrill continuing "The Gladstone-Blaine controversy"; Speaker Reed and ex-Speaker Carlisle on "The Limitations of the Speakership"; Col. Ingersoll on Agnosticism; Justin McCarthy on "Coming Men in England"; Geo. Westinghouse, jr., on Electric-Lighting, and P. T. Barnum on the World's Fair.

To test this hang a strip of leather in a bottle of Acme Blacking and leave it there for a day or a month. Take it out and dry and examine it carefully. Make a similar test with French Dressing and Paste Blacking.

Wolff's ACME Blacking

Makes any kind of leather
Waterproof, Soft and Durable.

Ask in Paint, Drug and House Furnishing Stores for Pik-Ron, *which*

WILL STAIN OLD & NEW FURNITURE
WILL STAIN GLASS AND CHINAWARE
WILL STAIN TINWARE
WILL STAIN YOUR OLD BASKETS
WILL STAIN BABY'S COACH AND

Varnish at the same time.

PIK-RON TRY IT.

WOLFF & RANDOLPH, Philadelphia.

Travelling Clocks.

Travelling clocks in Ormolu and gold bronze enamel cases, with the musical chime attachment repeating the quarters, or the simple time-piece movement. Prices range from $12 to $100.

Ovington Brothers,

FULTON AND CLARK STS., BROOKLYN.

His Finger Nails Came Off.

"For a year I was afflicted with a horrible case of blood poison, and upwards of five months of that time I was unable to do work of any kind. My finger nails came off, and my hair dropped out, leaving my head as clean and smooth as if it had been shaved. I consulted the best local physicians, and spent hundreds of dollars for medicines of different kinds, but without receiving the slightest benefit. I was advised finally to visit Hot Springs. This I did, but becoming disgusted with the treatment I was receiving there, commenced taking Swift's Specific (S. S. S.) The effect that S. S. S. had on me was truly wonderful. I commenced to recover after taking the first bottle, and by the time I had taken twelve bottles I was entirely cured—cured by Swift's Specific (S. S. S.) when the world-renowned Hot Springs had failed.

"WM. S. LOOMIS, Shreveport, La."

Four Years On Crutches.

For fifteen years I was afflicted with rheumatism, four years of which I was compelled to go on crutches. Words are inadequate to express the suffering I endured during that time. During these fifteen years of existence (it was not living), I tried every known remedy without receiving any benefit. I finally began on Swift's Specific (S. S. S.), which from the first gave me relief, and to-day I am enjoying the best of health, and am a well man. I candidly believe that S. S. S. is the best blood purifier on the market to-day.

J. D. TAYLOR, Cuba, Mo.

Treatise on Blood and Skin Disease mailed free.
SWIFT SPECIFIC CO., Atlanta, Ga.

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"Silver Gloss" Starch.
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