AS TO BEHRING SEA.

EX-MINISTER PHELPS WARMLY SUSTAINS THE ADMINISTRATION.

HE EXPLAINS THE ISSUES INVOLVED, AND THE LAW APPLICABLE TO THEM, AND URGES UNITY OF SENTIMENT AND RESOLUTE ACTION.

The April number of "Harper's Monthly," which appears this morning, contains an article from the pen of ex-Minister E. J. Phelps on the Behring Sea controversy. After describing the sealing industry and its relation to America as affording property rights, he says:

The simple question presented is whether the United States Government has a right to protect its property and the business of its people from this wanton and barbarous destruction by foreigners, which it has made criminal by act of Congress, or whether the fact that it takes place upon waters that are claimed to be part of the open sea affords an immunity to the parties engaged in it which the Government is bound to respect. To the ordinary mind this question would not appear to be attended with much difficulty. . . .

It is said that the Government is prevented from discharging this obvious duty (that is, the duty of protecting the seals), because the sea is free; that no nation can undertake to close the ocean against the ships of any other nation, nor to exercise over them, beyond three miles from the coast, any paramount jurisdiction. In what does the freedom of the sea consist? What is the use of it that individual enterprise is authorized to make, under that international law which is only the common consent of civilization? Is it the legitimate pursuit of its own business, or the wanton destruction of the valuable interests of nations? If the Government of the United States is restrained by any principle of law from protecting itself and its citizens against this great loss, it must be because the Canadian ship-owners have a right to inflict it.

THE SEAS ARE NOT FREE TO MARAUDERS.

That is to say, that these acts, prohibited by American law, unlawful to Canadians wherever territorial jurisdiction exists, which would be speedily made unlawful within their own territory if any seals existed there, and which are wanton and destructive everywhere, become lawful and right if done in the open sea, and are therefore a proper incident to the freedom of the sea. The clear statement of this proposition refutes it, in the minds of all who are capable of a sense of justice, and able to discriminate between right and wrong. The freedom of the sea is the right to pass and repass upon it without hindrance or molestation, in the pursuit of all honest business and pleasure, and it extends no further. It never authorizes injury to the property or just rights of others, which are as sacred at sea as on shore. This colony of seals, making their home on American soil, and unable to exist without a home upon some soil, belong to the proprietors of the soil, and are a part of their property; and do not lose this quality by passing from one part of the territory to another, in a regular and periodical migration necessary to their life, even though in making it they pass temporarily through water that is more than three miles from land.

PRINCIPLES GOOD WITHOUT PRECEDENTS.

Doubtless in that case (fishing with explosives in the open sea), as in this, some lawyers would be prepared to demonstrate that, much as the calamity might be deplored, there was really no precedent to be found in the books for any interference to prevent it, because no such wrong had ever been attempted before; and to point out that to proceed without a precedent would be to set all jurisprudence at naught. Precedents illustrate principles, but do not create them. They are only valuable so far as they display the application of principles to new cases. They do not arise out of rights, but out of attempted wrongs. A right cannot obtain the sanction of a precedent until it is invaded. And an invasion of a right is not without redress, though it may never have been invaded in the same way before. There must always be a first case, but not necessarily therefore a remediless case. When the case arises that justifies a precedent, the occasion for making it should be availed of, for the sake of the law, as well as for the sake of the right.

When the extent to which the sea may be used, and the purposes for which its pathless highway may be employed, are considered in the light of the rules that have been established by the general consent of mankind, it will be seen that the freedom of the sea is largely a figure of speech. It is not free, it has never been free, for any purpose whatever, injurious to the rights, the property, or the honor of a nation able to defend itself, or even to those interests of a nation which are paramount in importance to the mere profit to be made out of an otherwise lawful act that endangers them. . . .

ENGLAND WOULD ACT QUICKLY ENOUGH.

If the case of the Alaskan seal fishery was reversed; if Great Britain was the proprietor of it, and American poachers were attempting its extermination, as a pretended incident to the freedom of the sea; if a remonstrance addressed to our Government had elicited the admission that the acts complained of ought to be restrained, but that the Government for political reasons was unable to effect it, it is perfectly certain that the subject would pass very speedily out of the domain of speculations in abstract international law, and our Government would be apprised, that if unable to restrain its citizens from an outrage upon British rights which it did not assume to defend, the necessary measures would be taken by the injured party to protect itself. . . .

But it is to be borne in mind in this discussion, that Great Britain has never yet, in all the correspondence that has taken place, asserted the right of the Canadians to do what they have been engaged in. The question is not one of abstract theory. It is whether the Canadian ships have an indefeasible right to do precisely what they have done and are doing, despite the necessary consequences that must follow. This is the issue in the case, to which all other inquiries are only subordinate. It is for those who set up such a right to sustain it. And if it can be supposed to be sustainable by precedents, it is for those who assert it to produce them. Mr. Blaine inquires in his recent communication, whether the United States Government is to understand that Her Majesty's Government maintains that the right contended for by Canada exists. This is a question to which he will not be likely to obtain a direct reply. As before stated, that Government has once conceded the justice and expediency of a convention by which such a claim would be prohibited.

UNPATRIOTIC PARTISANSHIP AND ITS RUINOUS RESULTS.

Her Majesty's ministers temporize and delay; they engage in the discussion of abstract and incidental questions, or transmit the contentions of the colonial government, without committing themselves directly upon the decisive point on which the controversy turns. They courteously, slowly, and diplomatically evade the real issue, and decline to concede that the colony is in the wrong, well knowing by experience that whatever administration may be charged for the time being with the government of the United States will, in the efforts it makes to assert its rights, encounter the hearty condemnation of the political party opposed to it; that the arguments it addresses to the foreign government will be abundantly answered and refuted by American writers, and their authors held up to derision; and that the next election is very likely to bring into power a new administration, which may abandon the contentions of their predecessors and put the case on entirely different grounds.

In this, as in all other international controversies, one remark holds good. A nation divided against itself can never achieve a diplomatic success. A government that is not backed up by the unanimous sentiment of its people, but is opposed in its dealings with foreign nations by a large share of the best intelligence of its own country, if not in the ends it seeks, at least in all the means it takes to obtain them, will never be a formidable figure in diplomacy, especially when its force is found to expend itself in argument rather than in action. . . .

If our Government is demanding what is wrong, the demand should at once be abandoned. If it is claiming what is right, and what is worth claiming, it should receive the support of all parties, whether all the points taken, and all the arguments by which it endeavors to support its case, prove universally convincing or not. . . .

IS ARBITRATION WISE OR FEASIBLE?

Arbitration has been spoken of as a means of composing the dispute. But that has been already proposed by the United States, without success. The offer has been met by a counter-proposal to arbitrate, not the matter in hand, but an incidental and collateral question. That resource is therefore out of the question. It would be easier to settle the controversy than to settle the points and preliminaries of an arbitration. Two things must concur to make an arbitration useful: first, that the question submitted should be the question at issue, whether the Canadians have or have not the right, as against the United States Government, to do exactly what they are doing; and next, that pending the lingering progress of such an arbitration, the depredations in question should be suspended, so that the destruction shall not be accomplished while it is being debated whether it shall take place. . . .

THE QUESTION BEFORE THE SUPREME COURT.

It is enough to say that the questions likely to be involved, so far as they can be anticipated by those not concerned in the litigation, do not bear upon the inquiries that have been touched upon in these remarks. Whether a vessel can be forfeited by decree of an Admiralty Court must depend on the statute under which the court proceeds, and the extent of its application. Whether existing legislation on the subject may require to be supplemented, extended, or recast, in order to effect that result, may need to be considered. But the power of the Government meanwhile to protect the National interests against foreign invasion, by such and so much force as may be found necessary in the emergency, is a power incident to sovereignty, and to be exerted upon the responsibility and within the just discretion of the Executive.

HOW THE QUESTION MUST BE SETTLED.

There are three methods by which the Behring Sea question can be settled, and by one or other of which it must soon be disposed of. First, by putting a stop without further debate to the depredations of individual foreigners upon the breeding seals. Second, by conceding to these foreigners the right to destroy the fishery, and withdrawing further remonstrance. Third, by continuing the discussion with Great Britain of the abstract questions supposed to be involved, until the extermination of the seal is completed, and the subject of the dispute thereby exhausted, for which we shall not have long to wait. If the last course is taken, the credit of it will be due less to the administration charged with the conduct of our foreign relations than to the public sentiment which it represents, and by which it must be guided.

SPRING SUGGESTIONS.

Avoid draughts and sudden changes of temperature.

Do not discard your warm winter clothing too soon. It is better to suffer a little inconvenience than to take cold.

Remember that one is especially liable to contract a bad cold or chill at this season of the year.

A cough or cold contracted between the seasons is the most annoying kind, and may last through the summer.

If you feel a cough or a cold coming on, take a drink of pure whiskey at once. It will keep the blood in circulation, and is the best preventive against the diseases of the season.

Remember that only *pure* whiskey should be taken. Duffy's Pure Malt Whiskey has the strongest recommendations from the leading scientists and medical men. It is the only standard medicinal whiskey. Take no other from your druggist or grocer.

A SET-BACK FOR TAMMANY.

THE MANHATTAN CLUB BY A DECISIVE VOTE BURIES THE WIGWAM SCHEME TO CONTROL IT.

An impression that Tammany received a stab under the fifth rib at the annual election of the Manhattan Club on Thursday night prevails in this city. It is also believed that the County Democracy was slightly touched in the wind. The strictly social element in the club arose in its might and snowed under politics. Tammany elected only one manager in seven—Charles B. Peet, who was pitted against Sylvester J. O'Sullivan for the one-year term. Mr. Peet received 332 votes, Mr. O'Sullivan 259. J. Coleman Drayton, on the Tammany ticket, received only 186 votes.

The candidates elected were these: Managers for three years—John Hone, jr., David B. Gilbert, W. C. Whitney, George G. Haven and Walter Stanton. Manager for two years—L. H. Livingston. Manager for one year—Charles B. Peet.

The Tammany nominees were Perry Belmont, R. Duncan Harris, J. Coleman Drayton and Charles B. Peet, substituting their names for those of Messrs. Gilbert, Hone, Livingston and O'Sullivan. Ex-Senator Thomas Newbold was an independent candidate, so-called, but it is believed that he and Mr. O'Sullivan were in the interest of the County Democracy as the candidates of C. C. Baldwin. Mr. Newbold received 245 votes, Mr. Gilbert 371, Mr. Hone 345, Mr. Haven 413, Mr. Stanton 512, Mr. Whitney 406. Between 700 and 800 votes were cast, a number far in excess of the average. The membership is a little over 1,100. Unusual interest was taken in the election because it became known that Tammany was trying to secure control of the club. The politicians leading this movement expected the usual vote of about 375 or 400, and felt confident of winning if not more than that number were polled, but the unexpected rush to the ballot-boxes of three-fourths of the entire membership swamped them. It is believed that this result definitely settles the political standing of the club.

TROUBLES OF BUSINESS MEN.

FAILURE OF WELL-KNOWN IMPORTERS OF CHINA AND GLASSWARE.

Alphonse and Gustave de Riesthal, doing business as A. de Riesthal & Co., importers of china and glassware at No. 55 Murray-st., made an assignment yesterday to Henry G. Marshall, giving preferences for $19,221, as follows: National Park Bank, $5,100; Seventh National Bank, $2,776; Christian Pabst, $11,345. The preferences to the banks include notes of John A. Fletcher & Co. and the Gate City Filter Company which the firm indorsed.

Alphonse de Riesthal was president of that company and his son the secretary. The father was also formerly a partner in the firm of John A. Fletcher & Co., dealers in lamps, which dissolved October 1, 1890. Alphonse de Riesthal is a well-known citizen of Brooklyn and is said to be a French count. He is an old and respected merchant, who has the sympathy of the trade in his misfortune. A couple of years ago he was said to be worth $250,000. He has been in the present business since 1869, when he became a partner in the firm of S. N. Wolff & Co., who were succeeded by the present firm January 1, 1881. Christian Pabst, the preferred creditor, was formerly a partner; Moses Amberg, formerly a special partner for $36,000, died in April, 1888. The firm carried a large stock, bought principally in Europe.

The assignee said yesterday that he did not know definitely what the liabilities were, but he did not think they would reach $150,000, and were nearly all due in Europe. He thought the failure was caused by the senior partner investing largely in outside business concerns, which locked up too much of his capital; he had also been in poor health for some time. A judgment for $140 was entered against the Gate City Filter Company yesterday.

Judge Barrett, of the Supreme Court, has granted an attachment for $1,973 on property at Hornellsville, N. Y., belonging to Clay & Groocock, silk manufacturers of Paterson, N. J., in favor of the Yokohama Specie Bank.

Deputy Sheriff Tracy has closed up the cigar factory of Moritz Tauftstein, at No. 126 Lewis-st., on an execution for $417 in favor of Ignatz Gross, and an attachment for $550 in favor of Sigismund Stadhuss. He has been in business six years.

THE CONSUMERS' LEAGUE WHITE LIST.

WORK IN THE INTERESTS OF FEMALE EMPLOYES IN RETAIL STORES.

The Consumers' League of the City of New-York, an organization of women numbering 300, held a special meeting at the house of Mrs. Frederick Nathan, No. 717 Park-ave., yesterday afternoon. The league was organized last fall, to ameliorate the condition of the women and children employed in retail mercantile houses in this city, by patronizing as far as practicable only such houses as approach in their conditions to the standard of a "fair" house, as adopted by the league. By a fair house, according to the standard, is meant one in which equal pay is given for work of equal value, whether performed by men or women, and one in which the minimum wages are $6 a week for experienced women in departments where only women are employed.

A fair house moreover is one which pays its cash girls at least $2 a week and has no person in its employ less than fourteen years old. Fines, if imposed, must be paid into a fund for the benefit of employes. The hours must be from 8 a. m. to 6 p. m., with three-quarters of an hour for luncheon. At least one week's vacation with pay must be given each summer and a half-holiday on one day of each week during at least two summer months. The league requires that all houses which may desire to appear on its "white list" shall conform to the present sanitary laws, and that humane and considerate treatment of employes shall be their rule. No person is eligible for membership to the league who is engaged in retail business either as an employer or employe. The members are not bound never to buy of other than "white list" shops, and their names are not made public.

At the meeting yesterday Mrs. Charles Russell Lowell, president of the organization, gave a short history of the league. She was followed by Alice L. Woodbridge, secretary of the Working Women's Society, who read a paper which described the wretched condition of the saleswomen and cash girls employed in many large houses in this city.

The following firms have already been placed on the league's "white list," and others will probably be added soon: Aitken, Son & Co., B. Altman & Co., Arnold, Constable & Co., Japanese Trading Company, James McCreery & Co., E. A. Morrison & Son., F. A. O. Schwartz, A. A. Vantine & Co.

Among those present were Miss Kate Field, Mrs. William G. Choate, Mrs. Kohut, Mrs. Adams, of Ithaca; Mrs. Charles S. Spofford, Miss Caldwell, Mrs. Robert V. McKim, Mrs. Lyman Abbott, of Brooklyn; Mrs. Francis Barlow, Mrs. Parsons, Mrs. J. D. Townsend, Mrs. Mary Mapes Dodge, Mrs. Edward Lauterbach, Mrs. Longstreet, Mrs. Alice Wellington Rollins and Mrs. Alice Hyneman.

MORE APPLICATIONS FOR GOLD BARS.

There were applications at the Assay Office yesterday for $850,000 gold bars for export, in two lots, one of $600,000, by Lazard Freres, and one of $250,000, by L. Von Hoffman & Co. Superintendent Mason, undisturbed by some recent clamor, followed the usual course of proceedings, and did not telegraph the applications until after 2 o'clock p. m. The applications were made without expectation of any reversal of the decision of the Treasury Department, but in order fully to test the reported statement that all applications would be considered on their merits. Late in the afternoon telegraphic word came from the Treasury officers at Washington, refusing the applications. Pending the reply, gold coin to the amount of $525,000 was taken from the Sub-Treasury by Heidelbach, Ickelheimer & Co., for shipment by to-day's steamer. Calls were made upon the Sub-Treasury for $500,000 by Lazard Freres, and for $250,000 by L. Von Hoffman & Co. before there was positive word from Washington as to the new applications for gold bars. These sums will go by to-day's steamers, making a total for shipment of $1,275,000.

TOURISTS.

Whether on pleasure bent or business, should take on every trip a bottle of Syrup of Figs, as it acts most pleasantly and effectually on the kidneys, liver and bowels, preventing fevers, headaches and other forms of sickness. For sale in 50c. and $1 00 bottles by all leading druggists.

AGAINST THE AMENDMENTS.

THE BAR ASSOCIATION COMMITTEE PROTESTS.

NOT AGREED WITH THE JUDICIARY CONVENTION AS TO MEASURES OF RELIEF.

The members of the Committee on the Amendment to the Law of the Bar Association evidently do not agree with the members of the Judiciary Convention concerning the best methods of relieving the courts. They have expressed themselves in plain language to that effect in a report which the committee made to the association at the meeting on March 10. The association decided to hold a special meeting, next Tuesday evening to consider the report and discuss it fully in connection with the report of the Judiciary Convention. In the committee's report the members say that the amendments proposed are far-reaching and involve great changes in the entire judiciary system of the State. The report continues:

Your committee is not unmindful that the Commission was composed of lawyers of high standing and eminent abilities, and that several of the most distinguished members of this association were members of the Commission; and yet your committee is also mindful of the fact that it owes the association the duty to have the courage to express its carefully formed opinion of the proposals of the Commission.

The principal recommendation of the Commission is to place in the Constitution itself a provision which will limit the business likely to come before the Court of Appeals; and this it proposes shall be done by leaving the court with the same number of judges as at present, but limiting appeals to certain subjects only. No appeal to the Court of Appeals is permitted in any case in which the General Term affirms without dissent a determination concerning negotiable paper, actions for negligence, libel, slander, false imprisonment, malicious prosecution, deceit, replevin, injury to personal property, divorce and many other subjects, except by order of the General Term, or in case of its refusal, by order of one of the Judges of the Court of Appeals.

The existing Constitution of the State of New-York does not define the jurisdiction of the Court of Appeals; its jurisdiction and its limitations are to be found in the Code of Civil Procedure, Sections 190 and 191.

Even if the mode of limitation proposed by the Commission is wise and would prove of value, it seems to us that it would necessarily be experimental; if this is the true way to facilitate the business of the court, experience might show that it should be readjusted. As population and wealth increase the number of cases even under this scheme must also increase, and then some change would have to be made; thus the Constitution would necessarily require continued amendments. It is true that a provision is inserted that the Legislature may further restrict the right of appeal to the Court of Appeals, but in our view this would not meet the need. If this system of limitations is to be tried, we are fully persuaded that it should be inaugurated in the same manner as the recent similar statute to relieve the Supreme Court of the United States, viz., by legislation which can be altered as necessity arises, and not by constitutional amendment.

Your committee, also, with great respect for the Commission, is of the opinion that of the many modes which have at different times been suggested for the relief of the Court of Appeals, the mode recommended by the Commission is the one least calculated to give satisfaction either to litigants or to the legal profession. The present system of having a second division of the Court of Appeals is certainly objectionable because of the danger of conflict in decisions and the natural reluctance to a temporary court, and yet it has the great advantage that at least all important cases can be reviewed by a court free from local considerations.

The suggestion has been made of having a Court of Appeals, composed of more judges, so arranged as to sit continually, but in which each judge shall sit about the same number of days that the judges of the present Court of Appeals now do. We believe this mode would be greatly preferable to the one recommended by the Commission. While, in the opinion of your committee, it is very unwise to limit appeals to the Court of Appeals to certain classes of cases and leave out other classes which are equally important and in which the percentage of reversals is just as large, yet there are two features of the Commission's scheme which, in our opinion, are even more objectionable.

First—An appeal in any case may be allowed by the General Term, or in any case of its refusal by any Judge of the Court of Appeals.

We do not think that an appeal should be a matter of favor—to be permitted in one case and refused in another—nor do we think the time of the Judges of the Court of Appeals should be taken up with applications to allow appeals. It seems to us that such a provision would entail additional duties on the Judges of the Court of Appeals and be subversive of the very object of the whole scheme of facilitating their labors.

Second—Subdivision 7 in section 4 provides for an appeal "where the determination decides a material question of law which stands otherwise determined by the General Term of the Supreme Court."

We think this clause must give rise to a vast amount of uncertainty and trouble. The provision is silent as to whether the "otherwise determined" refers to the judgment or order, or whether the opinion can be looked into, and if no opinion is delivered then whether the case itself must be examined; and who, under such a provision, can say what is or what is not appealable.

The provisions concerning the General Term of the Supreme Court are generally approved, with the following exceptions:

Section 7 provides: "No Justice of the General Term shall exercise any of the powers of a Justice of the Supreme Court other than those pertaining to the General Term of which he is a member."

We are not aware of any reason based on experience for the insertion of this prohibition. . . .

An amendment proposed by the Commission to section 13 is: "No Judge or Justice who shall be hereafter elected shall be entitled to receive any such compensation (viz., salary for remainder of his term if he has served ten years) after the last day of December next after he shall be seventy years of age." Your committee is of the opinion that the Constitution as it now stands is proper, and that a faithful judge who has grown old on the bench may fairly receive his salary for the remainder of his term.

We are greatly opposed to the amendment proposed by the Commission to section 23, viz., "Nor shall any judicial officer accept from any person or corporation free transportation for himself or any member of his family over the line of any common carrier." In the judgment of your committee it is very undignified for the great State of New-York to insert any such provision in its organic law.

The scheme of the Commission in reference to abolishing the Superior Court of this city is approved with unimportant modifications concerning the disposition of the judges now composing that court. The committee thinks that the judges should be allowed to serve out the terms for which they were elected. The committee approves the plan to relieve the Surrogate's Court in this county with the exception that it thinks that it should be done by legislative enactment and not by Constitutional amendment.

The report is signed by George B. Bonney, Henry De Forest Baldwin, David Willcox, William M. Ivins, Cephas Brainerd, Charles H. Knox, George Putnam Smith, William Mitchell and David McClure. Mr. McClure adds a note in which he says that he is opposed to giving the Legislature power to abolish the Court of Common Pleas.

THE NEXT AMERICANIST CONGRESS.

TO MEET IN OCTOBER, 1892, IN LA RABIDA CONVENT—PROGRAMME OF THE FESTIVALS ON THE COLUMBUS ANNIVERSARY.

It is already known that Spain is preparing upon a tremendously large scale for the celebration of the 400th anniversary of Columbia's landing in America. A series of conferences on the subject will soon be held in the principal cities of the Peninsula, which conferences are to include some participated in by the Prime Minister, Senor Canovas del Castillo, who is not only a statesman, but also a man of letters and an orator.

The Americanist Congress will be held at the convent of La Rabida, where Columbus found a shelter and the proper support for carrying out his plan. That convent had fallen into ruins; but it has been restored and partially rebuilt, so as again to furnish shelter, not to the great discoverer himself, but to the admirers of his genius who will gather there from all parts of the world. That Congress will be the crowning effort of the Society of Americanists, which has devoted itself to the story and elucidation of everything referring to America. According to the programme now adopted, the president who shall have been chosen by the Congress will open the sessions with a speech of welcome to his colleagues, who will be assembled on Wednesday, October 12, 1892. Then he will invite all those who may have prepared scientific and historic essays on the great topic of the day to give their names and the subject of their compositions, in order that they may take their proper places in the discussion. The sessions will be presided over by a representative of a given nation whenever the delegates from that nation are called upon, in their turn, to present their works or memoirs. The order of the day for the next sitting will be discussed, and after its adoption the first adjournment of the Congress will take place.

The Americanists will then partake of a breakfast given by the municipality of Huelva. The breakfast will be held within the precincts of La Rabida convent, and served in the Spanish style. A visit will then be made in carriages, or in boats going down the river Tinto, to Palos de la Frontera, where Columbus embarked for the Western World, after having prayed in the small church, which is still standing. A luncheon will be offered by the authorities of that immortal harbor of Palos, and the Americanists will return to Huelva.

On the next day the Congress will hold two sittings, and will be treated in the evening to a theatrical representation, comprising "Pizarro," by Ferrer del Rio, and "Isabel la Catolica," by Rodriguez Rubi, together with Spanish dances of the time of America's discovery. On October 14 two other sittings will be held, and in the evening a dinner will be given by the Spanish Americanists to their colleagues from foreign countries. The menu will be mainly of American dishes, bearing names reminiscent of the discovery and conquest of the New World. In the evening a grand concert, a large part of which will be devoted to American songs and melodies, will be given in the Hotel Colomb. Two more sittings will be held on the 15th, and at night a costume ball will be given by the municipality of Huelva. On Sunday, October 16, the Americanists will go on an excursion to the famous copper mines of Rio Tinto and Tharsis, and Monday will see the closing of the Congress.

MANTELS, OPEN FIREPLACES,
Household Art Goods.

WM. H. JACKSON & CO.
UNION SQUARE (NORTH), cor. Broadway.

Only concern in our line having its own foundries. Buy of the maker. Established over 60 years. No old stock. Everything made satisfactory.

THE COURTS.

COURT OF APPEALS DECISIONS.

SEVERAL HANDED DOWN IN EACH DIVISION—CASES ARGUED—THE COURT TO TAKE A RECESS.

Albany, March 20.—In the Court of Appeals to-day the following decisions were handed down:

Charles B. Graves, respondent, agt. Augusta C. Graves, individually and as executrix, appellant; Frederick G. Smedley, as assignee, etc., respondent, agt. George W. Smith, et al., appellants; in re the vocation of the will of —— McMahon; Edwin Wallace, et al., appellants, agt. James A. Gorman, assignee, etc., respondent; William E. Stillings, assignee, etc., appellant, agt. George A. Haggerty, respondent; the People agt Theodore W. Myers, Controller, etc.; William H. Rutty, respondent, agt. the Consolidated Fruit Jar Company, appellant. Judgment affirmed, with costs.

Patrick Williams, executor, etc., respondent, agt. the Brooklyn Elevated Railroad Company, appellant; Agnes Butler, administratrix, etc., respondent, agt. James A. Townsend and another, appellants; Frank Rudd, receiver, etc., respondent, agt. George H. Robinson, appellant. Judgment reversed and new trial granted, with costs to abide the event.

Philo L. Mills, et al., agt. J. Foster Parkhurst, as assignee, etc., and another, Reuben O. Smith and the First National Bank of Tonawanda, Penn., appellants. So much of the judgment appealed from as affirmed the judgment disallowing the right of the appellants to share in the distribution of funds in the assignee's hands reversed, and the appellants adjudged to share with the other creditors not preferred in the assignment; the costs of the appellants to be paid out of the estate in the assignee's hands.

The following cases were argued:

The Dutch Reformed Church of Summit, respondent, agt. William L. Harder and another, appellants.

The Bank of British North America, plaintiff, respondent, agt. Richard Delafield, defendant, appellant.

George E. Beaks and another, respondents, agt. Luiz A. Dacumlia, as executor, etc., appellant.

The Court of Appeals will take a recess from to-day until April 13, and the Second Division will take a recess from to-day until April 6.

In the Second Division to-day the following decisions were handed down:

Michael A. Gorman and another, respondents, agt. the National Fire Insurance Company, appellant. In the matter of the probate of the paper propounded as the last will and testament of John Connor, deceased. Judgment affirmed, with costs.

In the matter of the will of Richmand Simons, deceased. Judgment affirmed, with costs to both parties out of the estate.

Carl R. Heyne, respondent, agt. John Doerfler, as executor, etc., appellant. Judgment reversed; new trial granted; costs to abide the event.

The following cases were argued in the Second Division:

Charles B. Linton, respondent, agt. the Unexcelled Fireworks Company, appellant. Submitted.

In the matter of the will of John Guy Vassar, deceased.

Enos B. Woods, as supervisor, etc., appellant, agt. the Board of Supervisors of Monroe County and another, appellants. Submitted.

A JUDGMENT FOR A QUARTER OF A MILLION.

Judgment was entered in the United States Circuit Court yesterday for $280,352 09, of which $2,453 68 is for interest and $122 97 for costs, in the suit of Gustave Bertin Guyot, liquidator of the firm of Charles Fortin & Co., of Paris, France, against ex-Judge Henry Hilton and William Libbey, of the former firm of A. T. Stewart & Co. The suit grew out of the dealings of the two firms and a judgment was entered against the defendants in a French court. Suit was brought in the United States Circuit Court here on this judgment and was twice decided in favor of the plaintiff. The defendants held that the judgment was obtained in France irregularly and illegally, but Judges Wallace and Shipman decided that the French judgment was final and that the court here could not "go behind it." The case will be appealed to the United States Supreme Court.

AN APPEAL TO THE SUPREME COURT.

Judge E. Henry Lacombe, of the United States Circuit Court, yesterday allowed the appeal of the Attorney-General of the United States to the Supreme Court in the case of certain gun stocks imported by Schoverling, Daly & Gales on October 20, 1890. The Collector assessed a duty of $1 50 each and 35 per cent ad valorem on the articles, but Judge Lacombe decided that the proper rate was 45 per cent ad valorem. The Collector was of the opinion that the stocks were dutiable as guns, while the Judge held that they should have been classified as manufactures not specially enumerated—composed in part of iron or steel. The dealers imported their guns in parts and thus sought to avoid paying the higher rate of duty.

FOR ADMISSION TO THE BAR.

Albany, March 20.—The Court of Appeals has adopted an amendment to the rules relative to the admission of attorneys and counsellors-at-law, by substituting the following in place of Rule 2:

Before any person shall enter upon the clerkship or substituted course of study hereinafter provided, or in one year thereafter, he shall, if not a graduate of a college or university registered by the Regents as maintaining a satisfactory standard, pass an examination conducted under the authority and in accordance with the ordinances and rules of the University of the State of New-York, in English composition, first year Latin, arithmetic, geometry, English and United States history, or in their substantial equivalents defined by the rules of the university, and shall file a certificate of such fact, signed by the secretary of the university, with the clerk of the Court of Appeals, who shall return to the persons named therein a certified copy of the same, showing the date of such filing. A law student whose clerkship or substituted course of study has already begun, as shown by the records of the Court of Appeals, or of any incorporated law school in this State, or law school established in connection with any college or university within this State, may, at his option, file, instead of the certificate required by this rule, that required by the rules of the Court of Appeals, adopted May 4, 1882.

BITS OF LEGAL NEWS.

The suit of Mrs. Laura R. Green for an absolute divorce from Douglass Green came on for trial before Justice O'Brien, in the Supreme Court, yesterday. Green was formerly a member of the firm of Green & Bateman, brokers in Wall Street. He is supposed to have eloped with Mrs. Alice Snell MacCrea, the daughter of a Chicago millionaire, and to be now living with her in Europe. Evidence was introduced to show that Green and Mrs. MacCrea had had breakfast together at Mrs. MacCrea's home at 2 a. m. on the morning that Mrs. MacCrea started for Europe. Justice O'Brien decided that not enough evidence was introduced to establish the plaintiff's contention, and he left the case open for the introduction of more evidence.

Sabina F. Kerns recovered a verdict for $5,000 from a jury before Judge Truax, in the Superior Court yesterday, against John B. Hagenbuckle, for breach of promise of marriage. The plaintiff was employed, together with 300 other girls, in the defendant's quilt factory. A two-year-old boy was an interesting "exhibit" in the case. The girl's father recently recovered a verdict for $3,500 against Hagenbuckle for the loss of his daughter's services in consequence of the same affair.

Judge Ingraham, in the Supreme Court, Chambers, has appointed Henry Winthrop Gray as receiver of the United Lines Telegraph Company in a suit brought by the Farmers' Loan and Trust Company against the telegraph company. The receiver must file a bond of $25,000. Mr. Gray is one of several receivers who have been appointed for this company.

SUPREME COURT

Washington, March 20.—The following business was transacted in the Supreme Court of the United States to-day:

No. 1,588—Thomas J. Phelps, assignee appellant, agt. George Elliott, et al, executor, etc. Leave granted to file reply brief.

No. 1,327—George H. Cope, appellant, agt. Janet Cope, et al. Mandate granted.

No. 240—Eugene Arnheim, appellant, agt. Samuel Corn, et al. Appeal from the Circuit Court United States for the southern district of New-York.

No. 241—Eugene Arnheim, appellant, agt. Louis Rosenbaum. Appeal from the Circuit Court United States for the southern district of New-York.

No. 242—Eugene B. Crocker, appellant, agt. the Cutter Tower Company. Appeal from the Circuit Court United States for the district of Massachusetts.

No. 243—The Hancock Inspirator Company, appellant, agt. Henry T. Lally. Appeal from the Circuit Court United States for the southern district of Illinois. These cases dismissed with costs, pursuant to the Tenth Rule.

No. 232—The Electric Gas Lighting Company, appellant, agt. the Boston Electric Company.

No. 236—The Electric Gas-Lighting Company, appellant, agt. Luther G. Tillotson, et al. Argued.

No. 233—The United Edge Setler Company, appellant, agt. George F. Keith. Argued.

The day call for Monday is: Nos. 233, 238, 239, (and 300 and 301) 4, 244, 245, 246, 247, 248 and 250.

THE KEYSTONE BANK CLOSED.

SEQUEL TO THE RUN MADE ON IT IN THE WINTER—NOT A SURPRISE IN PHILADELPHIA.

Philadelphia, March 20.—Shortly after the Keystone National Bank opened for business this morning the heavy iron doors were lowered and the following notice was placed upon them:

Philadelphia, March 20.

This bank is closed by the order of the Controller of the Currency.

N. P. DREW, National Bank Examiner.

After the closing of the bank's doors admission was denied to all persons. During the financial stringency in the latter part of last year, there were rumors affecting the bank's solvency, and a heavy run was made upon it; but the institution tided over the run and was thought to be in good financial condition. The largest depositor of the bank is the city of Philadelphia, which has a deposit there of about $400,000. The authorized capital of the bank is $500,000, and a surplus of $100,000 was claimed. No statement of the bank's liabilities and assets could be obtained. It is said that the bank was closed by the Controller by reason of its reserve fund having fallen below the amount required by the National Banking law. The bank has a line of deposits amounting to about $1,400,000 and it is said that it has assets sufficient to meet this amount.

It is said that the bank owes the Clearing House Association about $40,000. At the Clearing House Manager Boyd declined to be seen, and B. B. Comegys, the president, also refused to see any one. Following is the letter issued by President Marsh: "The bank has been closed by the Controller of Currency, Washington. The bank has been suffering from the effects of the run on it last December, and the payment to the Clearing House of a large amount of the loan certificates has kept the legal reserve of cash below the average of cash required by law since that time. An earnest effort to fully restore the bank will be made immediately."

In banking and financial circles the action of the Controller of the Currency in closing the bank occasioned little surprise. It had been known for some time that the institution had been investing its deficit fund far in excess of the amount allowed by law. The president and directors are said to have been frequently informed by the Treasury Department within the last three months that the reserve deficit fund was less than the 25 per cent required, but the management of the bank is said to have been unable to remedy this illegal condition of affairs. The investments of deposited moneys exceeded 75 per cent, and the totals of late deposits are believed to have been insufficient to swell the reserve fund to the required 25 per cent. These facts were reported to the Controller of the Currency by Bank Examiner Drew yesterday, and the former promptly ordered that the bank should close.

The president of a prominent National bank said to-day: "I think the bank examiner has done the right thing in closing the Keystone Bank. He ought to have done so some time ago. The credit of the bank was impaired during the panic, and it was impossible to keep it afloat. The closing of the doors saves the bank from further embarrassment. It seems to me that the depositors ought to get their money without trouble, and that the stockholders ought not to lose anything. I know something about the condition of the bank, and I know that it is in better shape than most people believe."

Another bank president said: "The depositors will get their money in full. There is no doubt of that. No one will lose a dollar except the stockholders, who will lose only in the depreciation in the value of the stock."

A man familiar with the affairs of the bank and a National bank president himself, said, upon learning of the suspension, that upon its deposits of about $1,400,000, the Keystone Bank was required to carry a reserve fund of over $300,000. Ever since the run last December the reserve fund had been gradually decreasing until last week it was down as low as about $83,000.

The Central Savings Fund Trust and Safe Deposit Company, which is a corporation allied to the Keystone Bank, and transacts its business in the same building, was not apparently affected by the closing of the bank.

One of the members of the board of directors said this afternoon: "You can say that the depositors will not lose a single penny of their deposits. The bank is not in a bad condition by any means and will certainly resume in a short time."

When Bank Examiner Drew left the bank this afternoon he said that the closing was as much a surprise to him as to any one else. All he had to do was to obey the orders of the Controller. He believed from what he knew of the affairs of the bank, that it was in a good condition for recovery.

The announcement of the failure of the Keystone National Bank had little effect in Wall Street, except to add another item which the bears could use for speculative purposes. The New-York correspondents of the concern are the Tradesmen's and the Chase National banks, but at both institutions it was stated that no indebtedness existed on the part of the Keystone which was not amply protected. It was generally admitted that the failure was the result of the run sustained by the bank in December, when Philadelphia finances were being adjusted with difficulty. E. R. Dick, of Dick, Lawrence & Co., who have intimate connections with Philadelphia, said that the failure was probably the result of "dry rot" following the crisis last autumn. A dispatch to Gilbert & Farr said: "The Keystone Bank makes the following statement: The bank has been closed by the Controller of the Currency. It has been suffering from the effects of the run last December, and the payment at the Clearing House of a large amount of the loan certificates has kept the legal reserve of cash since that time below the average required by law. An earnest effort will be made to resume." Another dispatch declared that the depositors would probably be paid in full.

TWENTY-FIVE HUNDRED DEPOSITORS SUFFER.

Baltimore, March 20 (Special).—Twenty-five hundred poor people of this city, mostly sewing women and working girls, are in distress over the suspension here to-day of the Baltimore branch office of the Universal Order of Co-operation, the headquarters of which are in Philadelphia. Dr. S. K. Marshall is the manager here. It is reported that the main office in Philadelphia has suspended temporarily because of an injunction obtained against the order in Pittsburg. Dr. Marshall has $3,000 on hand here, which he says will be refunded to Baltimore contributors in case a satisfactory report is not received from the main office. The company was organized about six months ago, with a stated capital of $500,000. The company issued certificates guaranteeing a return of not more than $100 on the payment of $30 to $40 in assessments from time to time. The branch office was opened here January 1, and certificates would not be redeemable until May 1. One of the conditions of the agreement entered into between the company and the beneficiary was that each beneficiary should induce two others to join. The failure to do this would reduce the benefit to a sum not exceeding $50. The company has been doing a thriving business in Baltimore.

MAY CHINAMEN COME IN BY ROWBOATS?

Utica, N. Y., March 20.—In the trial of James A. Miller, alias James Muldoon, for smuggling Chinamen into this country, now in progress before United States District Judge Coxe, in this city, De Angelis, an attorney of this city, who was assigned to defend the prisoner, raised an interesting point to-day. The Chinamen came to this country by a rowboat across Niagara River. The statute provides that it is a misdemeanor to aid or abet any Chinese person to enter the United States by land, or to aid or abet any such to land from a vessel. Mr. De Angelis argued and the Government admitted that the rowboat was not a vessel within the meaning of the statute. Mr. De Angelis argued that coming by rowboat could not be construed to mean coming by land. The effect of this construction of the statute would enable Chinamen to come to this country by rowboats. The court held that for the present he would hold the statute broad enough to cover coming to this country by whatever means, but promised to give the question further consideration and change his ruling if wrong.

RETALIATING WITH A CHARGE OF LIBEL.

Asbury Park, N. J., March 20 (Special).—J. Hatfield Youman's, the Editor of "The Evening News," who caused the arrest of Thomas H. Pratt, a young dental student, for assaulting him, and Oscar E. Youmans, his brother, who is the publisher of "The News," were arrested to-day upon charges of criminal libel made by Pratt. The alleged libel was the publication of an article reflecting upon the members of Company A, of the State National Guard, who shirked drill duty. The article did not mention Pratt's name. The Youmans gave bond to await the action of the Grand Jury.

Cactus BLOOD Cure

INDIGESTION AND DYSPEPSIA CURED.

February 26th, 1890.

ALVA'S BRAZILIAN SPECIFIC CO.—Gents: For several years I suffered from indigestion and dyspepsia. I was under constant treatment from different physicians, and finding no relief I went to Europe, and in Paris was treated by a specialist in stomach diseases who also failed to make a cure. Two months ago I heard of the Cactus Blood Cure and determined to try it. After taking a few bottles I was cured. I am only too glad to recommend so valuable a medicine to those afflicted with the same disease.

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The Cactus Blood Cure is pleasant to take, applicable to diseases of infancy or old age. Sold by druggists, or sent prepaid on receipt of price to any part of the United States. Price, large size, $2 00; small, $1.00.

ALVA'S BRAZILIAN SPECIFIC CO.,
Office, No. 6 Wall Street, New-York.

IF YOU KNEW

HOW EASY IT WAS TO RID YOURSELF OF FACE PIMPLES AND BLOTCHES, YOU WOULD TAKE A FEW BOTTLES OF

SSS

AND REMOVE THEM.

HER FACE HER FORTUNE.

"I was annoyed for a year with pimples and blotches on the face. I consulted prominent physicians and used different kinds of advertised medicines without any benefit. Finally I tried Swift's Specific, and the smoothness of my skin was completely restored by the use of a few bottles."

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Books on Blood and Skin Diseases Free.
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An exceedingly fine line of new and handsomely designed goods.

Our facilities as manufacturers are such that we

Cannot be Undersold.

"BUY OF THE MAKER."

GEO. C. FLINT CO.

104, 106, 108 West 14th Street.

TRYING TO ESCAPE TAXATION.

LEGISLATION PENDING IN THE COURT OF APPEALS OVER THE VASSAR INSTITUTIONS.

Poughkeepsie, March 20.—An appeal pending in the Second Division of the Court of Appeals, which was argued to-day, is in reference to what is known as the Collateral Inheritance tax. In 1885 the act known as the "Collateral Inheritance Tax act" was passed. It imposes a tax of 5 per cent on all legacies given to collateral relatives of a deceased person and all legacies to corporations "not now exempt from taxation." This tax goes into the State Treasury, subject to certain commissions retained by the county treasurer who receives the tax in the first instance. Some time ago the executors of John Guy Vassar's estate instituted proceedings to determine whether Vassar Brothers' Home for Aged Men, Vassar College, Vassar Orphan Asylum and Vassar Brothers' Hospital were liable to this tax, the law making it the duty of the executors to retain the amount of the tax when it is due before paying over legacies. These proceedings were referred by Surrogate Dorland to County Judge Daniel W. Guernsey as a referee or appraiser. Judge Guernsey decided that none of the institutions named was liable to the tax, but he was overruled by the Surrogate as to all the institutions except the orphan asylum, and the Surrogate's decision was affirmed by the General Term of the Supreme Court. The three institutions that are held liable to pay the tax appealed to the Court of Appeals, and it is their appeal now before that court. Vassar Home for Aged Men claims exemption as an almshouse, and Vassar College and Vassar Hospital on the ground that they are exempt from taxation by their charter. If Surrogate Dorland's decision is affirmed then the three institutions named will together have to pay about $60,000 into the State Treasury, which is based on 5 per cent of the legacies to each. If this tax is paid, County Treasurer Isaac W. Sherrill will be entitled to retain 5 per cent as his commission, or about $2,000. If the three institutions win, Vassar College will alone save $28,000.

As a result of the settlement of the Vassar College contest the following next-of-kin of John Guy Vassar have all received $8,126 97 each: Matthew Vassar, 2d, Cornelia Van Kleeck, James Van Kleeck, John G. Vassar, 2d, Charles G. Vassar, Robert G. Vassar, John G. Harbottle, James Selkrig, Sarah Davis, Mary E. Stokes, Adelia A. Peck, Helen M. Haight, Mary A. Huntington, Oliver H. Booth, Rufus B. Vassar, Caroline Harbottle, and Edgar Van Kleeck. Caroline Harbottle having died, her share has gone to Mrs. Reeves and daughter. Edgar Van Kleeck having died, his share is divided among two sisters and a brother. If the Court of Appeals decides that the Vassar Orphan Asylum, the gift of John Guy Vassar, was an illegal gift, all of the above will receive each about $40,000 more out of the $700,000 set apart for the asylum. The majority of them were comparatively poor before the Vassar College settlement. The decision in the matter of the orphan asylum and the collateral inheritance will, no doubt, be handed down some time during the latter part of April.

STORM ON THE NEW-JERSEY COAST.

Cape May, N. J., March 20 (Special).—A severe northeasterly storm, accompanied by a heavy rainfall and gale of wind, set in this afternoon. The tides are unusually high, although not high enough to do any damage. The sea is rolling heavily, and the waves wash high on the beach. The morning tide is expected to be higher. As yet no damage is reported here and none is expected, unless there is a change of wind toward the south. The wind has been from the east for twenty-four hours, and since 3 o'clock this afternoon has been blowing a gale. The people on the water-front are preparing for a high tide to-morrow morning. Word came this afternoon to George B. Sands that the bulkhead of his Octagon House at Seabright was giving way, and there was danger that the building would be undermined.

A FARMERS' MEETING AT COXSACKIE.

Coxsackie, N. Y., March 20.—A farmers' institute, under the direction of the New-York State Agricultural Society, was opened here to-day, and will be continued to-morrow. The exhibition of cereals, fruits, plants and flowers at Dolan's Opera House was unusually fine, and was largely attended. During the day the following papers were read and discussed: "The Corn Crop and Silo," by E. Van Algstine, Kinderhook; "Our Insect Enemies and Friends," by Dr. Tintner, Albany; "Manure," by G. V. Henry Nott, Kingston; "Commercial Fertilizers," by E. F. Dibbie, Lima; "The Sunflower Crop," by the Rev. Lafayette Moore, East Denham. An interesting feature was the reading of two papers by women: "One of the Drains on the Farmer's Purse," by Mrs. Brandon, of Coxsackie, and "The Outlook for the Farmer's Wife," by Mrs. Powell, of Ghent.

MR. MACQUEARY ON THE VERDICT.

Cleveland, Ohio, March 20.—Mr. MacQueary resigned his connection with the Episcopal Church last night. When asked what he thought of the verdict he said: "I think it is both unreasonable and unjust; unreasonable because it rests upon the absurd supposition that a man who has devoted years of earnest, prayerful study to theological problems may alter his opinion in six months at the dictation of ecclesiastical power in order to retain a position in a church which does not want it. It should have been a clean-cut deposal or acquittal, for this sentence is simply an expedient adopted to extricate the Church from a dilemma, and in order to win for the Church a reputation for learning and charity."

THEY WOULD WRECK TRAINS FOR FUN.

Biddeford, Me., March 20.—Since the recent attempt to wreck a Boston and Maine passenger train near Wells, a Boston detective has been investigating the case, and to-day arrested two young men who live near Wells, one named Kimball, the other Allen. The latter is twenty-seven years of age, and the other a few years younger. They confessed that they placed the sleepers on the track on Monday, and said they did it for fun. They had been drinking at the time. The prisoners were taken to Alfred Jail to await the action of the Grand Jury at the May term of the Supreme Court.