THE COURTS.

TESTIFYING AGAINST LE BOUTILLIER.

SEVERAL WITNESSES EXAMINED IN THE SUIT BROUGHT BY THE JAEGER COMPANY.

Judge Gildersleeve returned to the Superior Court yesterday, after an illness of several weeks, and took up the case of the Jaeger Sanitary Woollen System Company against George Le Boutillier for an alleged illegal use of the name "Jaeger."

The first witness called was Miss Hooper, who is on the staff of "The Dry Goods Chronicle." She told of having gone to Le Boutillier's store and of interviewing the clerks there on the subject of selling the Jaeger goods. The one to whom she spoke told her that the reason they sold them as "Jaeger" was that they would not sell as well under any other name.

"Why should not we use it?" she declared the clerk said to her, and then added: "We know a good thing when we have it." This witness was cross-examined by John Delahunty, who appeared for the defendant, but her testimony given on the direct examination was not shaken.

The next witness examined by W. J. Curtis, who is associated with A. H. Stolber as counsel for the plaintiff, was Mr. Petri, the wood engraver. His testimony made the defendant squirm. Some time ago a copy of the catalogue issued by the plaintiff and the one distributed by the defendant were introduced in evidence. On the back of each of them was a cut. The cuts on both were almost exactly alike. Mr. Delahunty contended that this inference which the counsel tried to have the Court draw from the similarity of the cuts was unfair, for the reason that the cut on the back of the catalogue issued by Le Boutillier was an exact reproduction of an actual photograph of the place where the goods sold by his client were made.

Mr. Petri swore that he made the woodcut from which the picture on the back of the Le Boutillier catalogue was printed. He said further that Mr. Loeb, the manufacturer of the underwear sold by Le Boutillier, had brought one of Jaeger's catalogues to him and ordered him to produce a cut exactly like the picture on it, with the exception that some of the workpeople in the place should have a slightly different appearance when the cut was examined closely. The witness declared that he followed these instructions. Mr. Delahunty did not think it worth while to cross-examine this witness.

Dr. H. Enderman was again called, and referred once more to the large amount of cotton which he had found in the goods sold by Le Boutillier. He testified concerning the contention that a small quantity of cotton mixed with wool would prevent goods so treated from shrinking. This assertion was made by Mr. Delahunty when the case was up before, and the declaration was made by him that Le Boutillier's goods were made in this way, and were consequently better than those sold by the Jaeger Company. Dr. Enderman told how he had taken pieces of exactly the same size from garments which were made of all wool, those containing 23 1-2 per cent cotton and those which had 55 1-2 per cent of cotton. All three of these classes shrunk almost the same amount when immersed in water at a temperature of about 50 degrees, which contained a small amount of ammonia. He also made tests in water at a temperature of about 90 degrees. In this the material containing 23 1-2 per cent cotton shrunk in length and increased in width about the same amount, so that the area before and after the immersion was about the same. The action of this water on the all-wool garment was also about the same that it was on that which contained some cotton. Some of the genuine Jaeger garments were then introduced, and the plaintiffs rested their case.

Mr. Delahunty began his case by introducing an affidavit made by J. H. Lamb, of the statistical department of the Custom House. He declared that this testimony was introduced for the purpose of contradicting the testimony of Mr. Schaeffer, the president of the Jaeger Company, concerning the amount of business which that company had done. Mr. Delahunty asserted that it was shown by these statistics there was not so much woollen goods imported in the years 1891 and 1892 as Mr. Schaeffer had sworn his firm had sold.

Mr. Curtis objected to this testimony, not on the ground that this was an improper way to put it before the Court, as that was conceded by the defendant's counsel, if the plaintiff objected to it, but on the ground that it was incompetent and immaterial.

Judge Gildersleeve said that it was, of course, not at all conclusive, but he would accept it for what it was worth, as it might have a tendency with other testimony which might be introduced later to sustain the case. After which an adjournment was taken until this morning.

DECISIONS IN THE SUPREME COURT.

ADJOURNMENT ANNOUNCED FOR MAY 15 BY CHIEF JUSTICE FULLER.

Washington, May 1.—The Supreme Court of the United States, Monday, May 1, 1893: Present—The Chief Justice, Mr. Justice Field, Mr. Justice Gray, Mr. Justice Blatchford, Mr. Justice Brewer, Mr. Justice Brown, Mr. Justice Shiras and Mr. Justice Jackson.

No. 1,199. The Mexican Central Railway Company, Limited, plaintiff in error, agt. Alexander Pinkney; in error to the Circuit Court of the United States for the Western District of Texas; judgment reversed with costs, and case remanded with directions to set aside the verdict and judgment, and to overrule the demurrer to the plea in abatement; opinion by Mr. Justice Jackson.

No. 191. Margaret L. Duer, executrix, etc., appellant, agt. the Corbin Cabinet Lock Company; appeal from the Circuit Court of the United States for the District of Connecticut; decree affirmed with costs; opinion by Mr. Justice Brown.

No. 199. The Richmond and Danville Railroad Company, plaintiff in error, agt. Henry Elliott; in error to the Circuit Court of the United States for the Northern District of Georgia; judgment reversed with costs, and cause remanded with directions to grant a new trial; opinion by Mr. Justice Brewer.

No. 89. The Baltimore and Ohio Railroad Company, plaintiff in error, agt John Baugh; in error to the Circuit Court of the United States for the Southern District of Ohio; judgment reversed with costs and cause remanded with directions to grant a new trial; opinion by Mr. Justice Brewer; dissenting: Mr. Justice Field and Mr. Chief Justice Fuller.

No. 217. John T. Underwood, et al, appellants, agt Henry Gerber, et al; appeal from the Circuit Court of the United States for the Eastern District of New-York; decree affirmed with costs; opinion by Mr. Justice Blatchford.

No. 198. Thomas E. Pearsall, assignee, etc., appellant, agt David M. Smith, et al; appeal from the Circuit Court of the United States for the Eastern District of New-York; decree affirmed with costs; opinion by Mr. Justice Blatchford.

No. 176. Samuel C. Schaeffer, appellant, agt John I. Blair; appeal from the Circuit Court of the United States for the Western District of Missouri; decree reversed with costs and cause remanded for further proceedings to be had therein in accordance with the opinion of this court; opinion by Mr. Justice Gray; dissenting: Mr. Justice Brewer. (Mr. Justice Field was not present at the argument and took no part in the decision.)

No. 1,275. The Interstate Commission, appellant, agt. the Atchison, Topeka and Santa Fe Railroad Company, et al.; appeal from the Circuit Court of the United States for the Southern District of California; dismissed for the want of jurisdiction; opinion by Mr. Chief Justice Fuller.

No. 1,024. The Cincinnati, Hamilton and Dayton Railroad Company, appellant, agt. William R. McKeen; on a certificate from the United States Circuit Court of Appeals for the Seventh Circuit; dismissed; opinion by Mr. Chief Justice Fuller.

No. 1,312. The Texas and Pacific Railway Company, plaintiff in error, agt. Ida May Anderson and husband, Scott Anderson; on a certificate from the United States Circuit Court of Appeals for the Fifth Circuit; it is the opinion of this court that the said Circuit Court of Appeals cannot review by writ of error this judgment of the Circuit Court in execution of the mandate of this court; opinion by Mr. Chief Justice Fuller.

No. 778—John Hoey, et al, appellants, agt. Michael Coleman, et al., commissioners, etc.; appeal from the Circuit Court of the United States for the Southern District of New-York; dismissed per stipulation on motion of Mr. J. Hubley Ashton in behalf of counsel.

No. 1,339—The Sawyer-Mann Electric Company, appellant, agt. the Edison Electric Light Company et al.; petition for a writ of centiorari in the United States Circuit Court of Appeals for the Second Circuit submitted by Edmund Wetmore, Elihu Root, Samuel A. Duncan and Leonard E. Curtis for the appellant in support of the petition, and by Joseph H. Choate, F. P. Fish and R. N. Dyer for the appellees, in opposition thereto, with the leave to Mr. Choate to file additional brief.

No. 1,338—John H. Reagan et al., appellants, agt. the Farmers' Loan and Trust Company et al.; advanced and assigned for argument on the second Monday of the next term after cases already set down for that day, on motion of C. A. Culberson for the appellants.

Chief Justice Fuller took occasion to-day to inform members of the bar that the present term of the Supreme Court would terminate on the 15th inst.

POSTPONING THE ARGUMENT.

Washington, May 1.—In the Supreme Court of the United States to-day Joseph H. Choate, of New-York, who will appear in behalf of the Chinese Government and its subjects in this country in the argument upon the constitutionality of the Chinese Exclusion Act, asked that the date for hearing the argument be postponed from May 8 to May 10. The reason for making this request, he said, was that the law did not become operative until the 6th instant, and that to get a case before this court on the date originally fixed would necessitate such rapidity of action as might easily lead to error otherwise avoidable. Solicitor-General Aldrich joined Mr. Choate in making the request, and Chief Justice Fuller announced that it would be granted, assuring counsel that no extension of the time alloted for argument—two hours on a side—would be made.

DR. FRELIGH'S WILL ADMITTED TO PROBATE.

In the Surrogate's Court yesterday a decree was made by Surrogate Ransom admitting to probate the will of Dr. Edwin G. Freligh, after an unsuccessful effort to defeat it made by Dr. Freligh's uncle, Dr. Christopher Klersted. Dr. Klersted's attorney withdrew his objections to probate when the case was called. A number of lawyers were present representing dissatisfied heirs, all of whom had been relying on the objections filed on behalf of Dr. Klersted. These having been withdrawn the attorneys found themselves without standing in court, and after an examination of the subscribing witnesses the will was admitted to probate without opposition. Ex-Judge William Fullerton and Alfred L. Magierre appeared in support of the will. Dr. Freligh left a comfortable estate, consisting in part of some valuable medicine contracts and a gold-bearing property, near Rhinebeck, in this State. Dr. Freligh's stepmother, Mrs. Louise G. Freligh, will receive nearly the entire income of the estate during her life, and at her death the property will be distributed to the heirs and next of kin, as in cases of intestacy. The executors are Mrs. Louise G. Freligh, I. O. Woodruff and Charles E. Manierre.

COL. INGERSOLL'S DEMURRER NOT UPHELD.

Justice Andrews in the Supreme Court yesterday handed down a decision refusing to uphold the demurrer of Colonel Robert G. Ingersoll to the answer of the Rev. A. C. Dixon in the suit brought against him for libel by Colonel Ingersoll. Justice Andrews says in the decision that the only libel charged in the complaint is an alleged statement of the defendant while speaking of Colonel Ingersoll that he would be happy to represent the purity of the country as against the defenders and propagators of obscene literature.

The second defence in the answer sets up that in 1878 Ingersoll was engaged in the agitation to procure the repeal of the so-called "Comstock Postal Law" concerning the use of the mails for sending obscene literature and articles; that he defended in the courts D. M. Bennett, who was convicted under that law, and endeavored to procure his pardon by the President; that he was identified with the National Liberal League and lectured in its interests. This Judge Andrews holds is a good defence, taking the facts as admitted as they must be on a demurrer.

The clergyman's third defence alleged that Ingersoll wrote a laudatory introduction to a certain book the natural effect of which was to pollute the minds of the young. In the absence of an allegation that the book was obscene, it is held that the fact alleged had no relevancy to the charge of being the defender of the propagators of obscene literature.

PETER DE LACY LOSES HIS SUIT.

The General Term of the Superior Court yesterday handed down a decision refusing to grant the injunction asked for by Peter De Lacy to restrain Albert J. Adams from continuing to conduct a poorroom in the house owned by De Lacy, at No. 43 West Twenty-ninth-st. The Court says that from anything that is contained in the complaint it is not shown that the plaintiff has been injured in the least by the fact that the defendant has conducted the business complained of, and that, in fact, he may have been greatly benefited by it. In these circumstances the Court says that the defendant might have had a dismissal of the complaint, or the plaintiff might, under the contentions in the complaint, have began criminal proceedings. The fact that none of these steps were taken gives the case an extremely suspicious look. The constitutional question raised, the Court says, is an exceedingly nice one and ought not to be passed upon until the facts are clearly and fully before it, so that the Court may be fully informed. For these reasons among others the Court refuses the injunction.

Ming Lok, a Chinaman, has brought a suit for libel against Chu Sue Budu, and he wants $35,000 for the damages done by the alleged libel. The case came up before Justice Patterson, in the Supreme Court, Chambers, yesterday on a motion for a bill of particulars made by the defendant. Decision on that motion was reserved. The plaintiff is in business in this city and he alleges that the defendant wrote letters to China, which induced business people there to believe that his firm was financially embarrassed, and the result was that his credit was impaired. This is the basis of the libel suit.

BUSINESS IN THE COURT OF APPEALS.

Albany, May 1.—These cases were argued in the Court of Appeals to-day:

A. J. Hastings, appellant, agt the Brooklyn Life Insurance Company. Argued by Frank Rumsey for appellant; William H. Cogswell for respondent.

Fanny Hyman, appellant, agt Bettie Friedman. Argued by C. W. Brooke for appellant; Morris Goodhart for respondent.

Central National Bank of the City of New-York agt S. J. Seligman and others, appellants. Argued by N. Myers and A. J. Dittenhoeder for appellants; A. Bloomenthal for respondent.

Sarah Cain, as guardian, etc., agt Rosa Flood, appellant. Argued by C. A. Brooke for appellant; James O'Neill for respondent.

The Hungerford Company agt Clara Rosenstein, appellant. Argued by H. Aplington for appellant; William B. Ellison for respondent.

Jerm A. Tanzieb and others agt F. F. Jumel and others. Argued by David Thornton for appellant Gesner; E. W. Paige for respondent.

The day calendar for to-morrow is Nos. 379, 424, 404, 428, 429, 430, 431, 432.

COURT CALENDARS FOR TO-DAY.

Supreme Court—General Term—Before Van Brunt, P. J., Follett and O'Brien, J. J.—Nos. 39, 41, 42, 44, 55, 63, 78, 80.

Supreme Court—Chambers—Before Patterson, J.—Motion calendar called at 11 o'clock.

Supreme Court—Special Term—Part 1—Before O'Brien, J.—Nos. 1517, 2406, 2345, 2130, 2349, 1983, 73, 1108, 2369, 605, 2503, 1950, 1956, 2554, 2204, 2458, 2314, 2467, 2346, 2015, 2032, 2041, 2764, 2771, 1730.

Supreme Court—Special Term—Part II—Before Beach, J.—Nos. 1530, 2270, 2277, 1408, 1605, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 2068.

Circuit Court—Part III—Before Ingraham, J.—Nos. 3509, 2586, 3071, 3077, 4078, 3086, 3087, 2496, 3628, 1880, 3143, 5720, 3120, 3510 1245, 1576½, 3197, 0014, 2585, 2260, 2872, 1716, 1770½, 3185.

Circuit Court—Part I—Before Andrews, J.—Cases from Part III.

Circuit Court—Part II—Before Truax, J.—Cases from Part III.

Circuit Court—Part IV—Before Lawrence, J.—Cases from Part III.

Surrogate's Court—Trial Term—Before Ransom, S.—Wills of Elizabeth A Hill and Josiah Solomon, 10:30 a. m.

Surrogate's Court Chambers—Motion calendar, 10:30 a. m. Estate of Hilschmann, 2:30 p. m. For probate—Wills of Thomas Walsh, Patrick Follon, S. P. Slater, Jacob Muhlfeder, Amelia Milbank, David J. Bozert, Charles M. Fry, Hannah C. Tenbrooke, Louis H. Livingston, 10:30 a. m.

Common Pleas—General Term—Before Bookstaver, P. J., Bischoff and Pryor, JJ.—Nos. 38, 49, 55, 62.

Common Pleas—Special Term—Before Daly, C. J.—No. 4.

Common Pleas—Equity Term—Adjourned for the term.

Common Pleas—Trial Term—Part 1—Before Gleperich, J.—Case on: Quinn vs. Fish. No calendar.

Common Pleas—Trial Term—Parts II and III—Adjourned for the term.

Superior Court—General Term—Adjourned for the term.

Superior Court—Special Term—Before Sedgwick, J.—Nos. 611, 672, 727, 732, 784, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 768½.

Superior Court—Equity Term—Before Freedman, J.—Nos. 82, 84, 85, 86, 87, 88, 100, 76, 191, 158, 406, 407, 326, 151, 383.

Superior Court—Trial Term—Part 1—Before Gildersleeve, J.—Case on. No calendar.

Superior Court—Trial Term—Part II—Before McAdam, J.—Nos. 1924, 2007, 1973, 2037, 1863, 1850, 1823, 1828, 2070, 1757, 1792.

Superior Court—Trial Term—Part III—Before Dugro, J.—Case on. No calendar.

City Court—Special Term—Before Van Wyck, J.—Motions.

City Court—Trial Term—Part 1—Before Ehrlich C. J.—Nos. 2122, 2197, 2169, 2207, 2372, 724, 1168, 2132, 1189, 1151, 1122, 1265, 1402, 1217, 2210, 2279, 2284, 2289, 2307, 2312, 1484, 1351, 2333, 1170, 2446, 1187, 1372, 2328, 2481, 2229.

City Court—Trial Term—Part II—Before McGown, J.—Nos. 1552, 3090, 2439, 2403, 1799, 2395, 1508, 2541, 2542, 2543, 2544, 2546, 2547, 2548, 2549, 2550, 2554, 2564, 2565, 2568, 2569, 2570, 2574, 2579, 2581, 2584, 2587, 2589, 2590, 2592, 2593, 2595, 2596, 2597, 2599, 2601, 2602, 2603, 2604, 2606, 2607, 2608, 2609, 2612, 2613, 2616.

City Court—Trial Term—Part III—Before Newburger, J.—Nos. 1891, 2020, 1876, 2089, 1955, 179, 178, 2030, 2158, 253, 254, 255, 256, 927, 1258, 359, 2181, 1413, 1918, 2087, 2097, 2100, 2163, 2165, 2012, 281, 282, 283, 1527, 796, 1905, 2107, 2054, 1087, 2098, 1501, 1087, 2179, 2431, 936, 2191, 798, 910, 2190, 2794, 771, 2042, 1471, 2165.

City Court—Trial Term—Part IV—Before Fitzsimons, J. Short causes: Nos. 3195, 3413, 3354, 3483, 3414, 3302, 3507, 3475, 3462, 3495.

Court of Oyer and Terminer—Ingraham, J., and Assistant District-Attorneys McIntyre and Rattle—No. 1.

Court of General Sessions—Part 1—Cowing, J., and Assistant District-Attorneys Macdona and Bradley—Nos. 1 to 30, inclusive. Pleading—Nos. 1 to 4, inclusive.

Court of General Sessions—Part II—Martine, J., and Assistant District-Attorney Davis—Nos. 1 to 37, inclusive.

Court of General Sessions—Part III—Fitzgerald, J., and Assistant District-Attorney Weeks—Nos. 1 to 12, inclusive.

REPORTING ON KINDERGARTEN WORK.

The Committee on Kindergartens of the New-York Kindergarten Association met yesterday at No. 228 West Thirty-fifth-st. After a report of the work for April had been read by Mrs. Kate D. Davis, addresses were made by Mrs. Kate Douglass Wiggin, Hamilton W. Mable and Miss Anseline Brooks.

FLOWERS GROWING IN THE BIG GARDEN.

THE SPRING SHOW TO BE OPENED AT MADISON SQUARE THIS MORNING.

The lovers of flowers will attend the opening of the Spring Flower Show, at the Madison Square Garden, this afternoon. Notwithstanding the recent cold weather, a large and interesting exhibition of palms, rhododendrons, roses, hyacinths, tulips, narcissuses, azaleas, ferns, cycads, flowering plants and orchids will be found by the stroller through the winding paths of the artificial garden. The centre of the floor is occupied by a large floral bower, covered with evergreens and festooned with roses, where young women will sell flowers of various kinds. A greenhouse, 25 by 25 feet, containing a large collection of rare hothouse plants, attracts much attention. Among the principal exhibitors are Pitcher & Manda, of Short Hills, N. J.; Siebrecht & Wadley, of New-Rochelle; George Bennett and Dailledouze Brothers, of Flatbush; J. M. Keller, of Bay Ridge; Julius Roehres, of Carlton Hill, N. J.; Bonn & Dressel, of Weehawken; James Dean, of Bay Ridge; Rudolph Asmus, of New-Durham, N. J.; W. G. Eisle, of Long Branch; P. V. Meisner, of Flatbush; F. A. Storms, of Bay Side; W. H. Young, of Clifton; J. Hood Wright, of Fort Washington; J. Henderson & Co., of Flushing; G. T. Schuneman, of Blue Point; W. G. Salford, of Poughkeepsie, and the following private growers: W. Bayard Cutting, of Oakdale, L. I.; S. T. Peters, of Islip, and B. Colgate, of Yonkers.

The show will be open daily from 11 a. m. to 11 p. m. A brass band will furnish music, and an organ recital will be given at noon on each day. The officers of the New-York Florists' Club, who direct the management of the show, have offered $6,000 in premiums. The officers of the exhibition are Adolph Ladenburg, chairman; Henry McCrowe, manager; J. V. Gottschalk, secretary; W. A. Manda, Thomas Emerson, J. H. Taylor, J. Morris, W. Bayard Cutting, John L. Cadwalader, Frank Thomson, John Joung, H. Siebrecht, G. W. Hillman, jr., F. T. Underhill, Stanford White, C. Oliver Iselin, Phillip Schuyler, J. Hood Wright, C. B. Weathered and I. Forsterman.

The patrons and patronesses are Mrs. Astor, Mrs. J. J. Astor, Mrs. G. H. Bend, Mrs. G. S. Bowdoin, Mrs. F. Bronson, Mrs. J. Crosby Brown, Mrs. Henry Clews, Mrs. Austin Corbin, Mrs. S. Van Rensselaer Cruger, Mrs. W. Bayard Cutting, Mrs. Charles P. Daly, Mrs. William A. Duer, Mrs. H. R. Duval, John Eyerman, Mrs. W. A. Haines, Mrs. Henry B. Hyde, Mrs. R. Irvin, Mrs. Adrian Iselin, jr., Mrs. F. R. Jones, Mrs. James Kernochan, Mrs. Edward King, Mrs. A. Ladenburg, Mrs. L. Lorillard, Mrs. J. Pierpont Morgan, Mrs. Hermann Oelrichs, Mrs. J. K. Van Rensselaer, Mrs. J. R. Roosevelt, Mrs. W. D. Sloane, Mrs. C. Albert Stevens, Mrs. Paran Stevens, Mrs. William E. Strong, Mrs. F. K. Sturgis, Mrs. James M. Waterbury, Mrs. William Seward Webb, Mrs. W. F. Wharton, Mrs. Stanford White, Mrs. L. K. Wilmerding, Mrs. Edward Winslow, Mrs. Duncan Wood and Mrs. J. Hood Wright.

MR. DEPEW DECLINES A RE-ELECTION.

A NEW PRESIDENT OF THE YALE ALUMNI ASSOCIATION TO BE CHOSEN.

Chauncey M. Depew, for the last ten years president of the Yale Alumni Association of New-York, will retire from his office at the close of the annual meeting of that organization to be held at Sherry's on Friday evening. Although strenuously urged to consent to a renomination, Mr. Depew declined to become a candidate, and has written a letter to the nominating committee, consisting of Arthur M. Dodge, '74; Otto T. Bannard, '76; John W. Cortiss, '79; H. C. Hopkins, '84, and Willard Parker, jr., '90, in which he said that he had served the organization for a long time, and now felt that a change of president would probably be a benefit to the association.

The committee, while deeply regretting Mr. Depew's resolution, was compelled to yield to his wishes, and has reported the following ticket to be voted on at the meeting: President, Henry E. Howland, '54; vice-presidents, George A. Adee, '67, and Manning C. Wells, '57; treasurer, William A. Copp, '69; secretary, Harris D. Colt, '84. Executive Committee, Richard K. Sheldon, '60, Thomas Thacher, '71, F. Kingsbury Curtis, '84; Oliver G. Jennings, '87; Willard Parker, jr., '90. Speeches will be made by Winthrop E. Dwight, the son of President Timothy Dwight, and R. B. Wade, both of '93.

During the discussion of the Moriarty supper all differences between the members of Delta Kappa Epsilon and Pi Upsilon will be amicably settled in [illegible] the phrase. W. W. Sandy, '65, S. S. S., and F. Kingsbury Curtis, '84, will be in general charge of the entertainment.

HEAVY DEATH RATE FOR MARCH.

THE TOTAL IN THE STATE 2,000 ABOVE THE NORMAL—PREVALENCE OF RESPIRATORY DISEASES.

Albany, May 1.—The bulletin of the State Board of Health for the month of March shows that there were 12,000 deaths reported in March, or 387 daily, which is fifty-three more than in February, and thirty more than the daily average for March, 1892. There appears to have been not less than 2,000 deaths more than the normal for the month. The rate of mortality is increased in all parts of the State, and in the rural as well as in the urban portions. Much the largest increase is, however, in the maritime district, where, allowing for the greater length of the month, there were 1,500 more deaths than in February. Of this increase 1,200 are credited to New-York City; 6,750 of the 12,000 deaths occurring in New-York and Brooklyn.

There is a relative diminution in the zymotic mortality, from 12.45 per cent of the total mortality in February to 12.12, and there is little change from the recent prevalence of the more important diseases of this class. Cerebro-spinal fever, whooping-cough and diarrhœa have increased their mortality.

The number of deaths from acute respiratory diseases has risen from 1,900 in February to almost 3,000, which has been exceeded only in months in which grip epidemics were at their height. There were 561 more deaths from this cause than in March, 1892, when an epidemic, then waning, caused 1,500 deaths. Consumption also had a large death rate, the number being the same as that of January, 1892. This increase in mortality from diseases of the respiratory organs appears in all the sanitary districts, but is much the most marked in the maritime. Half of the surplus mortality for the month above the normal is due to lung diseases, and the rest is distributed through the other local diseases, those of the nervous, digestive, urinary and circulatory organs. The increase is due to epidemic influenza, the mortality from which was probably about 1,800.

A single case of typhus fever occurred during the month in Peekskill, originating in New-York; there was also one death from it in Long Island City. There were seven deaths from scarlet fever in Massena, St. Lawrence County. In Jamestown there were sixteen deaths from diphtheria.

A LECTURE ON STELLAR PHOTOGRAPHY.

The photographs which Professor Barnard will display in his lecture in the Carnegie Recital Hall this evening, as per advertisement in another column, are spoken of by critics as rarely beautiful and impressive revelations of astronomical wonders. Comets, sun-spots, the strange markings on Mars and Jupiter, nebulae which show vast worlds in process of formation, and patches in the Milky Way which contain millions of immense suns, are included in the collections. This young sky-searcher, who has already astonished the scientific world by the number and importance of his discoveries, and is looked upon as a genius without a living equal, is lecturing to secure means for a tour of the world's astronomical observatories; but the fascinations of his topic and the exceptional chance afforded for hearing one so expert as he in his branch of study are sufficient reasons for hearing him. The Lick Observatory, where he discovered Jupiter's fifth satellite, has the finest refracting telescope in the world; and Professor Barnard's early experience as a photographer has given him special advantages in securing graphic illustrations.

BUCHANAN TO BE SENTENCED MONDAY.

Dr. Robert W. Buchanan will be sentenced to death on next Monday at 11 a. m. in Part I of the Court of General Sessions by Recorder Smyth. Charles W. Brooke, his counsel, declares his belief that the verdict will not stand because H. M. Paradise, one of the jurors, was delirious for several hours while the jury was deliberating. District-Attorney Nicoll has been looking up the law on the point, and is entirely satisfied that this ground is utterly untenable.

Dr. Stewart, of the Astor House, has made an affidavit for Mr. Brooke about the juror's illness.

COUNTING MONEY IN THE SUB-TREASURY.

Fifteen men have been at work for a week counting the money in the Sub-Treasury in Wall-st., to see that Ellis H. Roberts, the Republican Sub-Treasurer under President Harrison, did not carry away a half a dozen bars of gold bullion, a bag or two of silver dollars, or three or four packages of $10,000 bills. About $97,000,000 was supposed to be in the Sub-Treasury when Conrad N. Jordan took charge of the office. All of the bills have been counted. There was $35,000,000 of this kind of money. Subsidiary silver coin to the amount of $1,500,000 was also counted last week. The silver dollars are in bags and there are about 40,000 bags to be counted, besides the gold coin and bullion. The count will take about three weeks more.

MAY DAY NO LONGER WHAT IT WAS.

THE TRUCKMAN SIGHS FOR THE OLDEN TIME—NOT SO MUCH MOVING AS FORMERLY.

That May Day has lost its oldtime prestige there is no longer any use of denying. That day was for many years looked forward to by nearly every family, for it either meant moving or the cleaning up of the house. In either case the man with a family, especially, was impatiently waiting for it to pass by. In those days the vans (not those from Holland), were in possession of the town.

The children no longer remain away from school on May Day. When they did the day was glorified in prose and verse by the budding literary genius and the spring poet. Yesterday could not have inspired the most poetic soul. It was a miserable, murky and uncomfortable day in town. When those who were going to move awoke, and looked out upon the world they were willing to bet dollars to doughnuts that their household goods would be drenched. The rain held off, however.

There are several reasons why moving on May 1 is no longer the general thing. Among the laboring classes May Day is now looked upon as being more or less of a holiday. It is a day on which labor organizations meet, and on which some of them parade. If a working man has to attend a meeting or go on parade he does not feel much like moving. Then again, as flats are much the same, if he does move it is hardly worth while making the change. The rent in the new flat may be a dollar or two cheaper a month, but what is saved in the rent is lost in the moving. While many families moved yesterday the number was few in comparison to that of some years ago. As many families move on October 1 now as on May 1. Of those that moved a large percentage went to Brooklyn.

As the rates that a truckman can charge for moving are limited by law, the head of a family does not have to pay bills as large as in former years. Truckmen generally sighed yesterday for the May Days that are passed.

WAITERS HAVE A QUIET PARADE.

SUPERINTENDENT BYRNES CHANGES THEIR ROUTE—NO STRIKES YESTERDAY.

The striking waiters and their sympathetic fellow-waiters were disappointed yesterday by the action of Superintendent Byrnes in changing the route for their parade. The waiters had planned to march up Broadway from Twenty-fifth-st. to Forty-second-st., thence to Fifth-ave., to Twenty-fifth-st., and back to their headquarters at Twenty-fifth-st. and Sixth-ave. The parade started at 3 p. m. from the headquarters. At the last minute the route was changed by the order of Superintendent Byrnes. About 600 men were in line. They were led by a brass band and one of the waiters who struck at Delmonico's last week. Two policemen marched in front of the band.

The men marched over the route laid out by Superintendent Byrnes, which was down Sixth-ave. to Ninth-st., to Broadway, to Twelfth-st., to Fourth-ave., to Seventeenth-st., to Irving Place, to Twenty-fifth-st., across Gramercy Park to Lexington-ave., to Thirtieth-st., to Broadway, to Twenty-fifth-st., and across to the headquarters in the Chimney Corner, at Twenty-fifth-st. and Sixth-ave. This change in route was made to avoid hindering the traffic in Broadway and Fifth-ave., and possibly to prevent the waiters from making any demonstration in front of the hotels which they are boycotting. All along the route the men attracted the attention of chambermaids, pantry-girls, waiters in restaurants, and even Boots himself, who displayed a lively interest in the demonstration. As the parade passed the Holland House and Delmonico's the band played Mendelssohn's "Dead March." This evoked cheers and jeers.

"Bring out your non-union waiters," shouted a waiter with Dundreary whiskers. The command was addressed to the people in Delmonico's restaurant, as the parade passed the cafe on the Broadway side. Here are some of the inscriptions on the transparencies that were carried in the parade:

Delmonico charges $4 50 for canvasback duck and pays his waiters 60 and 81 cents a day.

Beefsteak John charges 10 cents for a beefsteak and pays his waiters $10 a week.

Wish lawful means we fight for our rights.

The men returned to their headquarters, where they held a meeting, and decided to continue their fight. There were no strikes of waiters yesterday, although it was reported that an assistant chef at Delmonico's had struck. In the Cafe Savarin and several other restaurants where strikes were expected compromises were made with the waiters.

NEW PROFESSORSHIPS AT COLUMBIA.

Two new professorships in Columbia College were created at yesterday's meeting of the board of trustees. The new chairs are those of Romance Philology, and Rhetoric and English. Henry Alfred Todd was appointed to the former and George Rice Carpenter to the latter. Mr. Todd was graduated from Princeton College in 1876, and from Johns Hopkins University in 1885. He was a fellow and tutor of modern languages in Princeton College from 1876 to 1880, and from 1880 to 1883 he was a student in Berlin, Paris, Rome and Madrid. He was an instructor and associate in romance languages at Johns Hopkins University from 1883 to 1891, and was professor of romance languages in Leland Stanford University from 1891 to 1893.

Mr. Carpenter was graduated from Harvard in 1886 and studied in Berlin from 1887 to 1888, and for a year he was an instructor in English at Harvard. He was an associate professor of English in the Massachusetts Institute of Technology from 1891 to 1893. He also was a non-resident lecturer in rhetoric and English composition at Wellesley College from 1892 to 1893.

The widow of Professor John Strong Newberry gave the college her husband's library, which is a valuable collection of books on geology. It will be known as the Newberry Library. The trustees decided to have a portrait of ex-President Barnard made and given to the University of Mississippi, of which he at one time was the president.

Another important step taken by the trustees was the lengthening of the course in the Medical College from three to four years. The new rule will not go into effect, however, until October 1, 1894.

SONS OF THE AMERICAN REVOLUTION.

The annual Congress of the National Society of the Sons of the American Revolution met yesterday in this city at No. 15 Broad-st., General Horace Porter, the president-general, in the chair. As previously arranged, this was a pro-forma meeting, held to comply with the law of the society, which fixes the annual meeting on April 30 or May 1. The only business transacted was the reception of amendments to the constitution. A number were presented from various State societies, and were referred to the Committee on Revision of the Constitution, and will be reported back at the next meeting for the action of the Congress. A few highly satisfactory official reports were received, but they were all laid over until the next meeting. Charles W. Haskins, treasurer-general, acted as secretary-general in the absence of Mr. Clark, who had engagements in Chicago. All the general business of the Congress, including the election of officers, was postponed, in accordance with previous arrangement, until June 16 in Chicago, to which date and place the Congress adjourned. The meeting in Chicago is expected to be exceedingly interesting. The very live and influential State society in Chicago will give the Congress a dinner; and on the 17th, Bunker Hill day, there will be a general gathering of Sons and Daughters of the American Revolution at the World's Fair grounds for a celebration of the day and a brilliant reception with music and all the honors of war.

REAPPOINTMENTS BY GOVERNOR FLOWER.

Albany, May 1.—Governor Flower has issued the following commissions: State Geologist and Paleontologist, James Hall; State Botanist, Charles H. Peck; State Entomologist, Joseph A. Lintner. These are reappointments, and were made in accordance with a law signed by the Governor to-day, providing that the Governor instead of the Regents of the University shall appoint these officials.

TRUSTEES OF THE MARBLE CEMETERY.

The annual meeting of the vault-owners of the New-York City Marble Cemetery was held yesterday, in the Cooper Union, and the following were re-elected trustees: Alexander Maitland, James Fraser, Dr. E. Guernsey Rankin and Erasmus Sterling; Lewis M. Norwood was elected to the place left vacant by William E. Treadwell.

MORE JUDGMENTS AGAINST A RAILROAD.

Three more judgments, aggregating $8,465, were yesterday entered against the Toledo, St. Louis and Kansas City Railroad Company, in favor of Oliver Adams.

George T. Bayard yesterday confessed judgment for $6,898, in favor of George D. Bayard, for money loaned between December 1, 1887, and April 29, 1893.

George B. Ashley has been appointed receiver in supplementary proceedings for George W. Carr, formerly president of the Manhattan Athletic Club, in the suit of Rice A. Brown.

The Sheriff has received an execution for $615 against the Income Life Association of America, at No. 18 Broadway, in favor of Lizzie Goldberg.

HOSPITAL CORNERSTONE TO BE LAID.

MANAGERS OF ST. LUKE'S ANNOUNCE THE PROGRAMME OF THE CEREMONIES.

Nothing new could be learned yesterday about the offer of $2,500,000 said to have been made by a syndicate of New-Yorkers for the property of the St. Luke's Hospital, Fifty-fourth-st. and Fifth-ave. George Macculloch Miller, president of the hospital association, told a Tribune reporter that the offers of $2,250,000, $2,400,000, and the one slightly in advance of the last amount had been made through brokers. Mr. Miller added that he was ignorant as to the identity of the persons wishing to make the purchase. Mr. Miller said also that a meeting of the Board of Managers of the hospital would be held soon. The question of the sale of the old property would be considered at that time.

The ceremony of the laying of the cornerstone of the new hospital will take place on Saturday next at 3 o'clock. The cornerstone will be laid by Bishop Potter, and the address will be delivered by Bishop Littlejohn, of Long Island. It is expected that the ceremony will, in impressiveness and completeness of detail, fully equal that attending the laying of the cornerstone of the Protestant Episcopal Cathedral of St. John the Divine. The Rev. Dr. George S. Baker, pastor and superintendent of St. Luke's Hospital, is to be master of ceremonies. He has appointed Thomas P. Browne, sexton of St. Agnes's Chapel, Trinity Parish, who had entire charge of the arrangements at the cathedral in December last, chief aid. The temporary structure in which the services are to be held will be partially covered by a pavilion tent, sheltering the bishops, clergy, choir and invited guests. The sittings for the laity and general public will be arranged in amphitheatre form and be uncovered. The Church Choral Society, Richard Henry Warren, conductor, with full orchestra, will furnish the music at the service.

The procession, consisting of the band, choristers, seventy-five women and men in vestments—the clergy, the trustees of the hospital, and the officiating bishops, will form in the old Leake and Watts Orphan Asylum, One-hundred-and-tenth-st. and Morningside Park, and proceed through the Cathedral grounds to the site of the new hospital, marshaled by Sexton Browne. As the procession passes the band will play an appropriate march. When the procession arrives at the temporary chapel the Church Choral Society will begin the processional hymn. Following the address by Bishop Littlejohn, and during the offertory