THE CHINESE TEST CASES.

ARGUMENTS BEFORE THE SUPREME COURT.

JOSEPH H. CHOATE APPEARS FOR THE THREE CHINAMEN—THE SOLICITOR-GENERAL'S REPLY.

Washington, May 10.—The special session of the Supreme Court to-day to hear argument upon the constitutionality of the Geary Chinese Exclusion act, upon appeal from the judgment of the United States Circuit Court for the Southern District of New-York, attracted an attendance that more than exhausted the limited accommodations of the courtroom. The visitors included many prominent members of the bar and a large number of women.

The argument was opened by Joseph H. Choate, of New-York, for the petitioners for a writ of habeas corpus, Fong Yue Ting, Wong Quan and Lee Joe. Mr. Choate said he believed it was not permissible for counsel to seek to impress upon this court the importance and magnitude of the questions involved in cases submitted for its adjudication. Nevertheless, he said, he would so far transgress the rule as to state broadly two questions at issue. They were, first, shall 100,000 unoffending and helpless residents of this country, under the authority of an act of Congress, without review by its courts, be transported to the seashore and thence deported to their native country? And second, in case the Emperor of China shall to-morrow feel inclined to follow the example of this great and enlightened country, and expel from his domain the Americans residing therein, shall the voice of this people, either through its Government, its press, or by individuals, be prevented from uttering a single protest?

Mr. Choate prefaced his argument with a statement of facts in the three cases, which, he said, differed chiefly in being initiated at various stages of the operation of the law. It appeared from this that Lee Joe's case presented, in addition to the questions involved in the others, the constitutionality of the provisions of the Exclusion act requiring the Chinese to present white witnesses in support of their right to receive a certificate. After reviewing the treaty and the legislative history of the relations between the United States and China, Mr. Choate made his first point, which was "that the Court cannot impute to Congress the intent, by the sixth section of the act, to banish from the United States Chinese laborers who at the time of the passage of the act or at the lapse of one year from its passage are therein described as 'Chinese laborers entitled to remain in the United States,'" unless expressly required to do so, because such an enactment would be a gross violation of treaty rights, and because there is no power in Congress to expel friendly alien residents except as a punishment for crime, such a law, he contended, cannot be passed by Congress on the ground that the power to pass it is an inherent power of sovereignty. The sovereign power of this Republic vests not in Congress, but in the people. A large part of the argument here was devoted to the point that the power to expel alien residents in time of peace was never an incident of the British Sovereign's power or a prerogative of the Crown.

Following this, Mr. Choate asserted that no power is given to Congress by the Federal Constitution to remove friendly alien residents in time of peace, and that the appellants were more than friendly alien residents; they were denizens of this country. Assuming, then, that it was not the intent of Congress to expel from the country those Chinese laborers whom it describes as "lawfully entitled to remain in the United States," but only to construct a scheme by which, as to each individual member of that class, his right as such member might be adjudicated and determined, and, coming to an examination of that scheme in the light of the constitutional guarantees of personal liberty, Mr. Choate submitted that it deprived these persons of their liberty without due process of law and in direct violation of the Fifth Amendment of the Constitution, to the protection of which they were unquestionably entitled, and, further, that by the sixth section of the act appellants were deprived of their property without due process of law, and it was therefore unconstitutional.

Any other construction of which the sixth section is capable, argued Mr. Choate, than the one given in the contention that it is a violation of treaty rights, is that it is an attempted exercise by Congress of an alleged power to expel friendly aliens from our soil, applied to all Chinese laborers who shall be found without a certificate of residence, although they are still persons lawfully allowed to remain here; that is to say, it is an intended revocation of the right to remain here, and an expulsion conditioned on their being found here without a certificate if the court, contrary to the contention of counsel for the petitioners, is constrained to impute to Congress such a cruel and barbarous intent. He submitted that such an enactment was beyond the power of Congress for reasons already stated; and, further, that in the manner of its attempted exercise it violated all the constitutional safeguards.

Other points made by Mr. Choate in opposition to the validity of the law were: The Third Article of the Constitution is clearly violated in three respects by the sixth section of the act; first, in that it attempts to vest executive power in "a United States Judge," whereas judicial power is to be vested only in the courts of the United States; second, so far as it confers judicial power it attempts to confer it upon an individual judge of no particular court and in no court, and also in a collector, an executive officer; and third, because the Third Article provides that the judicial power shall extend only to "cases," and what is to be brought by the act before a United States judge is not a "case." The section of the act under discussion is, in effect, he urged, a bill of attainder, and is unconstitutional as a violation of Subdivision 3, Section 9, Article 1 of the Constitution; and finally that the power, sometimes called a police regulation, does not reside in Congress.

Charles H. Aldrich, Solicitor-General, appeared on behalf of the United States, and argued in favor of the constitutionality of the Geary Law. These cases, he contended, could not be distinguished from the Chinese Exclusion case (130 United States 581) in which the court had decided most of the points at issue. The Geary Act had not for its purpose the deportation of Chinese laborers, as counsel for the petitioners erroneously assumed, but to provide a system of identification and registration for such as were here. This is a lawful purpose, whether applied to citizens or aliens—in fact, the right of the Government to require an identification and registration of its citizens, of their possessions and resources, and the location of all these, has never been seriously disputed.

The means by which the identification is attained, the Solicitor-General contended, are also lawful, and the act is reasonable and humane in its provisions. The refusal of the Chinese to observe the requirements of the law was under the advice of certain eminent legal gentlemen, in whose opinion the law is unconstitutional; "an opinion," he continued, "which, as I shall seek to show, is equivalent to a denial of the sovereignty of the United States in the exercise of the enumerated powers of the Constitution, of the authority of the previous decisions of this court, and of well-settled principles of the law of nations. Under such circumstances it is submitted that the sickly sentimentality which is calculated to adorn orations of a certain class, addressed to other audiences than this court, is wholly out of place. We have here the wilful violation of our law, upon the advice of counsel, by a large class of people owing allegiance to a foreign sovereign, by a people not suited to our institutions, remaining a separate and distinct race, incapable of assimilation, having habits often of the most pernicious character, working at wages that debase your own laboring classes, not bound by any considerations of the sanctity of an oath, given to evasions of other laws of Congress, and by that body, whose action within constitutional limits even this court may not question, declared to be a people of such a character and so inimical to our interests as to require that their coming shall be prohibited and means taken to identify those already here, in order that frauds upon the law by the incoming of others of their class may be prevented, and the public welfare thereby subserved. To such a people, so described both by the learned members of this court and by the Congress of the United States, this law is to be applied."

Mr. Aldrich maintained, first, the right of Congress to require aliens or citizens to register or obtain certificates of identification; second, the power of Congress to authorize a judge without the intervention of a jury to sentence to deportation a person who has not procured and is not in possession of the prescribed certificate. The right of Congress to restrict and even forbid such immigration, he said, must be conceded as a question of both international and constitutional law. Of the necessity for such exclusion the political departments are the sole judges. The judiciary cannot pass upon that question, and so and for like reasons it is thought that the methods and means by which the political departments seek to regulate, limit or terminate the residence of such aliens as are already here are likewise exclusively within the jurisdiction of the political departments and beyond the confines of judicial power. The legislation under consideration, he contended, was authorized by the terms of the Treaty of November, 1880, which reserves the right on the part of the United States to "regulate, limit or suspend such coming or residence."

Mr. Aldrich's third point was that "a nation has a right, according to international law, to prescribe the terms upon which the citizens or subjects of other nations shall be admitted to its territory; forbid such admission or, having admitted such citizens and subjects, to regulate and limit their residence therein; and, whenever it chooses to do so, suspend such residence altogether and require that they shall depart its territory." In support of this he quoted from numerous authorities on international law and laws of nations, and concluded: "It is to be noticed that these authorities make no such limitation as counsel seeks to engraft upon the rule, i. e., that it is a right which the supreme power of a nation only has incident to a condition of war, and then only to be exercised against citizens or subjects of the country with which the nation is in conflict, or, in other words, it is only a war power. It has been shown that history does not warrant this statement and that it is not sustained, as is thought, by any respectable authority."

The fourth point was that the United States is a nation possessing like powers with other nations to exercise the ordinary and necessary means of self-preservation. From this it follows that "there is a police power of the United States which extends to and embraces all subjects confined to the general Government, and against the exercise of which a Chinese alien resident laborer is not entitled to invoke the guarantees of the Constitution of the United States, designed for the protection of its citizens and citizens of the several states."

In conclusion the Solicitor-General said: "Assuming the maxim that the safety of the people is the supreme law, then the police power, in its relations to every subject of danger, must, under our system, rest either in the States, or the United States, or the people. If it is assumed that Chinese alien labor is a public danger, threatening the safety of the people, then the power to cope with it rests somewhere—if not in the United States, then it is the States or the people. If the latter, it occurs to me that the Chinese residents in this country have need to repeat the old prayer, that they may be saved from their friends (or counsel); for if they can induce the Court to hold that the power does not belong to the Federal Government, but yet rests in the people of the several states, no person who has witnessed the evils of Chinese immigration and competition with our laborers can doubt that the people of the States afflicted therewith will promptly rid themselves of the baneful presence by appropriate legislation to that end. The last state of the Chinese in this country would then be worse than the first; for, while the act now under consideration seeks only to prevent the perpetration of frauds upon the Government through the incoming of other Chinese laborers claiming to be entitled to admission because of former residence, any action by the people of the States most directly affected would probably be drastic in its character, with the purpose, not of protecting the Government and the duty accredited Chinese, but of expelling entirely from their domain an obnoxious race."

J. Hubley Ashton, of Washington, ended the argument. Traversing somewhat different ground from that covered by his associate, Mr. Ashton argued that the questions presented to the Court concerned the very the right of freedom, property, and the pursuit of happiness of many thousands of persons living and laboring long and peacefully under the protection of the Constitution and laws of this land, as well as the friendly international relations between the United States and China, and the welfare of American citizens and American interests in that great Empire.

Throughout the progress of the argument, Court and spectators alike gave marked attention. Mr. Choate in the course of his remarks referred to the assertion in the printed argument of the Solicitor-General that the Chinese residents of this country had failed to register under the law in pursuance of advice of counsel. "On the contrary," said Mr. Choate, "my advice, and that of all the counsel associated with me in the case, has been for the Chinese to register, but they did not." While discussing the point that the law was faulty in attempting to vest judicial power, not in any particular court, but in a United States Judge "upon the wing," Mr. Choate was interrupted by Mr. Justice Gray, who asked: "What do you say as to the power of any United States Judge to issue writs of habeas corpus?" to which the attorney responded: "I thought Your Honors would ask me that question, and I looked it up. The authority is vested in the United States courts by the first section of the law, and it is then declared that any judge may issue the writ."

The attorneys did not occupy the full period of time allotted to them by the Court, Mr. Ashton bringing his argument to a close at 4:50, there then remaining twenty-five minutes of the four hours at his disposal. The Court was adjourned until Monday next, at which time it is expected a decision will be announced.

BUSINESS IN THE SUPREME COURT.

DECISIONS HANDED DOWN AND ORDERS MADE.

Washington, May 10.—The following decisions were handed down to-day in the Supreme Court:

No. 225—Edward W. Leggett, appellant, agt. the Standard Oil Company; appeal from the Circuit Court of the United States for the southern District of New-York; decree affirmed with costs; opinion by Mr. Justice Jackson.

No. 247—Belle N. B. Wade, et al., trustees, appellants, agt. the Chicago, Springfield and St. Louis Railroad Company, et al.

No. 208—Elizabeth C. Hedden, administratrix, etc., plaintiff in error, agt. Oscar L. Richard, et al.; in error to the Circuit Court of the United States for the Southern District of New-York; judgment reversed with costs, and cause remanded with directions to award a new trial and proceed in conformity with the opinion of this court; opinion by Mr. Justice Shiras.

No. 261—Sir Peter Coates, et al., appellants, agt. the Merrick Thread Company, et al.; appeal from the Circuit Court of the United States for the Southern District of New-York; decree affirmed with costs; opinion by Mr. Justice Brown.

No. 172—Frederick Hollander, et al., plaintiffs in error, agt. Daniel Magone, collector, etc.; in error to the Circuit Court of the United States for the Southern District of New-York; judgment reversed with the costs, and cause remanded with directions to award a new trial; opinion by Mr. Justice Brewer.

No. 137—John Nix et al, plaintiffs in error, agt. Elizabeth C. Hedden, administratrix, etc.; in error to the Circuit Court of the United States for the Southern District of New-York; judgment affirmed with costs; opinion by Justice Gray.

No. 257—The people of the State of California, plaintiffs in error, agt. the San Pablo and Tulare Railroad Company; in error to the Circuit Court of the United States for the Northern District of California; dismissed; opinion by Justice Gray.

No. 213—Allen C. Dalzell et al, appellants, agt. the Dueber Watch Case Manufacturing Company; appeal from the Circuit Court of the United States for the Southern District of New-York; decree reversed with costs and cause remanded with directions to dismiss the bill; opinion by Justice Gray; dissenting, Justice Brewer.

No. 214—Allen C. Dalzell et al, appellants, agt. the Dueber Watch Case Manufacturing Company; appeal from the Circuit Court of the United States for the Southern District of New-York; decree reversed with costs and cause remanded with directions to overrule the plea to the bill and to order the defendant to answer the bill; opinion by Justice Gray; dissenting, Justice Brewer.

No. 240—The Minneapolis and St. Louis Railway Company, plaintiff in error, agt. Henry G. Emmons, and,

No. 241—The Minneapolis and St. Louis Railway Company, plaintiff in error, agt. Ole Nelson; in error to the Supreme Court of the State of Minnesota; judgments affirmed with costs; opinion by Justice Field.

No. 224—The Metropolitan National Bank of New-York, appellant, agt. the St. Louis Dispatch Company et al; appeal from the Circuit Court of the United States for the eastern district of Missouri; decree affirmed with costs; opinion by Mr. Chief Justice Fuller; order making new parties appellees entered.

The Chief Justice announced the following orders of the court:

No. 424—The Sheffield and Birmingham Coal, Iron and Railway Company, appellant, agt. Gordon Strobel and Lareau (limited); motions to dismiss or affirm postponed to the hearing on the merits.

No. 870—The Gulf, Colorado and Sante Fe Railway Company, plaintiff in error, agt. Hefley and Lewis; motion to dismiss denied.

No. 1341—The Sun Printing and Publishing Association, plaintiff in error, agt. Juliette C. Smith; petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit denied.

No. 1345—Fong Yue Ting, appellant, agt. the United States et al.

No. 2346—Wong Quan, appellant, agt. the United States et al, and

No. 1347—Lee Joe, appellant, agt. the United States et al; advanced for immediate argument on application of counsel; argued by Joseph H. Choate and J. Hubley Ashton for the appellants, and by Solicitor-General Aldrich for the appellees.

Adjourned until Monday next at 12 o'clock.

USING HABEAS CORPUS WRITS.

Tacoma, Wash., May 10.—Three Chinese merchants who were ordered to be deported on the steamer Victoria were taken from the ship yesterday morning on writs of habeas corpus issued on complaint of Moy Yuck, a merchant of this city. The Chinese were taken before the United States Commissioner, and held over for trial in the United States Court on Wednesday next. Until that time they will be confined in the county jail. Habeas corpus writs were served on Collector Wasson, and on the captain of the steamship yesterday morning for the bodies of fourteen more of the Chinese, who, complainant says, have been merchants in Portland for years past. A telegram was received last evening from the Wah Young Company in Chicago, which is importing the 215 actors on board the ship, stating that the company has no further concession from the Government. This prevents the actors from being landed.

Johannis.

"King of Natural Table Waters,"

BOTTLED AT THE SPRING, ZOLLHAUS, GERMANY,

Is conceded to be the finest Table Water ever imported.

CAN BE HAD EVERYWHERE.

RUSSELL SAGE SUES HENRY S. IVES.

Russell Sage lent Henry S. Ives $100,000 some time ago, taking as security a note and stocks and bonds as collateral. The loan was not paid and the securities were sold. Mr. Sage declared that the securities did not bring enough to pay the amount of the loan and that there was the sum of $27,415 still due. He sued Ives for that amount in the Supreme Court.

Ives declared that the securities were worth the amount of the loan and $200,000 besides. He set up a counter claim for that amount in his answer to the suit. The plaintiff's counsel made a motion for judgment on the pleadings, on the ground that the answer and counter claim were sham.

Justice Patterson yesterday denied that motion, on the ground that the practice was wrong.

A WOMAN GETS DAMAGES FOR INJURIES.

Mrs. Catharine King went to the 69th Regiment picnic at Jones's Wood, in August, 1887. She got on a Second-ave. car and the conductor was drunk, so she declared. At any rate when she tried to get off at the proper place the conductor took hold of her roughly and pushed her back in her seat. She was in a delicate condition at the time and was seriously injured. She sued the company and yesterday before Judge Truax, in the Supreme Court, she secured a verdict for $2,000. She sued for $30,000. Colonel George H. Hart represented her on the trial.

BITS OF LEGAL NEWS.

The appeal from the conviction of Colonel William B. Hayes for perjury was argued before the General Term of the Supreme Court yesterday. Hayes was convicted in the Court of General Sessions and was sentenced to imprisonment for eight years. George M. Curtis appeared for the prisoner and Assistant District-Attorney Stapler in opposition.

Justice Patterson, in the Supreme Court, Chambers, yesterday heard argument and reserved his decision on a motion to confirm the report of Somerville P. Tuck, as referee, and appoint Alfred B. Mason committee of the person and estate of Harriott Hubbard Ayer. There was no opposition to the motion, but Justice Patterson took the papers to look at before giving his decision.

Charles J. Weirman, a clerk in a Bowery furnishing store at Doyers-st., was arrested by Deputy Sheriff Walgering yesterday on an execution issued out of the City Court for $10,047 97, and in default of bail for that amount was locked up in Ludlow Street Jail. The execution was based upon a judgment recently obtained against Weirman by Matilda Greenhill for breach of promise.

COURT CALENDARS FOR TO-DAY.

Supreme Court—General Term—Before Van Brunt, P. J., Follett and Barrett, JJ.—Nos. 57, 54, 46, 83, 60, 73.

Supreme Court—Chambers—Before Patterson, J.—Motion calendar called at 11 a. m.

Supreme Court—Special Term—Part I—Before O'Brien, J.—Case on, Von Glahn vs. Widmayer. No calendar.

Supreme Court—Special Term—Part II—Before Beach, J.—Nos. 1381, 1406, 1436, 2212, 1511, 510, 2542, 2543, 2734, 2745, 2730, 2733, 2740, 2751, 2755, 2759, 2767, 2768, 2769, 2763, 2770, 2766, 2768, 2769, 2770.

Circuit Court—Part III—Before Truax, J.—Nos. 2274, 1500, 1555, 2169, 2070, 2178, 2194, 2286, 2287, 2522, 2371, 2005, 2006, 1410, 2374, 2136, 2141, 2164, 2329, 4410, 2193, 557, 2[illegible].

Circuit Court—Part I—Before Ingraham, J.—Cases from Part II.

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

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

Surrogate's Court—Trial Term—No calendar.

Surrogate's Court—Chambers—Before Fitzgerald, S.—Estate of O'Neill, 10:30 a. m. For probate: Wills of John R. Scott, Mary E. Hosman, Arthur Mitchell, Catherine A. Thompson, Matthew Kane, James A. Polhemus, Rosina Ohmert, Jerome Cantrowitz, Edward J. Gourlay, 10:30 a. m.

Common Pleas—General Term—Before Beekstaver, P. J., Bischoff and Pryer, JJ.—Adjourned for the term.

Common Pleas—Special Term—Before Daly, C. J.—No. 2.

Common Pleas—Trial Term—Part I—Before Giegerich, J.—Case on. No calendar.

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

Superior Court—Special Term—Before Sedgwick, C. J.—Nos. 672, 767, 518, 727.

Superior Court—Equity Term—Before Freedman, J.—Nos. 85, 63, 87, 88, 128, 308, 151, 183, 185, 189, 187.

Superior Court—Trial Term—Part I—Before Gildersleeve, J.—Nos. 1747, 1761, 1681, 1696, 1896, 1691, 2849, 1811, 1905, 1697, 1907, 1956, 1737, 1751.

Superior Court—Trial Term—Part II—Before McAdam, J.—Case on. Beth vs. D. L. & W. R. R. Co.

Superior Court—Trial Term—Part III—Before Bogert, J.—Nos. 2022, 1911, 1922, 1969, 2039, 2086, 2040, 2040, 2031.

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

City Court—Trial Term—Part I—Before Ehrlich, C. J.—Nos. 2253, 1824, 1295, 1707, 1446, 2221, 2150, 1092, 1, 95, 2294, 2155, 1785, 440, 2028, 2280, 2276, 2017, 2478, 2218, 1165, 2227, 2288, 1212, 2181, 203, 2146.

City Court—Trial Term—Part II—Before Bookstaver, J.—No. 2099, 1720, 1568, 2341, 2390, 2327, 2409, 2374, 204, 2284, 2074, 2076, 2830, 2704, 1544.

City Court—Trial Term—Part III—Before Newburger, J.—Nos. 1498, 2085, 833, 1983, 1959, 1342, 1929, 1413, 2084, 2000, 2704, 2780, 2032, 2034, 2045, 2164, 1556, 765, 2442, 2727.

City Court—Trial Term—Part IV—Before Fitzsimons, J.—Short causes—Nos. 2791, 2794, 2108, 2271, 2078, 3449, 2443, 2353, 3074, 3450, 3184, 3215, 3210, 3217, 3218, 3219, 3554, 3544, 3540, 3545, 3550, 3342, 3328.

Court of Over and Terminer—Before Ingraham, J.—No day calendar.

Court of General Sessions—Part I—Before Cowing, J., and Assistant District-Attorney Bradley—No. 1 to 27, inclusive.

Court of General Sessions—Part II—Before Martine, J., and Assistant District-Attorney Davis—No. 1 to 11, inclusive.

Court of General Sessions—Part III—Before Fitzgerald, J., and Assistant District-Attorney Weeks—No. 1 to 9, inclusive.

BUSY DAY FOR THE PARK BOARD.

MANY SUBJECTS CONSIDERED—THE NATURAL HISTORY MUSEUM WING.

The Park Board passed a resolution yesterday—President Tappen and Commissioners Dana and Clausen being present—rescinding its former action in approving the east extension and a lecture hall for the American Museum of Natural History. A letter from President Jesup was first read, which inclosed a resolution adopted by the Museum trustees, deciding that the interests of the institution would be best subserved by refraining from building the proposed lecture hall. Plans for the east wing were then, on Commissioner Dana's motion, approved. The Board of Estimate was asked to provide the full sum asked for, which was $550,000.

The name to be given to the new thoroughfare known as the Mayor's Speedway, along the west bank of the Harlem River, was considered, and produced a lively debate. Commissioner Clausen thought "driveway" appropriate. Mr. Dana favored "Speedway Park," which he said described exactly what it would be. The legal name as given in the act of the Legislature authorizing its construction is "The Harlem River Driveway." Commissioners Dana and Clausen were appointed to supervise the construction of the driveway.

The Art Committee reported favorably on the statue of Nathan Hale, and it will be placed temporarily in the northwest corner of City Hall Park next month. The acceptance of the statue of Roscoe Conkling by J. Q. A. Ward was advised.

President Tappen was requested to contract with the New-York and Harlem Railroad Company to build a line in Eighty-fifth-st. to connect with the Central Park transverse road railway and the Madison-ave. line, and to operate the road across Central Park in connection with its own lines.

The trustees of the Art Museum gave notice that their "closed days" hereafter would be Monday and Friday of each week. But the public will be admitted free on the evening of these days, as on all the rest of the week, including Sundays.

The Madison-ave. drawbridge, it was agreed, should be closed to traffic for four days from 5 a. m. to-day to give time for laying the new railway tracks.

The date of the annual review of the Park Police was fixed for May 24 at 10 a. m.

KNIGHTS TEMPLAR TO PARADE.

The Knights Templar of this jurisdiction intend to observe Ascension Day, which comes to-day, by attending special religious services at 3:30 o'clock this afternoon at St. Paul's Episcopal Church, Broadway and Vesey-st. The services will be conducted by the Rev. Dr. and Sir Knight John W. Brown, rector of St. Thomas's Church. Bethlehem Commandery, of Mount Vernon, Eminent Commander Franklin T. Davis, will parade with York Commandery. Other commanderies will be Palestine, Coeur de Lion, Morton, Manhattan, Constantine, Columbian and DeWitt Clinton. The Knights will be in full uniform, and it is probable that it will be the finest display of the order seen in this city in many years. The commanderies will form in line at the Masonic Temple, Twenty-third-st. and Sixth-ave., at 1:30 p. m., and will march through Twenty-third-st. to Broadway, thence through Broadway to the church.

CHINESE PORCELAINS SOLD AT AUCTION.

The sale of Captain F. Brinkley's collection of rare antique Chinese porcelains ended at the American Art Galleries, No. 6 East Twenty-third-st., yesterday afternoon. The sales of the day amounted to $14,760, making the whole amount realized $36,892 50. A vase of Lang-yao porcelain, height 15 2-3 inches, circumference 25 1-2 inches, of a cherry red color with white shadings on one side, was sold for $1,375 after a sharp contest. A rich red-colored vase mottled with black, and showing delicate shadings of "ashes of roses" tint, was secured for $1,000. Another one, salmon-red in color, passing into shades of "ashes of roses," the glaze on the base and in the interior being white crackled, brought $825. Other pieces sold were: Vase of Famille Rose porcelain, height 15 inches, circumference 27 inches, $425; vase of hard-paste blue-and-white porcelain, height 13.2 inches, circumference 20.6 inches, $330; fish-bowl of Lan-Yao-plen ware, depth 9.5 inches, circumference 51.3 inches, $310; vase of hard-paste polychromatic porcelain, height 15 5.6 inches, circumference 2s 1-4 inches, $300; vase of hard-paste Famille Verte porcelain, $290; vase of hard-paste blue-and-white porcelain, height 12.5 inches, circumference 23.5 inches, $310.

HODGMAN'S MACKINTOSHES

More Essential than Umbrellas.

BROADWAY, Cor. Grand St. | 21 West 23d St., Adj. Fifth Ave. Hotel.

THE BROADWAY CABLE IN MOTION.

LITTLE MISS CRIMMINS PULLED THE THROTTLE—CARS TO RUN SOON.

The displacement of the horses by the cable on the Broadway surface line is now the question of only a short time. For the first time the cable from Bowling Green to Central Park was in operation yesterday. Shortly after 5 p. m. John D. Crimmins, the president of the Metropolitan Traction Company, reached the power house, at Houston-st. and Broadway, with his youngest daughter, Clara Mercedes Crimmins, who is seven years old. With her he went to the engine room, where he found everybody and everything ready for the starting of the cable between Houston-st. and Bowling Green. When Mr. Crimmins gave the word, his daughter turned open the throttle valve and the huge wheels and ponderous machinery which pull the cable began to move.

The valve was opened until the machinery was going at half speed. As the machinery in the power house at Fiftieth-st. and Sixth-ave. has been in operation for some time, when the engines were started at Houston-st. the cable on the entire road was in motion.

So little noise was made that no one on Broadway knew that the cable was running. In the power house everything was remarkably still. The engines and the huge wheels made hardly any noise. Those who were present besides Mr. Crimmins and his little daughter when the cable was started yesterday were Henry Thompson, president of the Broadway and Seventh Avenue Railroad Company; Major G. W. McNulty, the chief construction engineer of the road; James McCreery, E. R. McLean, the general manager of the Metropolitan Traction Company, and Mrs. McLean.

Mr. Crimmins said that in a day or two a car would be run by cable from Houston-st. to Bowling Green. In the mean while the cable will be kept in slow motion.

THE GOVERNMENT CROP REPORT.

CONDITION OF WINTER WHEAT 21 POINTS LOWER THAN IN APRIL—COTTON ACREAGE.

Washington, May 10.—The May returns of the Department of Agriculture on the condition of winter wheat show a reduction of 21.1 from the April average, being 75.3, against 77.4 last month and 84 in May, 1892. The averages of the principal winter-wheat states are: Ohio, 88; Michigan, 71; Indiana, 79; Illinois, 62; Missouri, 72; Kansas, 51. The average of these six states is 68.3, against 74.2 in April, being a decline of 5.9 points since the first of last month. In California the condition has advanced ten points, while in the principal wheat producing states there has been considerable deterioration. In Kansas, Colorado and Nebraska, where planting was backward and germination slow, owing to continual drouth and much of the plant being winter-killed, large areas have been ploughed up and devoted to other crops. The same has been done in Missouri, Indiana and Illinois, where the plant was badly winter-killed and greatly damaged since by the continued wet weather. In Michigan the severity of the winter greatly damaged the plant, and the weather since has been too cold and backward to admit of recuperation. Damage from Hessian fly in some of the counties of the latter state, Indiana and Ohio is reported, and from the chinch bug in Kansas. In some of the principal wheat states the plant on the uplands is reported in good condition, while on lower and undrained lands the conditions are poor and much of the crop was destroyed by drowning.

Winter rye, like wheat, has suffered a decline in condition since last month, its average for May being 82.7, against 86.7 for same date in April. The average condition of barley is 88.9, against 92.8 last year. The proportion of spring ploughing done May 1 is reported as 75.4 per cent, against an average of 77 per cent for a series of years.

The cotton report to the department for May relates to the progress of cotton planting and contemplated acreage. The proportion of the proposed breadth already planted on the first of May was 85.3 per cent, which approaches very closely the area usually planted at that date, which is estimated at 86 per cent. In some districts correspondents report drouth, while in others the returns show the retarding causes to be frost and excessive rain. Germination has been slow and the growth of plant backward. Some indications have been given as to the contemplated acreage, as compared with that of last year, which was considerably below the average for a series of years, but they are of an uncertain character, and therefore it is impossible to base any satisfactory predictions thereon, and the figures relating thereto are only given to indicate what the correspondents believed to be the intention as to acreage. There will be less replanting than usual, owing to the great scarcity of seed. Estimate of acreage will be made on June 1 as usual.

Lansing, Mich., May 10.—The Michigan crop report for the month of May, issued from the office of the Secretary of State to-day, contains figures which indicate a very discouraging condition of the wheat crop in this state. The outlook is even poorer than it was one month ago, and then it was considered below the average. It is now estimated that 5 per cent of the acreage sowed will be ploughed up, because winter-killed, or otherwise destroyed. The average condition of the cereal is 78 per cent of vitality. The average condition in 1891 was 101 per cent, and that year the yield was 28,039,000 bushels.

DEMORALIZING A POLICE FORCE.

SHEEHAN'S POLITICAL HEELERS INSTALLED IN OFFICE IN BUFFALO.

Buffalo, May 10 (Special).—When Lieutenant-Governor Sheehan took the Buffalo Police Department and put it in his pocket by virtue of the "sneak" bills the men whom he made Police Commissioners declared that changes of the officers would be made only to improve the service, and that Civil Service rules would prevail. Commissioner Schen went to New-York last Friday to see the Lieutenant-Governor off to Europe. He brought his instructions back with him, and to-day the chopping machine worked with a vengeance. Superintendent Daniel Morgenstern, a Cleveland Democrat, who has been an efficient and satisfactory officer since he was appointed, two years ago, by Sheehan's Democratic opponent, Mayor Bishop, was told to resign and was replaced by George Chambers, a political canal boss and a trusted member of the Sheehan crowd, who knows nothing whatever about police work. James A. Taggart, assistant secretary of Mr. Sheehan's Democratic General Committee, secured a $1,500 place as Clerk of the Excise Board, which has been held for seven years by Moses Mills. William Dolan, who has been Clerk of the Police Board for twelve years, was thrown out to make room for a Sheehan man. Thomas Burns, Republican, who has been Clerk of the superintendent's office for seven years, was removed, and the place was given to the city editor of "The Times," the only Buffalo paper which has been brazen enough to support the "sneak" bill. It is said that the removal of Republicans and Cleveland Democrats in this way will begin within a few days, and that there will be a clean sweep.

LASKER'S CHALLENGE TO STEINITZ.

St. Louis, May 10.—Manuel Lasker, the chess player, is in St. Louis. There have been rumors afloat to the effect that Lasker had challenged, or would challenge, Steinitz. When asked about the matter last night Lasker replied: "Recently I have heard that Mr. Steinitz is anxious to meet me, and I will therefore authorize you to issue a challenge. You can say that I am willing to meet Steinitz under any fair agreement."

"If Steinitz should accept, where would the games be likely to be played?"

"Wherever our backers suggest. It may be that some of them will be played in St. Louis and some in Chicago, but that is a question to be decided in the future."

TROUBLE AMONG CONFEDERATE VETERANS.

The meeting of the New-York Camp of the Sons of Confederate Veterans, which will be held to-night at No. 98 Fifth-ave., is expected to be a lively one. Many of the members of the organization have not regularly attended its meetings. At the meeting held on the evening of April 8, neither the commander, James Gwatkins, nor the secretary, H. R. Robertson, was present, and resolutions of censure were passed against both. Max E. Harley was appointed a committee of one to write to the absentees and request them to attend the meetings more regularly. He wrote a sharp letter which offended nearly all those who received it, and, as a result, many of them were about to resign from the camp when Commander Gwatkins induced them not to do so until a meeting should consider Mr. Harley's letter.

Mr. Harley said yesterday that he simply did what he thought was his duty, and he was willing to stand by the consequences.

LIQUIDATION IN STOCKS.

RUMORS OF TROUBLE UNVERIFIED.

PRICES STILL DECLINE—DENIALS OF REPORTS ON GENERAL ELECTRIC.

Further weakness in the stock market yesterday started a fresh crop of suspicions as to the position of houses here and in Boston and Philadelphia. No trouble came to the surface, however, and bankers expressed the opinion that all embarrassed concerns would be tided over. The means taken to carry along some firms may involve continuous liquidation, but this is deemed preferable to open suspensions, which might aggravate the unfortunate state of distrust prevailing in Wall street. The motto adopted by the financial community is conservatism. Commission houses are discouraging purchases on margin for the present, although men of wealth continue to pick up good stocks and pay for them to hold them until conditions improve. Where accounts may be liquidated with losses that customers can bear, advantage is taken of every temporary period of steadiness to make sales, but there is also a certain amount of realizing going on without regard to values. By pursuing this policy of contraction and liquidation, the great interests of capital in the Street hope to avert further acute demoralization.

The call loan market ruled easy at 3@4 per cent, but with no change in outside monetary conditions. The foreign markets are being watched with particular interest. Another advance in the discount rate of the Bank of England is dreaded, but there was a conflict of opinion on the prospects yesterday. Private advices said that discounts in London were made at 3 1-4 per cent, although the Bank rate is 3 per cent. This was accepted by some persons as an indication of an advance to-day, but others held that the higher rate in the open market might simply imply the use of collateral security which was not satisfactory to the managers of the Bank of England. The situation abroad is so critical that the Bank of England is expected to act most conservatively in the matter of influencing the money market.

There have been no arrangements made to ship gold on Saturday, and it is doubtful if any yellow metal will go out until next week. It is feared that higher money rates abroad may compel shipments, and the foreign exchanges are exhibiting increased strength. Demand bills were higher at $4 88 1-2 to the £ sterling, but no change was made in posted quotations. Sales of American securities for foreign account, coupled with continued scarcity of commercial drafts, impart strength to the exchange market. The sub-Treasury, however, is gaining in gold, having taken in yesterday $3,000,000 of the precious metal from Canadian banks. The Boston banks have given about $4,000,000 gold to the Treasury, but this probably completes their transfers.

Discussion in the Street yesterday after the close of the Stock Exchange centred largely on the Government crop report, which was sent over the "tickers" about 4 o'clock. The report indicates for the whole country an average condition of winter wheat on May 1 of 75.3 per cent, against 77.4 per cent on April 1, and 84 per cent on May 1, 1892. The average condition for the last two months in the last four years was as follows:

	1890.	1891.	1892.	1893.
April 1	81.0	90.9	84.2	77.4
May 1	89.0	95.9	84.0	75.3

The average condition reported for the six largest winter-wheat surplus states was as follows: Ohio 88; Michigan 71; Indiana 79; Illinois 62; Missouri 72 and Kansas 51 per cent. The average for the six states was 68.3 per cent against 74.2 per cent on April 1. The report says that spring wheat ploughing on May 1 averaged 75.4 per cent, against an average of 77 per cent for a series of years. The report on the whole was not so unfavorable as had been predicted by the "bears" on stocks and the "bulls" on wheat. The report, of course, represents the result of compilations of investigations which rarely extend later than about April 25. Some brokers argued that the severest damage by floods and bad weather was felt by the crop subsequent to the date of the data supplied to the Washington Department of Agriculture. On the other hand, the weather West in the last few days has been more favorable to the growing cereals and some persons contended that the actual condition of the crop was no worse, even if it were not better, than was represented in the Government figures.

There was a larger record of business in stocks at the Stock Exchange yesterday than on Tuesday or Monday, the total sales amounting to 424,917 shares. But the activity was largely confined to the first and the last hour, through the middle of the day frequent periods of dullness being noted. The feature of the early dealings was renewed weakness in Northern Pacific preferred. The price declined from 34 3-4 to 32 3-4, but the stock then rallied slightly, closing at 33 1-8, against 35 1-8 on Tuesday night. The weakness was ascribed to liquidation started by a Philadelphia house. The consolidated 5 per cent bonds were active and weak. Opening sales were at 60 1-2, against 63 at Tuesday's close, but transactions were instantly made at 58. A rally followed to 61 1-2, but the price soon broke below 59 and finally closed at 58 3-4, a net loss of 4 3-4 per cent. Chicago and Northern Pacific first mortgage bonds fell 1 1-2 per cent to 69. Officers of the Northern Pacific Company were prompt in declaring that the finances of the road were in no immediate embarrassment. It was officially said that there would be no default upon the interest due on June 1, the money being in hand. It is supposed that the company has strength