TO WORK FOR RAPID TRANSIT

THE CHAMBER OF COMMERCE RESOLVES TO LABOR ON THE PROBLEM.

A COMMITTEE OF FIVE CHOSEN TO ACT AT ONCE—R. T. WILSON EXPLAINS HIS PLAN IN DETAIL TO THE MEMBERS—HE REPLIES TO THE MAYOR'S OBJECTIONS.

At the regular monthly meeting of the Chamber of Commerce, held yesterday, the rapid transit problem was discussed, and by the unanimous vote of the Chamber it was decided to take a hand in solving the problem. The following resolution was proposed by John Sloane and carried:

Resolved, That the president be authorized and requested to appoint a Committee of Five, to examine the subject of rapid transit, and report what action, if any, on the part of the Chamber of Commerce, it is advisable to take for the purpose of aiding in the solution of this important problem.

The following were appointed the committee: John Sloane, Alexander E. Orr, John A. Stewart, Cornelius N. Bliss and J. Edward Simmons.

MR. WILSON SUPPORTS HIS SCHEME.

R. T. Wilson then addressed the Chamber in support of the Wilson plan for an underground road. He spoke in part as follows:

In the first place, about a year ago I submitted a suggestion, more than a proposition then, by which I thought this question might be solved. I was recently solicited again to submit a proposition in substantial effect with that which was submitted about a year ago, with the suggestion that it was an opportune time for having any difficulties that may then have existed removed, for, if the plans that were suggested for the raising of the capital were approved by the people of the city of New-York, the constitutional inhibition could and would be removed. That suggestion was not made for the purpose of obtaining the city's credit or aid for a private enterprise, as it has been since termed. I think that is entirely a misstatement of the nature of the proposition. If this is not a public question of sufficient importance to differentiate it from other things, then it is not worthy of our attention and ought not to be encouraged. If it is not that, I am ready to drop it to-day and propose to do so. If it is that, I want the intelligence of this Chamber to help it forward; and I must say that I believe there is no other body so capable of solving any business question more intelligently than the New-York Chamber of Commerce.

Now, assuming that it is not a private enterprise at all, I want to say this: I have assurances of all the capital that is needed from private individuals, on the supposition that the aid of the city is extended. If you ask me why, I say, because it is an adequate plan. It is adequate to do the work. It is reasonable. It is financially reasonable. It promises financial success. It promises security to the city of New-York. It promises, what is better still, an early building of a great underground system of rapid transit, thus solving a problem that is to-day of the first importance to the city and to the future of New-York.

MORE ABOUT THE PLAN.

The President—Does it disturb the streets at all?

Mr. Wilson—Not at all. I do not think it will disturb a single street except where openings have to be made to excavate. I have had estimates made, and I am satisfied that there can be built a system of rapid transit, embracing about seventeen miles, going from the Battery, up Broadway and the Boulevard to Fort George, and also up on the east side of town to a point to be determined upon, for within the sum of $30,000,000. I am satisfied that with the plan that has been suggested it will be very easy to get $30,000,000 from private capital. I have every assurance that I can get every dollar that is wanted. But I have not closed in any copper fastened Wilson syndicate, and I don't want to close it in. I want to leave it open to my fellow citizens, business men whose character and judgment will be of benefit to me in completing this great work.

I think that if this road were built it would be practicable to carry more people in greater safety and in a quicker period of time than by any system that had ever been suggested. In the first place, electricity has come into existence as a power within the last few years. It can not only pull, but it can light and ventilate. Another factor that has come in recently is a comparatively cheap steel. It is practicable now to build a structure from one end of this island to the other of steel, of course, you have to have the excavation. The steel is welded together, so to speak, by electricity, in the tunnel at the time. That is to say, you can weld the rails together, thereby making one continuous joint. It is proposed to grind the surfaces of these rails to a smooth surface. It is proposed to rivet them spikes in them, but it is proposed to rivet them down to the steel tight, so that the whole structure, both the top and the bottom and the wells, except at stations, will be one continuous welded and riveted mass, thereby avoiding any possibility of shaking or careening or disalignment of the track, and with the automatic devices applicable to the working out of the block system with electricity, it can be so arranged that I think we can run trains from one end of this island to the other, making ten stops, in twenty minutes.

HOW TO FURTHER THE AFFAIR.

In respect to using the city's credit alone, I want to say that if private capital will do it, and if it can be gotten together in sufficient amounts to insure success, and not make a breakdown, I should prefer private capital. Therefore, I thought if this Chamber would appoint a committee to take up the matter and co-operate with committees from other like important bodies and with the citizens of this city, and examine the subject and aid in procuring what is necessary to be done, namely, an amendment to the Rapid Transit act, it will greatly facilitate the matter.

Mr. President, I overlooked one thing. The advances by the United States Government to the Union Pacific Railroad has been quoted as a parallel case to the one now proposed to be made. I wish to say a word about that. They follow the same line up to a certain point, but I want to emphasize where they part, and to show wherein this proposition is so different from the method that was adopted by the Government in its advances to the Union Pacific Company as to differentiate entirely in favor of this proposition. In that case the Government loaned its bonds, just as is proposed to be done here. But what were the terms of the security that the Government got? There was a second mortgage lien, subject to a very large first mortgage lien on the individuals who furnished capital. In this case it is proposed that the city of New-York shall have a first mortgage lien to secure it for every dollar of principal and interest, and that the company shall pay it; so that the city of New-York shall never be called upon to lose a cent until the fifteen or twenty or more millions of dollars that is proposed to be raised by individuals shall have been lost.

WHAT THE SOLUTION WOULD MEAN.

If the people of New-York and my fellow-citizens and bankers and business men, whose judgment and probity I entertain the highest respect for, take hold of this matter and believe in it, I think it will be a success. I believe that the intelligence of this business community is capable of solving this great problem when their attention is once directed to it in a proper way. It will make money. I believe it will make a great deal of the money for the people that go in it. It ought to make money. But even beyond that, it will make the city of New-York what it ought to be, the great capital and gateway of the earth, so to speak, of forty-five republics. And what is the future of New-York, if it is handled properly? There is nothing, in my opinion, that is more essential for its proper development than the settlement of this great and all-important question of rapid transit. (Applause.)

On motion of Mr. Thurber, the president was authorized to appoint a committee to represent the Chamber in Washington to endeavor to secure such provisions in the Customs Administration bill as will be safe and equitable for the Government and the importers.

Henry W. Cannon was elected a member of the Committee on Finance in place of George C. Magoun, and Samuel D. Coykendall was elected a member of the Committee on Harbor and Shipping in place of Edward Hincken. Cornelius N. Bliss was elected a member of the Board of Trustees. Samuel D. Babcock and William Walter Phelps were elected honorary members of the Chamber.

MR. WILSON IS NOT DISHEARTENED.

HE SAYS THE DECISION ON THE PLANS RESTS WITH THE PEOPLE—MR. SAGE GIVES HIS VIEWS.

R. T. Wilson was not at all put out yesterday by the Mayor's disapproval of his plan for underground rapid transit. He said that it rested entirely with the people of the city to decide whether or not they desired to have rapid transit according to the Wilson plan, and that if they decided that that scheme was not practicable, he would merely let the whole affair drop. Mr. Wilson does not intend to press the scheme on the people. He offers them an excellent chance to secure rapid transit, and it now remains with them to make a choice.

It is evident that the banking house of John H. Davis & Co., which is preparing a communication to the commissioners on the subject of rapid transit, would be willing to have R. T. Wilson & Co. come into its syndicate. Yesterday Joseph G. Hillam, who is backed by John H. Davis & Co., went to see Mr. Wilson, and tried to induce him to give up the Wilson plan and take up the Hillam plan. Mr. Hillam said that he was getting out patents on his underground plan, and that he would give Mr. Wilson a half interest in them if Mr. Wilson would help him out. Mr. Hillam made several overtures to Mr. Wilson, but they were all refused. Mr. Wilson informed him that he would not abandon his own plan until the people of the city showed their objections to it. John H. Davis & Co. say that they are at work on their plans, and that something will be heard from them soon.

In speaking of the Mayor's disapproval of the Wilson plan, Russell Sage said yesterday: "The Mayor could have taken no sounder position. The whole question simmers down to this: Is the underground system so feasible that private capital can be induced to take hold of it alone? I do not believe private capital can be found to undertake an underground road under the conditions offered. Better terms must be proposed if the Commission wants private capital to take hold of the plan.

"There is but on sensible thing that can be done. Let the authorities grant extensions and improvements to the existing elevated lines. The underground road might be a success, but I doubt it. Trains running at sixty miles an hour would make accidents inevitable. No passenger has ever been killed on the elevated road."

The Rapid Transit Commissioners are working on the Bushe scheme for an independent elevated road, and it will be presented to the Mayor in the course of a few weeks. The Commissioners are not bothered at all by the bill at Albany which proposes to create a new Commission.

THE CONTRACT IS VALID.

J. D. LEARY WILL BEGIN WORK ON THE HARLEM SPEEDWAY AT ONCE.

CORPORATION COUNSEL CLARK RENDERS AN APPROVING OPINION AND CONTROLLER FITCH IMMEDIATELY TAKES STEPS TO HASTEN THE UNDERTAKING—ONLY RESIDENTS OF THE CITY TO BE EMPLOYED.

Corporation Counsel Clark made prompt reply yesterday to Controller Fitch's request of Wednesday for the Corporation Counsel's opinion as to the validity of the bidding on the Harlem River Speedway and of the contract made by the Park Commissioners with James D. Leary, the lowest bidder. Mr. Clark's opinion sustained the legality of the Park Board's proceedings throughout, and advised the Controller to approve the contractor's bond if he is satisfied of the adequacy and sufficiency of his sureties.

Controller Fitch received the Corporation Counsel's opinion at about 3:30 p. m. yesterday. He read it over carefully, and immediately sent for the bond of Mr. Leary, the contractor. He found it in due form, and the sureties satisfactory. In less than ten minutes afterward the Controller's signature had been affixed to the papers and they were sent forthwith to the offices of the Park Department in the Emigrant Savings Institution. There is nothing now in the way of Mr. Leary's putting as many men at work on the speedway as he can employ to advantage. He said yesterday that he would have 500 men at work within twenty-four hours. Controller Fitch said that he would order the issuing of the necessary bonds without delay.

The contractor's sureties are John Good and John G. Moore, of the banking firm of Moore & Schley. Mr. Leary and Mr. Good are the sureties on the bond of John D. Dailey, to whom Commissioner Andrews gave the contract for carrying off the street refuse, now declared illegal and invalid.

On the subject of the second sidewalk for which Commissioner Dana has so manfully contended and which is provided for in the act of the Legislature, Mr. Clark says:

"While I think that the second sidewalk may be constructed as a modification of the present contract, yet it is not necessary at this time to decide that point, because if the necessary changes and modifications cannot be made under the present contract they can easily be so made under a new contract, which will in no way interfere with the present one."

The Park Board held a meeting yesterday at which Contractor Leary said that he was ready to start in with the first section of the speedway as soon as he received the necessary orders. He would have 2,000 men at work within a fortnight. Mr. Leary said that every man employed should come from inside the city limits, and that he could get 5,000 to-morrow who live within half a mile of the spot where the work will begin.

A resolution was adopted approving the bill before the Legislature appropriating $30,000 for completing and equipping the new wing of the Museum of Natural History.

In executive session the board ordered the advertising for bids of the second section of the speedway. In order to facilitate matters only ten days' time will be given, instead of fifteen, for the filing of bids.

Superintendent Parsons and Engineer Kellogg were directed to prepare a detailed report of all work that can be done under the $1,000,000 bill pending in the Legislature, to be submitted to the Board on Thursday, to which day an adjournment was taken.

IMPROVEMENT IN THE IRON TRADE.

THE RESULT OF A BELIEF THAT THE WILSON BILL IS A DOOMED MEASURE.

Cleveland, Feb. 1.—"The Iron Trade Review" says to-day: The improvement in the iron trade shown in increasing sales has continued the past week, and there is a more general disposition to concede the betterment. Prices, however, are just as low as in the week preceding. It may be that the hopes of sellers have some influence upon their judgment, but the belief is expressed that some of the buying seen in the last ten days is the result of the conviction that the depth of the market has been reached and that the first signs of hardening prices may be looked for very soon. Pittsburg and Eastern markets report an increased tonnage in the week just ended, both in raw and finished material. Pig iron has shown only slightly increased inquiry, but in soft steel billets Eastern inquiry has led to several good-sized sales at Pittsburg, ranging from 1,000 to 4,000 tons. The price was in the neighborhood of $19.50, but there is a report that $19.25 was touched in one transaction. It is believed billets are lower in quotation than other material, and that this department of the market will be one of the first to recover.

Rolling mills and steel plants are struggling for work, and the increasing consumption of their product has not yet began to tell in eating the appetites of price-cutters. There is a disposition to think that the activity lately noted is due to the strengthening impression that the Wilson bill cannot pass the Senate and that the present session, at least, will see no change in the McKinley act.

THE SPRAGUE-SCHUYLER COMPANY FAILS

The Sprague-Schuyler Manufacturing Company, makers of laundry machinery at No. 122 Liberty-st., made an assignment yesterday to Robert S. Green, jr., of Elizabeth. The company is a New-Jersey corporation, of which A. V. M. Sprague is president, and C. H. Mathews, treasurer. It recently erected a factory at Lafayette, Jersey City. The company was incorporated May 1, 1888 with a capital stock of $50,000, and succeeded to the business of the Laundry Machine and Supply Association, of Rochester, in which business Benjamin F. Schuyler was interested, he becoming secretary of the new company. Ex-Judge W. A. Sutherland, of Rochester, was the president of the company when it started. In December last it was said that the company would be reorganized soon with an increased capital.

The liabilities are reported to be about $20,000, and assets probably $5,000. About a week ago the company gave a bill of sale on machinery to A. V. M. Sprague and B. F. Schuyler for $1.

A BIG ATTACHMENT AGAINST A COMPANY.

The Sheriff has received an attachment for $26,500 against the Raub Locomotive Works, a West Virginia corporation, in favor of John L. White, of Jamestown, N. Y., damages claimed for alleged breach of contract. Mr. White says that by a contract dated May 6, 1893, that he is entitled to 10 per cent on all cost-sheets, discounts, quotations, subscriptions and sales of stock and benefits to the company as the result of his efforts to procure a site for the factory of the company. He says that he procured a site at Mayville, Chautauqua County, and secured subscriptions of $15,000 from the citizens to the stock of the Raub Improvement Company. He claims $20,000 as his percentage of the stock of the company, $4,500 on the subscriptions and $3,000 for donations of land to the Raub Improvement Company. D. Christian Raub, the inventor of the locomotive which bears his name, is said to be a resident of St. Louis.

EVIDENCE OF BRIBERY GIVEN.

COLORED WITNESSES TESTIFY THAT THEY RECEIVED MONEY TO VOTE THE DEMOCRATIC TICKET.

There was important evidence disclosing bribery given yesterday before the Assembly committee investigating the election in the VIIth Assembly District of Kings County, where Stillman F. Knoeland is contesting the seat awarded to William Hughes upon the face of the returns by a majority of 87. There are many colored voters in some of the districts of the Ninth Ward. Stephen Mingo, a colored voter, testified that on Election Day he received $3 for voting the Democratic ticket. A man named McCabe made him the offer. After voting, he received a ticket from Thomas Farrell, and presented it at the Democratic headquarters in the ward and got the money. He knew twenty or thirty other colored men, he said, who were paid for voting the Democratic ticket. He had understood the money came from ex-Alderman Daniel O'Connell. The witness had given similar evidence before the Grand Jury.

George W. Jones, another colored man, testified that Daniel O'Connell paid him $6 for getting a list of twenty-four colored men in his neighborhood, and the formation of the Richard Drivers Colored Democratic Association. He had been asked to vote a second time on Election Day, but had refused. He knew a number of colored men, he added, who voted several times for the Democratic candidates, and gave their names.

Joshua P. Lee, colored, testified to seeing a man who was not Cato Jackson voting under that name. He had found a number of cases of illegal registration.

William L. Allen, jr., gave evidence in regard to fifteen men who asked for assistance in voting in his district, on the ground of blindness, who were not blind. A number of other witnesses gave like evidence. The hearing was not ended.

A DENIAL FROM MRS. STANFORD.

San Francisco, Feb. 1.—Mrs. Stanford, through her butler, last night denied the story that a mob had attacked her car while it was standing on a side-track at Vina, Saturday night. She said some drunken men had been near the car, and had done some shooting when at a considerable distance from it, but the shots were not supposed to have been directed at the car, and no attempt had been made to break in.

THE COURTS.

MR. GRANT TO PAY PART OF THE MONEY.

THE RECEIVER OF THE ST. NICHOLAS BANK TO GIVE UP CERTAIN AMOUNTS COLLECTED ON CHECKS DEPOSITED THE DAY BEFORE THE FAILURE.

Justice Barrett, in the Supreme Court, Chambers, yesterday, gave a decision upon the applications made to him by creditors and depositors of the St. Nicholas Bank to compel Hugh J. Grant, the receiver, to pay over to them money collected by the bank upon checks deposited the day before the failure, it being alleged, in one or two instances, that the officers of the bank knew at the time that the institution was insolvent, and that it contemplated closing its doors. Upon the application of Levi C. Lathrop, the Judge decides that Mr. Grant should be instructed to pay the amount of certifications in question—$71,741 80. If, however, Mr. Lathrop claims a larger amount, a reference must be ordered. The Judge says that there can be no doubt that the checks deposited on December 29 last became the property of the bank, nor could there be any doubt as to the relation of the parties with regard to certification made to the bank upon the same day. The legal effect of such certifications was to transfer the obligation of payment to the bank. The latter then became debtor to the holders of the checks, and its debts to the depositors were correspondingly reduced.

The application of Nathan L. Beers, banker and broker, is granted so far as to require the payment by the receiver of $26,175. The motion of Julius A. Kohn, a depositor, was for the payment to him of $21,387. His application, so far as it proceeds on the ground of fraud, was denied, as there was no proof that his deposits were received in contemplation of insolvency on the part of the bank. "There is, as a matter of fact," says the decision, "no proof of insolvency, and no proof that the officers of the bank were aware of the conclusion arrived at by the Banking Superintendent. His application is denied except as to the certified check of George W. Balch for $9,824, which Mr. Kohn has taken up. The court holds that he is entitled to the payment of this sum as the assignee of Mr. Balch. As to the balance, he may renew his application upon further papers or bring an action against the receiver if he is so advised."

Decker, Howell & Company's motion for the recovery of $19,500 is denied, with leave to apply again to the court after the insolvency of the bank shall have been adjudicated upon. They may apply, if so advised, for leave to bring an action against the receiver. This application is denied upon the same grounds as that of Mr. Kohn.

A similar motion in behalf of Adam Dutenhoefer to recover a $1,000 check is denied because no fraud is shown.

FAYERWEATHER WILL CONTEST CLOSED.

MARCH 6 SET AS THE DAY FOR FINAL ARGUMENT AS TO THE DISPOSITION OF THE MILLIONS OF THE RESIDUARY ESTATE.

The triangular fight over the millions left as a residuary estate by Daniel B. Fayerweather was continued in the Supreme Court before Judge Truax yesterday. The first witness called was Franklin E. Myrick, who was private secretary of Mr. Fayerweather, and who now acts in the same capacity for the residuary legatees. He was recalled to testify that the executors had paid Mrs. Fayerweather's bills from the date of her husband's death until March 5, 1893, and that these bills were not charged against her annuity. Mrs. Reynolds had testified that she was not out of Mr. Fayerweather's room on November 15, 1888, the day Mr. Fayerweather died, except when she went to the dining-room and the kitchen with Mr. Vaughan. Mr. Myrick testified that he called at Mr. Fayerweather's house during the afternoon and spoke to Mrs. Reynolds in the parlor.

Colonel James called John C. Baylor, a colored servant, who said he was positive that Mr. Myrick did not call at the house that day. Judge Truax cut this line of testimony short by saying that he had made up his mind that Mr. Myrick had called at the house that day.

John L. Van Schaick, who was appointed by the Surrogate to appraise the value of the estate, gave testimony as to the inventory prepared by him. Mr. Root then offered in evidence portions of the testimony given by Mr. Vaughan at the trial before the Surrogate, which appeared to be in conflict with his evidence in this trial. Mr. Parsons then offered in evidence Mr. Vaughan's sworn statement to the Surrogate, which he argued that the burden of proof rested with the plaintiffs, that the relatives must show conclusively wherein the alleged undue influence set up in the complaint existed. Excluding Arnoux and Haley Fiske argued that the plaintiffs had estopped themselves from any claims upon the estate by signing a general release. Mr. Parsons said that to be fair to both sides ex-Surrogate Rollins's and his own speeches should be admitted. "No, I object," put in Colonel James, "to the admission of Mr. Parsons's speech because he has termed it 'but a feeble effort.'"

The case was then declared closed, and Judge Truax set Tuesday, March 6, as the day for final argument. A motion was then made in behalf of the New-York Medical College and Hospital for Women for an extra allowance, under the will. Judge Truax took the papers and reserved his decision.

MR. POWERS REMOVED AS RECEIVER.

Judge Truax, of the Supreme Court, has removed Thomas F. Powers from the receivership of the American Steam Boiler Insurance Company, and appointed in his place Henry S. Ward, who is required to furnish a bond of $5,000. Mr. Powers, one of the directors of the company, was appointed when proceedings were taken by the Attorney-General to wind up the affairs of the corporation because it had not transacted business for over a year. The court was asked to remove Mr. Powers and appoint a disinterested person, because it would become the duty of the receiver to investigate thoroughly the condition of the company in order to ascertain whether proceedings should be taken against the former officers of the company, either for the misappropriation of money, the improper investment of money, or the improper loss of money. Judge Truax said that there was no reflection upon Mr. Powers as an individual, and if it were not for the fact that he might be liable as a director of the old company he would be the best person to wind up the company's affairs.

JOHN ANDERSON'S ESTATE IN COURT AGAIN.

Litigation has begun anew in the Supreme Court over the millions left by John Anderson, who died in Paris in 1881. His estate was estimated at $10,000,000. A number of suits were brought by his heirs against his only son, John Charles Anderson, to whom he left most of his fortune. Nearly all these suits were settled by the payment of large sums of money. The present action is brought by Walter S. Carr, whose wife, Mary L. Carr, was a daughter of John Anderson. She died in 1887. Mr. Carr lives at Hartford, Vt. The object of the suit is to set aside a judgment which was entered by Judge Dykman on January 21, 1888, in Westchester County, declaring the will of John Anderson valid and enjoining Mr. Carr from contesting it. John J. Leary is the counsel for Mr. Carr. Upon his statement that John Charles Anderson was a resident of New-Haven, and could not be served with the papers in this State, Judge Lawrence yesterday granted an order for the service of the summons upon Mr. Anderson by publication.

ANSWERS IN THE BLAIR WILL CONTEST.

Affidavits in answer to those submitted by the contestants in the Blair will case were filed yesterday, in the Surrogate's office, by James O'Neill in behalf of the executors. The contest was begun on Wednesday, when William E. Blair filed notice that he and other relatives would contest the will of his uncle, Lewis R. Blair, who at one time had charge of the barber shop in the Astor House, and who left an estate valued at $200,000, the most of which was bequeathed to Sergeant William Blair, with whom the testator lived, at No. 122 West Nineteenth-st. The nephews allege that undue influence was used by the Police Sergeant and his wife. The Sergeant, in his affidavit, denies that he influenced the testator in any way. He denies that he ever was addicted to drink, and denounces the statement that he and his wife denied the dead man the offices of a priest at the hour of his death as false and malicious. He denies that his wife is a beneficiary in any way. Affidavits of friends and neighbors of the executor, who have known him for twenty years and over, testify to the Sergeant's good character and thorough sobriety.

TO EXAMINE DR. HOUGHTON AT HOME.

There was another hearing yesterday before Surrogate Fitzgerald upon the question of compelling Charles A. Chesebrough to file an accounting of his trust as trustee of the estate of his mother, Margaret Chesebrough, who died in 1860, leaving property worth nearly $1,000,000, which has greatly increased in value since. The proceeding was begun by Mrs. Mary Brandies, the daughter of Mrs. Anna Chesebrough, the alleged widow of Charles A. Chesebrough, jr., the son of the trustee. The question which has arisen in the present proceeding is whether Mrs. Anna Chesebrough is in reality the widow of Charles A. Chesebrough, jr. She was married to Chesebrough many years ago by the Rev. Dr. Houghton, of "The Little Church Around the Corner." Dr. Houghton was expected to appear yesterday and testify. He was not present. He sent a letter to Surrogate Fitzgerald in which he informed the Surrogate of his inability to appear in court owing to his weak condition. He said that he hoped that the Surrogate would send a notary to his house, as he would give testimony there gladly. It was agreed to take the testimony of Dr. Houghton out of court.

COURT OF APPEALS CALENDAR.

Albany, Feb. 1.—The Court of Appeals day calendar for to-morrow is Nos. 121, 129, 129, 26 and 26.

A PROTEST BY BONDHOLDERS.

Root & Clark, in behalf of the second mortgage bondholders of the New-York and New-England Railroad Company, yesterday filed a protest in the United States Circuit Court against Judge Wallace's order of January 23, confirming the appointment of Thomas C. Platt and Marsden J. Perry as receivers of the company. The protest is based on the refusal of Judge Wallace to consent to all the amendments to the original order asked for by Theodore F. Wood, the complainant in the action, and on the conferring upon the receivers the authority to pay traffic balances and vouchers. The complainant Wood holds, in behalf of the second mortgage trustees, that the provisions of Judge Wallace's order may hereafter be made the basis of charging a paramount lien upon the property subject to their mortgage.

COURT CALENDARS FOR TO-DAY.

Supreme Court—General Term—Recess.

Supreme Court—Chambers—Before Lawrence, J.—Court opens at 10:30 a. m. Motion calendar called at 11 a. m.

Supreme Court—Special Term—Part I—Adjourned for the term.

Supreme Court—Special Term—Part I—October, 1892, term—Adjourned until the first Monday of March.

Supreme Court—Special Term—Parts II and III—Adjourned for the term.

Circuit Court—Part III—Adjourned until Saturday, February 3.

Circuit Court—Parts I, II and IV—Adjourned for the term.

Superior Court—Special Term—Before Dugro, J.—Motions.

Superior Court—General Term—Adjourned sine die.

Superior Court—Equity Term—Adjourned for the term.

Superior Court—Trial Term—Part I—Adjourned for the term.

Superior Court—Trial Term—Parts II and III—Adjourned for the term.

Surrogate's Court—Chambers—Before Fitzgerald, S.—Motion calendar called at 10:30 a. m. Wills for probate: William Harris, Ann Lang, Bertha Schmidt, John E. Lasch, Lewis R. Blair, Henry P. Donnelly, Ann Cannon, Max Schwarz, John Froesche, Adeline Reilly, Karolina Muller, Anna R. Gerken, Robert H. Dunning, at 10:30 a. m.

Surrogate's Court—Trial Term—Before Arnold, S.—No day calendar.

Common Pleas—Special Term—Before Pryor, J.—Motions.

Common Pleas—General Term—Adjourned until the first Monday of February.

Common Pleas—Equity Term—Adjourned for the term.

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

City Court—Special Term—Before Conlan, J.—Motions.

City Court—General Term—Adjourned for the term.

City Court—Trial Term—Parts I, II, III and IV—Adjourned for the term.

A FIGHT IN A BROADWAY CABLE CAR.

TWO WELL-DRESSED YOUNG MEN, ACCOMPANIED BY WOMEN, INSULTED BY THREE RUFFIANS—THEY GET THE BETTER OF THE "TOUGHS."

A free fight between two well-dressed young men and three young ruffians occurred on a Broadway cable car at Thirty-first-st. shortly before 3 o'clock yesterday afternoon and resulted in the belligerents being marched to the West Thirtieth-st. police station, where one of the "toughs" charged the "swells" with assault. The last-named, who said they were Louis V. Mason, a broker, and William G. Green, an importer, both living at the Colonnade Hotel, boarded the cable car above Thirty-fourth-st. with two well-dressed women. Three roughly dressed young men, who had evidently been drinking, followed them on the car and one of the men staggered, and, pretending to stumble, fell into the lap of one of the well-dressed men, who politely assisted him to rise. The "tough" then began abusing the men and their woman companions, and at Broadway and Thirty-first-st. one of the "roughs," who later gave his name as "Steve" O'Brien, was knocked down.

O'Brien and his friends then attacked Mason and Green, but were getting well pummelled by them when a policeman who had heard the screams of the women, jumped on the car. O'Brien promptly charged Mason and Green with assaulting him, and insisted on their being arrested. Both men denied the assault and protested that they had simply protected themselves and their friends from insult. The policeman suggested that the easiest way was to go to the station and have the sergeant settle the dispute. Mason and Greene agreed to this, and, requesting the conductor to see their women friends safe to the Colonnade, accompanied the policeman to the Thirtieth-st. station, accompanied by O'Brien and his friends.

Sergeant Flannery, after hearing the story of how O'Brien and his friends behaved, dismissed the complaint, and ordered O'Brien out of the police station.

MEETING OF EXCISE REFORMERS.

ADVOCATES OF HIGH LICENSE SCORE PROHIBITION AS IMPOSSIBLE—OFFICERS ELECTED.

The West Side Excise Reform Association held its annual meeting last evening at St. Agnes's Church, No. 121 West Ninety-first-st. The pastor, the Rev. Dr. F. A. Bradley, presided. The Rev. Dr. John Balcom Shaw spoke upon the work of the association for a possible high license, instead of impracticable prohibition or the present excise laws. He attacked Tammany bitterly, asserting that its corrupt alliance made the liquor-dealers practically free of any regulation.

Richard Watson, the president of the Excise Reform Association, told about the work of that body. Nothing, he said, was to be hoped from Albany.

The annual election resulted in the choice of the following officers: President, the Rev. Dr. F. A. Bradley; vice-presidents, Father Galligan, the Rev. John B. Shaw; secretary, T. A. Fulton; treasurer, S. P. Carnichael; executive committee, Royal S. Crane, Louis Ansenbury, W. H. Elliott, Henry R. Elliott, Hilant Powers, the Rev. J. A. Francis, C. E. Gildersleeve, William B. Harrison, the Rev. Richard Hartley, Herbert R. Kinney, the Rev. John P. Peters, the Rev. E. S. Tipple.

JOHN G. WALKER AN ADMIRAL.

THE SENATE CONFIRMS THE NOMINATION—HIS LONG AND ACTIVE SERVICE.

It is no longer "Commodore" nor "Acting Rear-Admiral," but it is Rear Admiral John G. Walker, his promotion having been confirmed by the Senate yesterday, and dating back to January 22, the time of the retirement of Rear Admiral Belknap. Yesterday Admiral Walker received many congratulations on the promotion. Admiral Walker was born in New-Hampshire, on March 26, 1835, hence he will have a little more than three years of active service before him before he reaches the retiring age. He was appointed a midshipman in the Navy on October 6, 1850, from Iowa. His first four years in the Navy were served on the sloop Portsmouth in the Pacific Squadron, where he received a practical education at sea, and at the same time pursued academic studies. Then he went to the Naval Academy for a year, and graduated a passed midshipman. From that time until the Civil War he served in the Brazil Squadron.

He began active war service in 1861, and was at the passage of Forts Jackson and St. Philip, the Chalmette batteries, and the capture of New-Orleans; the operations against Vicksburg in the summer of 1862, including the passage of batteries both ways. When promoted to lieutenant-commander on July 16, 1862, he received command of the impressed branded Baron de Kalb, with which he was in the engagements against Vicksburg, Haines's Bluff, Arkansas Post, Yazoo Pass expedition, Fort Pemberton, capture of Yazoo City, etc. He commanded the Naval battery in the Fifteenth Army Corps at the siege of Vicksburg. He then continued in active service in the fleets until the close of the war. He was secretary of the Light House Board from 1873 to 1878, Chief of the Bureau of Navigation from 1881 to 1889, and commanded the Squadron of Evolution in 1889 and 1890. At present he is chairman of the Board on Stability, and president of the Board of Inspection and Survey. His promotion advances Captain Lester A. Beardslee to the grade of commodore.

DISCORDANT STRAW BOARD MEN.

Chicago, Feb. 1. The annual meeting of the stockholders of the American Straw Board Company was held at the Auditorium to-day, with President Barber in the chair. The annual reports submitted by Vice-President J. H. Swinarton showed that the assets, including real estate, aggregated $7,737,000, and that the liabilities, including capital stock and $370,000 of undivided profits reached the same figure. The aggregate amount of capital stock is $6,000,000. The net earnings for the year ending December 31 were $412,176.56, or 5.3 per cent on the capital stock.

After the statement had been read President Barber made an address, which was interrupted by a continuous fusilade of questions. Director Newcombe, he said, had claimed that the company was going to the devil. Mr. Barber did not believe this. The company was paying all its fixed charges and the interests on its bonds and was keeping the property in good condition. Not much more could be expected when the company was passing through the worst financial crisis in the history of the world.

At the afternoon session Mr. Barber and Secretary J. H. Swinarton were compelled to enter into a detailed defence of the company's business, and Treasurer Moore demanded an investigation of his accounts. A big fight was brewing, when General Thomas, of New-York, advised against a discussion that could do no one any good, and an adjournment was taken to to-morrow.

THE UNDERGROUND "CELL" AT ELMIRA.

Elmira, N. Y., Feb. 1.—The alleged underground dungeon at the Reformatory figured prominently in the proceedings at the investigation into the management of the institution to-day. Witnesses for the prosecution had told of a dark, damp cell beneath the foundations of the prison. No one had been found who could testify to being locked in the cell, but the prosecution asserted that it was employed by Superintendent Brockway for the confinement of bad boys. The defence denied the existence of an underground cell in the entire institution. Their witnesses admitted that there is an old coal hole about ten feet below ground and between the foundation walls, which has a grated iron door and bears some resemblance to a cell. The defence said that this was formerly a passageway, and was closed up by the erection of a new building. The iron door, they said, was put there to prevent the escape of inmates. All of the keepers who testified for the defence swore that inmates were never locked in the place, and there were no iron rings or bars there to which they were chained. In order to clear up the mystery of the alleged cell, Secretary Fanning, of the committee, and Mr. White, of the prosecution, visited the place this morning. They found the room practically as described by the defence. It adjoined the coal hole, and had two small grated windows that may have served as coal chutes. There were no indications of the place having been used for the confinement of prisoners, but they were not convinced that it was not constructed for that purpose.

NEW PUBLICATIONS.

A WORK FOR ANGLERS.

THE FISHES OF NORTH AMERICA THAT ARE CAUGHT ON HOOK AND LINE. By William C. Harris. Illustrated. Parts I, II, III. Harris Publishing Company, New-York.

The plan of this work is such that if successfully carried out it will be an important one to those interested in fishing by hand in any of its branches. The form is a large folio, so that the completed text will contain a notable amount of matter. There are to be forty monthly parts in all, each containing besides the letter press two large-sized (twelve by eighteen inches) faithful lithographic reproductions in color of portraits of fish, painted in oil from the living creatures, or from specimens freshly caught by the author. To insure faithful portraiture the painter accompanied Mr. Harris on his angling excursions and made the pictures on the spot, using as many specimens as necessary to insure specific likeness.

The author states his aim to be to make "a popular textbook and kindergarten study for the angler," accomplishing this end not only by the portraits, but by "full biological notes on all the fishes that are objects of pursuit by the angler in American waters." In the numbers before us these comments are not begun, their place being taken by prefatory matter, viz.: A general introduction, "Introduction to the Study of Ichthyology" and remarks on "The Classification of Fishes" both adequate to the scope of the work; a judiciously brief chapter on "The Distribution of Fishes," and another equally good on the "Qualities of an Angler, His Tackle and Outfit." Mr. Harris has had unusual opportunities as editor of "The American Angler," as well as a travelled angler, to collect the information which should make the more specific parts of the work of sound value.

The portraits accompanying the first three parts are: The Rocky Mountain trout, the rainbow trout, a hybrid trout, the pike, the unspotted muscalonge of Wisconsin, and the yellow perch.

Any one familiar with the subject is aware of the extreme difficulty of properly representing a fish, even if color be not attempted. The firm suppleness, the rounded forms, with the sharp definitions which prevent all "pudginess," the coloration of the skin, enlivened by the scaly layer as with enamel, and the glints on the scales themselves make a problem for even the cleverest painter of still life. To preserve all these things and keep anatomical accuracy is out of the question in a work like this. But if maplike accuracy of contour and of coloration be obtained the plates will be most useful for identification of species, even if in artistic merit and in lifelikeness of appearance they have something to be desired.

New Publications.

FEBRUARY "BLUE AND GRAY" out today. Reduced to 10 cts. At newsstands, or of Patriotic American Magazine Co., Philadelphia.

Twentieth Edition, post paid, for 25c. or stamps. THE HUMAN HAIR: Why it Falls Off; Turns Grey, and the Remedy. By Prof. HARLEY PARKER, A. M. LONG & CO., 1013 Arch St., Philadelphia, Pa. "Every one should read this little book."—Athenaeum.

Instruction.

For Young Ladies—City.

AT FRENCH ACADEMY, 853 Broadway.—Prof. Berger, from Paris; French instruction, no advance payment; daily conversation classes, 50c. Book "French Conversations" for sale, 25c.

BOARDING AND DAY SCHOOL FOR GIRLS, NO. 607 5TH-AVE. Rev. Dr. and Mrs. CHAS. H. GARDNER, Principals.

MADEMOISELLE VELTIN. SCHOOL FOR GIRLS. FIREPROOF SCHOOL BUILDING. 160 and 162 West 74th-st.

MISS GIBBONS' SCHOOL FOR GIRLS, 55 West 47th-st.—Mrs. SARAH H. EMERSON, Principal. A few boarding pupils taken.

THE MISSES ELY'S SCHOOL FOR GIRLS, RIVERSIDE DRIVE, 85TH and 86TH STREETS, NEW-YORK.

THE CATHEDRAL SCHOOL OF ST. MARY, GARDEN CITY, N. Y. Advantages of New-York. Special instruction in Music and Art. College Preparatory and Elective Courses of Study. Engagements now for September, 1894. Miss JULIA H. FARWELL, Principal.

THE MISSES MERINGTON announce a course of lessons in the study of Shakespeare, to be given at their School