New-York Tribune.

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FEARS OF WAR DISPELLED.

RUSSIA APPEASED BY JAPAN.

SHE EXPRESSES SATISFACTION WITH THE CONCESSION OBTAINED.

PEACE ENVOYS ASSEMBLED AT CHE-FOO TO EXCHANGE RATIFICATIONS OF THE TREATY—A SCORE OF FOREIGN WARSHIPS ALSO THERE —JAPAN MAY GET AN INCREASED INDEMNITY IN EXCHANGE FOR THE LIAU-TONG PENINSULA AND MAY ANNEX PART OF MANCHURIA TO COREA.

St. Petersburg, May 7.—The "Journal de St. Petersburg," the semi-official organ of the Russian Government, commenting on Japan's abandonment of her claim to permanent occupation of the Liau-Tong peninsula, says that this action dispels all fears arising from the situation in the East. "This wise decision," the article continues, "only tends to render secure the position which the victor owes to her successes, and earns for her the esteem of civilized nations, which hope to see Japan heal the wounds that war inflicts and resume the work of strengthening and increasing her industrial resources."

Paris, May 7.—The European edition of "The New-York Herald" to-morrow will contain a dispatch from Tokio, under date of to-day, saying that Japan, on the exchange of ratifications to-morrow, will agree to surrender Port Arthur and part of the Liau-Tong peninsula to China in consideration of the payment of 100,000,000 taels. Japan may also annex to Corea that part of Manchuria which is left to her. It is believed that this perfectly satisfies Russia and insures peace.

"La Lanterne," in an article on the result of the protest against Japanese occupation of Chinese mainland territory, says:

Russia has duped France unless she returns the service in Egypt which we rendered to her in Pe-Chi-Li.

The "Figaro" says:

The peaceful success of the protesting Powers in regard to Japan's conquests in the East makes France's position in connection with the coming celebration at Kiel of the opening of the Baltic Sea Canal much less burdensome, both morally and politically.

The "Matin" congratulates France on the success of the protest, but severely comments on the attitude of the American and English press in the crisis.

THE GATHERING AT CHE-FOO.

London, May 7.—A dispatch from Shanghai to the Central News says that all the Chinese and Japanese peace envoys have arrived at Che-Foo, where the ratifications of the treaty of peace are to be exchanged. The dispatch also says that a score of foreign warships are now at Che-Foo.

"The Times" to-morrow will print a dispatch from its St. Petersburg correspondent, saying that military preparations in the East have been suspended by telegraphic orders. Russia is evidently glad, he says, to escape from her awkward position.

"The Times" says it is reported that, in consideration of her abandonment of all claims to the Liau-Tong peninsula, Japan will receive an additional indemnity of £10,000,000.

A dispatch from Yokohama to "The Pall Mall Gazette" says that, yielding to the representations of the Powers, Japan has unconditionally abandoned her claim to the Liao-Tong peninsula.

A dispatch to a news agency from Shanghai says that the Chinese Emperor has sent an autograph letter to the Czar, and another to President Faure, asking Russia and France to assist China in bearing her war expenses, and promising special commercial advantages in return.

Sir Edward Grey, replying to a question in the House of Commons to-day, by Sir Ellis Ashmead Bartlett, said that the Government understood that an arrangement had been arrived at between certain Powers by their negotiations with Japan, but could not add any information to what had already been published in other quarters.

"The Standard" to-morrow will print the following from its Berlin correspondent:

There is reason to believe that Japan will not hold any position on the Chinese mainland pending the payment of the war indemnity, but will rest satisfied with the support of the Powers. It is rumored that the Chinese indemnity loan will be issued at 102, with interest at 6 per cent. The Emperor of China intends to send a special mission to the Czar, Emperor William and President Faure to convey his thanks for their intervention in the peace negotiations.

Hamburg, May 7.—The "Hamburger Nachrichten" says:

As Germany had no interest in the questions of territory involved in the treaty of Simonoseki, she must have had secret grounds for interference. Germany's active policy was premature and unnecessary. The declaration of a benevolent neutrality would have fully proved her laudable desire to do a service for Russia.

AMERICA'S PART IN THE NAVAL DISPLAY.

Washington, May 7.—Dispatches received at the Navy Department to-day from Admiral Carpenter's fleet indicate that the United States will be well represented at Che-Foo by the end of this week, especially if any complications arise over the ratification of the peace treaty. The flagship Baltimore left Yokohama yesterday for Nagasaki, which is nearly half way to the scene of ratification, and the cruiser Yorktown left Chin-Kiang for Che-Foo, where she should arrive in three days. The Machias is already at Che-Foo, and the Detroit is only a day's run distant, at Chemulpo. The Charleston, which left Che-Foo last week for coal, is at Nagasaki, and is expected to return to her former station the latter part of this week. Therefore, if occasion arises, Admiral Carpenter will have five of his best ships at Che-Foo by the end of this week.

GOING TO FIGHT THE BLACK FLAGS.

BUT THE TROOPS CHINA WILL SEND TO FORMOSA ARE LIKELY TO JOIN THE ENEMY.

London, May 7.—A dispatch from Hong Kong to "The Pall Mall Gazette" says that the Chinese Government will send 5,000 troops from Canton to Formosa to suppress the Black Flags, who are opposing Japanese occupation of the island. The troops are not regarded as faithful, however, and are thought likely to join the Black Flags after their arrival in Formosa.

HYPNOTIZED BY MRS. LEASE.

Topeka, Kan., May 7.—At an investigation which is now being held of the officers of the State Insane Asylum, yesterday, Mrs. Mary Lease, the woman politician, gave an exhibition of her hitherto unknown power as a hypnotist. During the proceedings Mrs. Lease, without announcing her purpose, walked across the committee-room to where J. L. Flint, an attendant at the asylum, was sitting, and made a pass of her hand before his eyes. Flint appeared to be asleep. Mrs. Lease made him do all sorts of things, ridiculous and otherwise, and finally brought him out of his trance with a few passes of her hands.

THE SPLIT IN THE ORDER OF ELKS.

Baltimore, May 7.—The controversy which began a year ago in the Order of Elks has reached a crisis. Grand Exalted Ruler Edwin B. Hay to-day gave to the United Press a copy of an official circular, which will be forwarded to and read in all the lodges of the United States, in which it is stated that "any subordinate lodge or lodges refusing allegiance to the Grand Lodge, defying its authority, attempting or claiming to exercise the rights and functions of Elks by virtue of any pretended authority from any other power or body, shall be deemed guilty of treason to this Grand Lodge."

All lodges that have elected a delegate to go to Buffalo are requested to reconsider their action and reaffirm allegiance to the Grand Lodge, which will meet in annual session at Atlantic City, N. J., on July 8.

REVOLUTION IN ECUADOR.

THE RANGER HURRYING THERE TO PROTECT AMERICAN INTERESTS.

STATE DEPARTMENT OFFICIALS SUPPRESSED THE NEWS AT LEAST TEN DAYS—THE REVOLT SAID TO BE WIDESPREAD AND WELL ORGANIZED.

Washington, May 7.—The United States cruiser Ranger left Buena Ventura on May 2 under cable orders to proceed with all possible dispatch to Esmeralda for the protection of American citizens and property endangered by the revolution which has begun in Ecuador. The State Department was in possession of news of this revolt at least ten days ago, but the facts have been until to-day successfully withheld from the public. The naval authorities frankly say, however, that on the request of the State Department urgent instructions were sent to Commander Watson, of the Ranger. J. D. Tillman, the new American Minister to Ecuador, left Washington on April 10 for his post at Quito, the capital, and should be in Guayaquil by this time.

The provinces of Canar and Los Rios, where the rebels are strongest, are between Quito and Guayaquil, and it is not likely that Minister Tillman has been able to leave the coast. The present revolution has been anticipated by the Government of Ecuador for the last three or four months, and according to private letters received here was expected to be more serious than Latin-American revolts usually are. The latest cable news shows that the uprising is general, extending to all the important provinces near the coast, and that it is exceedingly well organized.

Late this afternoon the State Department admitted that there was a likelihood of trouble in Ecuador, but refused to state whether or not a revolution had broken out. Acting Secretary Uhl gave out this statement, which embodied all he cared to say:

The Ranger was ordered to Ecuador at the request of this department because convinced by representations made by Americans having interests there that it would be wise to do so.

ENGLAND HAS SET A PRECEDENT.

HAVING PUNISHED NICARAGUA, SHE MAY TURN HER ATTENTION TO OTHER SMALL AMERICAN REPUBLICS.

Washington, May 7.—Members of the Diplomatic Corps representing Central and South America generally express the opinion that Great Britain's recent action against Nicaragua establishes a precedent which will be followed by similar action toward other Latin-American countries. There is consequently talk of a Central and South American alliance against foreign nations.

It was intimated in "The London Financier" some time ago that Great Britain will next turn her attention to Honduras and compel her to make some arrangements looking to the settlement of the interest and principal of the bonds floated in London twenty-five years ago, to construct a line of railway 240 miles long through that Republic. Guatemala also owes a debt, but of much smaller size, in London, and some of the South American countries have similar claims against them held by British and other European nations. South and Central American republics assert, in most cases, their inability to meet these demands, and a state of genuine alarm is said to exist among them lest arbitrary proceedings should be resorted to to enforce payment. It is to prevent such a procedure that the Central American States particularly feel the necessity for a strong offensive and defensive alliance.

London, May 7.—In the House of Commons to-day Sir Edward Grey, Under Foreign Secretary, in reply to a question by J. W. Lowther, said that Rear-Admiral Stephenson, with his ships, had left Corinto, having received a letter from the Government of Nicaragua promising that the indemnity should be paid within a fortnight, and accepting the other terms of the ultimatum.

BLEW UP THE HOTEL OUT OF SPITE

PETER PATTON HAD THE ONLY LICENSE IN GARWOOD AND INTIMATES THAT ENEMIES USED THE DYNAMITE.

The Union County Hotel, a new building at Garwood, N. J., owned by Peter Patton, was damaged by dynamite early yesterday morning. Mr. Patton was formerly janitor of the Potter Building here and an Assembly District leader. He is commander of the Shamrock Commandery of the American Legion of Honor.

Mr. Patton and his young bride had decided to sleep in a new hotel building, opposite the Union County Hotel building, which Mr. Patton keeps. About 4 o'clock in the morning Mrs. Patton was startled by a loud rumbling noise, and some men also who had been aroused came out of the hotel opposite and managed to wake up Mr. Patton. The front of the building around the arch entrance had been blown out. The heavy double doors were lying on the floor. The woodwork and casings were either demolished or torn out. At daylight a cartridge eight inches long and with a fuse three feet in length was found buried in the ground on one side of the arch. The fuse had been lighted, but went out. This cartridge contained about a pound of dynamite, enough to blow up the entire building. It is thought that a similar cartridge was the one that exploded, but no trace of this cartridge could be found.

Mr. Patton estimated the damage under $500. He said that he suspected certain persons, but would not reveal their names until he had turned the case over to the county prosecutor. He intimated that the persons were in some way his business rivals. He vacated the old hotel yesterday and held the only excise license in the village. When Mr. Patton went to Garwood a year ago threats were indirectly made to him that his place would be blown up with dynamite.

POSTMASTER GEORGE TURNED OUT.

Providence, R. I., May 7 (Special).—The long controversy over the appointment of a postmaster for the city of Providence was settled to-day by the appointment of Richard Hayward. The present incumbent, Charles H. George, was appointed by President Cleveland during his first term on learning that Henry W. Gardner, then postmaster, had sat on the platform at a Republican convention. Mr. George is one of the leading citizens and business men of Providence, and his administration of the office was so satisfactory to people of all parties that he was retained in office by President Harrison. On the inauguration of Cleveland in 1893 a strenuous attempt was begun to oust Postmaster George, and for no reason except that he was not a pernicious partisan. One wing of the Democracy, as represented by its leaders, sought the appointment of Richard Hayward, the treasurer of the State Central Committee, and another wing espoused the cause of Samuel H. Bullock. The latter was indorsed by Congressman Lapham and the former by the State Central Committee. The President evidently hesitated to remove his own appointee for no fault, and there have been numerous trips to Washington on the part of emissaries of the State Central Committee to give the President points on the situation, and he has finally yielded to the wishes of the State Central Committee. The new appointee, Richard Hayward, is a contractor and builder, and is prominent in his trade. He was born in Michigan in 1849, but has lived nearly all his life in Rhode Island.

AN OFFER FOR THE FAIR WHEAT.

San Francisco, May 7.—An evening paper, referring to the Fair wheat, says a straight offer of 80 cents per cental was made by four big shipping houses for the entire lot, which means the sum of $2,720,000, but the offer was refused, because the price was thought to be too low. It was given out that 90 cents would be an acceptable figure to the owners of this treasure, but bidders at that figure have not yet appeared on the scene. The understanding is that the offer of 80 cents was made to Dutard & McGlauflin, as the recognized agents for the Fair wheat.

PHILADELPHIA STRIKERS HOPEFUL.

Philadelphia, May 7.—The big strike among the garment workers is assuming bright prospects for the strikers, and they profess to have no doubt that every demand they have made will be acceded to. An even dozen contractors signed the stipulations drawn up by the strikers yesterday, and as a result 500 men and women returned to work. This morning six manufacturers signed the Knights of Labor agreement, making a total of twenty-six firms that have thus far acceded to the demands of the strikers. It was announced to-day that 2,500 garment workers are now on strike, the remainder, 3,500 in number, having gained their point and returned to work. The strikers declare their belief that the demands will be universally agreed to and the strike over by the end of the week at the latest.

MR. CONVILLE ATTACKED A GRIPMAN

A LIVELY TUSSLE ON A BROADWAY CABLE-CAR —TWO VERSIONS OF THE AFFAIR.

A discussion as to the respective rights of cable-cars and vehicles in Broadway occurred at Fourth-st. and Broadway yesterday afternoon between Thomas Francis Conville, of No. 145 East Forty-fifth-st., the eldest son of the millionaire brewer, and John J. O'Brien, the gripman of a northbound cable-car. It was ended by Mr. Conville leaping from his buggy to the front platform of the car and smashing the gripman's nose. O'Brien is now in St. Vincent's Hospital, and Mr. Conville, after spending two hours in the Mercer-st. police station, is out under bonds to appear and account for his assault in Jefferson Market Court this morning. It was 4:30 o'clock in the afternoon, and every inch of Broadway at Fourth-st. was crowded when the affray happened. Mr. Conville and a friend were driving slowly uptown in a light buggy on the eastern side of the roadway when the cable-car run by O'Brien came up behind them. A gong sounded amidst the din of the trucks on either hand, then there was a slight crash as the cable-car and buggy collided, and a moment later pedestrians saw a smart scrap on the front platform of the car between the gripman, a stout man standing over six feet, and a well-dressed, athletic young man of equal height, who had leaped out of the buggy to the platform of the cable-car. The female passengers in the car screamed, while the gripman had much the worse of the battle. By the time Policemen Zimmerman and Cameron, who were standing at Fourth-st., had reached the car blood was streaming down the gripman's face as the result of a blow from Mr. Conville's right fist, and the gripman seemed glad to be out of the fight when the officers separated the combatants.

Both men were taken to the Mercer-st. police station, Mr. Conville's friend accompanying him, while Inspector Bray, of the Broadway cable road, mounted the abandoned car in the gripman's place and ran it to the terminus. At the station-house an ambulance surgeon, who had been summoned to look into the gripman's injuries, declared his nose to be broken, and removed him to St. Vincent's Hospital.

Before leaving the station, he made a complaint of assault against Mr. Conville, on which the latter was detained until bail was furnished, two hours later. He frankly admitted the assault to Sergeant Coubry, who was at the desk, but declared that it was justified by the provocation he had received.

The injured gripman lives at No. 349 West Forty-ninth-st. His version of the affray was that Conville refused the repeated requests to get out of the way of his car, and when the car bumped into the buggy he sprang out and committed an unprovoked assault upon him.

Mr. Conville, when seen at his home in East Forty-fifth-st. later, had an entirely different tale to tell. "I was driving up Broadway, near Fourth-st.," he said, "with trucks on the car track in front of me and trucks crowding the roadway on my right, when this cable c.. came up behind. It was impossible for me to turn out on either side, for a downtown car was coming down only a few yards away on the other track, and the trucks on the right-hand side left no opening. The first notice I had of the car's approach behind me was the shock of a collision. Immediately afterward the gripman rang his gong, which he must have forgotten to use before. Then, although he saw that I had no chance to move, he bumped into my buggy twice again, knowing, I suppose, that it being a light vehicle, the collision would not injure his car. The third shock broke the breeching-strap of my harness, and it hung down upon the horse's legs, rendering it impossible for me to move. Then I jumped out and going up to the car, got on the platform, intending to get his name for the purpose of making a complaint. But as I got on the car he called me a vile name, and drew off as if to hit me. I was mad then at the epithet he used, and I got in my blow first. That is all there is about it."

ADRIFT IN A LITTLE CANOE.

TWO YOUNG PEOPLE GET LOST IN THE FOG AND ARE RESCUED BY A FERRYBOAT.

Courtney Hyde, of this city, was out sailing on Sunday in his canoe Scrap. A young woman was with him. They sailed down to Robin's Reef, when the fog rolled over the bay and they got lost. At 2 o'clock p. m. the ferryboat Castleton came along on her way to St. George. The canoe and its occupants were taken on board the ferryboat and brought to the city on the Castleton's return trip.

One cheerful idiot on the ferryboat fumed and fretted because the ferryboat stopped to pick up the people in the canoe. Mr. Hyde and his companion had been lost in the fog for over an hour, and were in an anxious state of mind when they were rescued.

THEY WON'T OBEY CARLISLE.

FLORIDA HEALTH AUTHORITIES WILL ENFORCE THE QUARANTINE LAWS AGAINST THE INFANTA ISABEL.

Tampa, Fla., May 7.—On Friday night the Spanish cruiser Infanta Isabel, three days from Havana, passed Mullet Key Quarantine Station, at the mouth of Tampa Bay, in violation of the quarantine regulations of the State of Florida and the United States, and anchored ten miles up the bay. The next morning the quarantine officer, Dr. Echemendi, dispatched the quarantine steamer Germ, commanded by Captain Russell, to overhaul the vessel and bring her back to the station.

Captain Duena, in command of the cruiser, made a loud protest, although he confessed that he saw the signals and knew it was a quarantine station. But Captain Russell insisted, and the vessel returned to the station, where she was fumigated and detained.

On receiving notice the Collector of Customs, Lesly, telegraphed to Secretary Carlisle for instructions. The Secretary asked for data, which were furnished immediately. Secretary Carlisle then ordered Collector Lesly to waive the quarantine regulations so far as the United States was concerned and to allow the vessel to go in peace. This was communicated to the Madrid Government by Señor Gutierrez, Spanish Vice-Consul at this port. The State quarantine regulations had been violated, and the State Board of Health will strictly enforce the provisions of Section 779 of the revised statutes. That section imposes a fine of not less than $100 or not more than $1,000. The State Health Officer, Dr. J. Y. Porter, will go down to Mullet Key to-morrow morning to inspect the vessel, and will then submit his report, when action will be taken.

REFUSED TO ANSWER THE QUESTION.

Springfield, Ill., May 7.—Frank H. Cooper, of Siegel, Cooper & Co., of Chicago, is now in charge of the sergeant-at-arms of the State Senate, being held in contempt for refusing to answer a question propounded by the Senate. By a vote of 26 to 13 the Senate excused Mr. Cooper from answering the questions put to him by the Senate Committee, and which he had refused to answer, with the exception of the question as to the amount of business transacted last year. On this question the Senate, by a vote of 20 to 19, decided that he must answer. On his refusing to do so he was placed in the custody of the sergeant-at-arms, and the Senate adjourned without further action.

TO TEST THE HOAR LOTTERY LAW.

New-Orleans, May 7.—The first steps in the case to test the new Hoar law, passed by the last Congress, to prevent the importation of lottery tickets into this country and their disposition on American soil through express companies or other means of transportation, was begun to-day, when a lottery agent, William P. Parkhurst, was arrested on an indictment of the Federal Grand Jury. The accused man is charged with having imported a ticket of the Honduras Lottery Company, successors of the Louisiana Lottery, and to have borne it on a Louisville and Nashville Railroad train between the States of Florida and Georgia to New-Orleans for the purpose of disposing of it. When Parkhurst was arraigned in court his counsel filed a demurrer, in which District-Attorney Earhart joined. It is probable that the demurrer will be overruled and that the accused man will decline to furnish bail. He will thereupon be committed to prison constructively, and a writ of habeas corpus to the United States Supreme Court taken out, as was done in the case of the United States against Dupre. Judge Thomas J. Semmes, of Louisiana; James C. Carter, of New-York, and other prominent attorneys are understood to have been retained to appear in the case before the United States Supreme Court.

HOOKER REUNION AT HADLEY, MASS.

Hadley, Mass., May 7.—The Hooker reunion was held this morning in the big canvas tent on the green opposite the farmhouse where General Hooker was born. The military parade was witnessed by 4,000 persons, and the tent where the exercises were held was crowded to its fullest capacity. The platform was filled with distinguished men. This programme was carried out: Invocation, Chaplain Chambre, of the Third Army Corps; address of welcome, O. W. Prouty; response, Major William Plimley, president of the corps; welcome to Massachusetts, Adjutant-General Dalton; address, Henry F. Tremaine; poem, Comrade J. H. Jewett; presentation of oil portrait from the corps to the town by General Daniel E. Sickles; acceptance of the portrait by Dr. Franklin Bonney.

INCOME TAX ARGUMENTS.

ATTORNEY-GENERAL OLNEY CLOSES THE CASE FOR THE GOVERNMENT.

MR. WHITNEY DELVES INTO HISTORY, BRINGING DOWN ON HIS HEAD SARCASTIC HITS FROM MR. CHOATE—THE LATTER WILL FINISH HIS SPEECH TO-DAY.

Washington, May 7.—The second day's proceedings of the reargument of the income tax cases began in the Supreme Court of the United States at noon to-day, in the presence of a greatly reduced audience. Among the spectators who to-day attracted attention was Colonel William Jay, one of the counsel for the opponents of the law, the grandson of Chief Justice Jay, who was a member of the court when the first decision was made on the subject of direct taxes, the celebrated Hylton case of 1794, although he did not take part in the decision.

Assistant Attorney-General Whitney resumed his argument in support of the constitutionality of the law under consideration. He reviewed the several acts passed by the British Government relating to taxation in America, up to the time of the adoption of the Constitution, and the income-tax law of Pitt, which, he said, was the model of all subsequent income tax laws in England, her colonies and in this country, and which was, of course, familiar to the lawyers and publicists of the United States at the time the Constitution was framed.

These, Mr. Whitney asserted, demonstrated the truth of the fact that in England at that time an income tax was held to be a duty, and not a tax.

Justice Gray inquired if the Privy Council had not decided that the income tax was a tax and not a duty? He said he spoke from general recollection only, and asked the question because Mr. Whitney's position seemed to be opposed to that decision.

Mr. Whitney replied that he was of the impression, not being familiar with that particular decision, that the distinction sought to be enforced was with reference to direct and indirect taxes.

NO INCOME TAX IN THE COLONIES.

He then referred to the compilation of tax laws of the thirteen colonies prior to the establishment of the Government made by Oliver Wolcott. It did not show the existence of any specific income tax in any colony. The only possible exception was in the State of Delaware, where, Mr. Wolcott says, by a usage of assessors, an income tax was laid without authority of statute. If this could be termed an income tax, then, said Mr. Whitney, these Delaware assessors were the originators of the income tax in the United States. The examination of these colonial laws resulted in the conclusion that there was no settled definition of the word in the jurisprudence of this country, and that the court was left to the definition given to the term in the decisions in previous cases for guidance in determining its meaning.

Recurring then to the term direct taxes, Mr. Whitney said that the research made by him had led to conclude that until it had found a place in the American Constitution it had never been known or recognized as a legal term. Adam Smith did not attempt to give a hard and fast definition of the term. The first distinction made as to direct and indirect taxes was by the famous philosopher John Locke, in his discussion of Sir Robert Walpole's Excise act of 1733. He then said that direct taxes were those that ultimately fell on land; all others were indirect taxes. Quotations were given by Mr. Whitney from Turgot, the French political economist; Robert Morris and Alexander Hamilton, to show that at the time of the adoption of the American Constitution the question was not settled. Quoting again from Oliver Wolcott, Mr. Whitney said that he was in accord with John Stuart Mill, who held that a tax on houses, but not on lands, was a very fair income tax.

Chief Justice Fuller inquired what Wolcott recommended.

Mr. Whitney replied that Wolcott had suggested a tax on land, the one that was adopted, a tax laid according to each State's own system, the whole amount being made up from the several quotas of the States. The tax on land included taxes on houses and slaves, because they were then generally included with real estate. It was very nearly what Wolcott had recommended.

DIRECT TAXES IN STATE CONVENTIONS.

These facts, Mr. Whitney said, made what Sir James Stephens would call the environment of the case, and he would next proceed to consider the discussion of the question of the meaning of the term direct taxes in the several State conventions. In the Virginia convention Chief Justice Marshall expressed some views, Mr. Whitney said, which might be deemed to be obiter dicta—this in reference to the opinion of the Court in the Hylton case.

Chief Justice Fuller stated that Mr. Tucker had recorded the fact that Mr. Marshall had argued that case on one side and the Secretary of the Treasury on the other, and that they each represented their respective individual opinions. If that were the case, then Mr. Marshall held an opinion contrary to that expressed by the Supreme Court in that case.

The reports of these several State conventions, however, Mr. Whitney submitted, were not conclusive or competent evidence upon the construction to be placed upon the Constitution. The reports were fragmentary, at best, and some of the conventions had not been reported at all. The Constitution was the result of compromises, and whatever might have been the views of members expressed in their State conventions, their intentions in the general convention were best to be determined by what they did in Congress immediately after the Constitution had been adopted, rather than by what they said or thought in convention before it was adopted.

EARLY LEGISLATION IN CONGRESS.

In the Congress the question came up when it was found or believed that they could not get enough money from customs, whether there should be an excise or a direct tax imposed. Mr. Hamilton proposed an excise tax on distilleries, and a bill for that purpose was introduced. The first speaker was Madison, who advocated a direct tax first and the excise tax later. Hamilton's bill was passed, however, Madison voting against it. It contained a tax in some cases on the stills themselves. This was spoken of as a land tax, and it was suggested that it should be repealed as soon as possible.

Justice Gray—Was it repealed?

Mr. Whitney—It was.

Continuing the consideration of the Congressional measures relating to taxes, Mr. Whitney mentioned the tax on auction sales, including those of lands and tenements. That was clearly a tax on real estate, and yet it was called a duty, and Mr. Madison voted against it. In 1796 the Committee on Ways and Means recommended a bill levying a tax on legacies. "Now," he said, "whatever may be said about a succession tax, it is universally conceded that it is a tax on real estate, that it must ultimately fall on the land. And yet the Committee on Ways and Means recommended the tax, and it was never criticised as unconstitutional."

At the next session of Congress there was a stamp tax proposed to affect deeds to real es-

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PAYN'S LIBERAL RETAINER.

MORE OF "THE PRESS" INVESTIGATION.

MR. QUIGG SAYS LEARY TOLD HIM THAT PAYN OFFERED TO HAVE THE OFFICERS' AMENDMENT MADE FOR $16,000—SENATOR ROBERTSON BRINGS PAYN IN, TOO.

[BY TELEGRAPH TO THE TRIBUNE.]

Albany, May 7.—Important evidence was submitted late this evening to the Senate Special Committee, which is investigating the charges of attempts to secure bribes in the matter of the bill increasing the pay of the officers of the Fire Department of New-York. Congressman Quigg testified that the lobbyist, Dennis Leary, had stated to him that he had heard in Albany that Louis F. Payn had offered for $16,000 to put an amendment in the Robertson bill, increasing the salaries of the firemen, which would also increase the salaries of the officers of the Fire Department. The sum of $8,000 was to be paid when the amendment was put in the bill, and $8,000 more when the bill had been passed. Leary told Mr. Quigg that he (Leary) had offered to put the bill through for $12,000, but that the officers had declined the proffer and had stuck to Payn, because they believed him to be "the more skillful." This was a tribute of praise to Mr. Platt's chief lieutenant in Albany, and he smiled in appreciation of the compliment.

Senator O'Connor blamed George Raines, the counsel of Senator Raines, for bringing out this testimony.

"You have put Payn, Shaw and Croker in a painful position," he said, severely, to George Raines, "by evoking this testimony, smirching them. You thus bring out a story set afloat by Leary, a witness who cannot be found."

Senator Robertson also put Payn in a "painful position." Robertson said flatly that Louis F. Payn was the man who handed him the amendment increasing the salaries of the officers.

"I was in the Senate Chamber," said Senator Robertson, "when Mr. Payn handed me this amendment increasing the salaries of the officers of the Fire Department. It was about a week before the bill was amended in committee. Senator Raines was present nearby when Mr. Payn handed me the amendment. There might have been a general talk between Mr. Payn, Mr. Raines and myself about this amendment."

"Had any other person talked with you about this officers' amendment?" inquired Elihu Root of Senator Robertson. The Senator replied:

"I had conferences with Senator Ahearn after I had received this amendment from Mr. Payn, and I talked with Senator Raines about it."

"Had any other person than Louis F. Payn asked you to have this amendment made to the bill?" asked Mr. Root.

"I cannot recall any one except Senator Raines," answered Senator Robertson.

While Mr. Quigg was on the stand Senator O'Connor asked: "On what fact did you base the charge that McCabe committed suicide to avoid testifying?" and Mr. Quigg replied:

"On what Leary told me and what General La Grange said. General La Grange said McCabe told him the officers of the Fire Department raised $6,000 to pass this amendment, and the money was in a bank, and he knew where it was."

Mr. Raines asked if McCabe was a partner of Leary in the proposed bribery transaction. Mr. Quigg said Mr. McCabe presented Leary to Shaw and Croker, but Leary had stated distinctly that McCabe was not to share in the proceeds. He had acquitted McCabe of that intention, and had no doubt that McCabe was doing what he did for the interests of the Fire Department.

The committee will end the investigation to-morrow night.

WILL TAKE NO PART IN THE FRAUD.

REPUBLICANS AND POPULISTS IN TENNESSEE DECLINE TO ASSIST IN THE INAUGURATION OF TURNEY.

Nashville, Tenn., May 7 (Special).—Governor Peter Turney (Dem.) will be inaugurated to-morrow. Senator McCarron (Rep.) and Representative Davis (Pop.), who were appointed on the committee to make arrangements for the inauguration, have declined to act. They voted to seat Mr. Evans. Senator Butler and Representatives Latture and Lonett, Republicans, have received a letter signed by seventy-seven citizens of Green County, requesting them not to attend the inauguration. The Republican members of the Legislature have agreed to leave here to-morrow morning for Chattanooga, to call on Mr. Evans and spend the day with him, returning to Nashville to-morrow night. The Populist members will go home, but will return in time to attend the next day's session. If the present programme is carried out, neither Republicans nor Populists will be present at the inauguration ceremonies.

A BICYCLE RIDER "HELD UP."

GANG OF BOYS ATTACK AND STAB HIM—THE WHEELMAN MAY DIE.

Henry Zehnke, fifteen years old, was reported to be dying last night at his home, No. 111 Troutman-st., Brooklyn, the result of a stab-wound received on Monday night in Troutman-st., near Evergreen-st. Zehnke was riding a bicycle, and was held up by a gang of boys, who tried to rob him of his wheel. In the struggle which followed, Zehnke received the wound in the head from a penknife. The police arrested Frank Behl, eleven years old, who lives in Jefferson-st., near Hamburg-ave., who is charged with the stabbing.

At a late hour last night Coroner Creamer was called to take his ante-mortem statement, but his critical condition prevented it.

CLOUDBURST IN ONTARIO COUNTY.

Rochester, N. Y., May 7.—Reports of a terrible cloudburst were received to-night from the southern part of Ontario County. It has been impossible to get details, as the telephone and telegraph connections with Naples, Middlesex and South Bristol have been cut off. A passenger on the Middlesex Valley train reported that when the train left Naples at 2:30 o'clock a fierce hailstorm was raging. When the train reached West River, dense black banks of clouds were gathering in the heavens and it was apparent that a terrific storm was preparing. The train had proceeded about a mile from the depot when the clouds came together, accompanied by terrific thunder and a brilliant electric display. Immediately the rain began to fall in torrents.

In the Middlesex Valley, in the vicinity of West River, the railroad has been washed out in many places and crops and vineyards destroyed. When the train reached Russville, the storm was such that it was not considered safe to send it further.

A later report states that the storm was the worst in years. The bed of the railroad from Middlesex to Naples is washed out most of the way. Fields have been furrowed and the small streams have been transformed into rivers. The freight-house at Russville, it is reported, has been struck by lightning and completely destroyed. Great damage has been done to telegraph and telephone wires, and in many offices the wires have been burned out.

THE LEGAL TANGLE OVER BUCHANAN.

Albany, May 7.—Colonel Cole, Governor Morton's private secretary, said late this afternoon that the Governor had referred the question of Dr. Buchanan's execution to the Attorney-General for a decision, in view of the legal difficulties which have arisen. The Governor took this step after receiving a telegram from District-Attorney Fellows declaring that there was no action pending in the United States Court to stay the execution, and urging the Governor to order the warden at Sing Sing to carry out the death sentence. To this the Attorney-General replied, for the Governor, that the matter would better be disposed of by having a new day for the execution fixed by the courts.

RALPH K. PAIGE PAROLED.

Columbus, Ohio, May 7 (Special).—Ralph K. Paige was paroled by the Prison Board of Managers this afternoon. Under the Ohio law this gives him the same freedom as a pardon, save that he cannot leave the State, and must report to the State Penitentiary authorities once each month. Paige was sent from Cleveland in 1892 to serve ten years for forgery. He was at that time cashier of the Painesville Bank, treasurer of a building association and a leading member of the Methodist Church. Implicated in his crime were his father-in-law, G. J. Steele, and his brother, David Paige, the well-known contractor, who built the Croton Aqueduct and was interested in other large public works in New-York City. David R. Paige was president of the bank of which his brother Ralph was cashier. Becoming heavily involved financially, because of his large contracts, he used the bank's money in his business, and at last, being heavily pressed, induced his brother, Ralph, to forge and utter some $20,000 of promissory notes, which were cashed at a Cleveland bank. When the crash came David R. Paige fled to Brazil, and Ralph and the father-in-law, G. J. Steele, were left to bear the brunt of the exposure

BURNS GIVES UP HIS BILL.

FAILURE OF AN ATTACK ON CIVIL SERVICE REFORM.

THE SENATE PASSES THE BILL TO REORGANIZE THE STATE CIVIL SERVICE COMMISSION AND ITS WORK—TERMS OF THE MEASURE.

[FROM THE REGULAR CORRESPONDENT OF THE TRIBUNE.]

Albany, May 7.—Assemblyman J. Irving Burns, of Yonkers, has abandoned his bill declaring that no applicant for a State or city office paying under $4 a day shall be required to pass a civil-service examination.

"I thought there was considerable justice in the bill when I introduced it, and I still think so," said Mr. Burns, "but I was unaware that it would affect such a large proportion of the employes of the State and of the cities of the State. The figures given out by the State Civil Service Reform Association surprised me, and I resolved to desist from pushing my bill. It is now before the Assembly, but I shall not call it up, and at this late hour in the session it will not be passed. Besides, I have no desire now that it shall pass."

The Senate this afternoon considered the admirable measure framed by Edward O'Connor and Charles T. Saxton, as members of the Special Committee of the Legislature of 1894 which investigated the condition of the Civil Service of the State and then drew up a bill to strengthen the Civil Service Examination laws. The bill begins with this flat-footed statement:

"All appointments and promotions in the Civil Service of the State and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness, irrespective of political or religious affiliations."

The measure provides that the three Civil Service Commissioners shall receive a yearly salary of $4,000 each. This is an increase of $2,000, and is designed to secure the services of men who will devote most of their time to their duties. This has not been the case hitherto. Section 4 of the act prescribes the rules which are to govern civil-service examinations. It says:

Said rules shall among other things provide:

First—For the classification of the offices, places and employments in the public service.

Second—For examinations to ascertain the fitness of applicants for appointment to the public service. All examinations shall be public, and said commission shall set forth in its report to the Legislature the character and practical effects of such examinations, together with its views as to the improvement and extension of the same. No question in any examination under the rules established as aforesaid shall relate to political or religious opinions or affiliations, and no appointment or selection to an office or for employment within the scope of the rules established as aforesaid shall be in any manner affected or influenced by such opinions or affiliations. Such examinations shall be practical in their character, and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service to which they seek to be appointed. Such examinations, save in the case of applicants for employment as laborers, shall be open competitive examinations, except where, after due efforts by previous public advertisement or otherwise, competition is found not to be practicable. The examination of applicants for employment as laborers shall relate to their capacity for labor, their habits as to industry and sobriety, and the necessities of themselves and their families.

Third—For the filling of vacancies in the offices, places and employments in the public service subject to competitive examination by selection from among those graded highest as the result of such examination, but the rule may provide for the selection of the applicant graded highest, provided, however, that honorably discharged soldiers and seamen from the Army and Navy of the United States in the late Civil War shall be entitled to preference in appointment and promotion from any list from which an appointment or promotion is to be made, without regard to their standing on such list.

Fourth—For a period of probation before an appointment or employment is made permanent.

Fifth—For promotions in office on the basis of ascertained merit and seniority in service and examination as may seem desirable. In all cases where it is practicable, vacancies shall be filled by promotion.

Senator Raines assailed the bill as one which permitted the Civil Service Commissioners to hold their offices, although they themselves had not passed a civil-service examination. He offered an amendment, requiring such an examination, but was beaten on it. He then offered an amendment providing that the Civil Service Commissioners should devote their entire time to this work. This was also beaten. Another amendment, requiring the expense account of the Commissioners to be audited by the State Controller, was opposed by Senator O'Connor, and was beaten. Senator Raines then declared that the bill robbed the Governor of the authority to approve or disapprove of the rules and regulations drawn up by the Board of Civil Service Commissioners. He offered an amendment, restoring this right to the Governor. Senator O'