HEARINGS AT ALBANY.

ASSEMBLYMAN LEWIS'S BILL REPEALING THE HORTON BOXING LAW FAVORABLY REPORTED.

[BY TELEGRAPH TO THE TRIBUNE.]

Albany, Feb. 7.—The Lewis bill repealing the Horton Boxing law was favorably reported to-night by the Assembly Committee on Codes, in spite of the protests of the Tammany members, who strenuously defended the existing statute at the hearing this afternoon. The decision of the committee was reached after a brief executive session. The only amendment attached to the bill is that it shall not go into effect before September 1, 1900.

The advocates of prizefighting were on hand in full force to-day to protest against the bill. Those who spoke against the measure were headed by Assemblyman Roche. There were also present several clergymen from New-York, Rochester and other cities, who spoke in favor of the bill. Although the session was a long one, and the crowd exceedingly large for the committee room, each speaker was listened to with deep interest.

Charles L. Feldman, representing several athletic associations of Buffalo, said that he opposed the bill because it interfered with the interests of these clubs. He added:

The boxing bouts as conducted in our city cause no trouble. No injury has resulted from these fights, either to the combatants or to the spectators. I have a telegram here from the Superintendent of the Police of Buffalo, who states that there have been no violations of the Horton law in that city. Neither were there any complaints to these sparring matches.

This measure results directly or indirectly from that section of the Governor's message in which he is said to advocate the repeal of the existing statute in regard to prizefighting. Nevertheless, if the words of His Excellency are more carefully considered, it will be seen that all that the Governor desires is the enforcement of the Horton law.

I can safely say that the best people of Buffalo attend these boxing matches. Professional and business men of the highest stamp are there.

Now, I do not think that it is fair to our city to prevent its people from enjoying themselves in an orderly manner because in New-York or in Rochester these bouts are the cause of occasional disorder. Would you repeal the Excise law, because in some instances it has been violated?

When asked what he meant by the best people attending these fights, he said:

"Why, there are lawyers"——he answered, but his remarks were suddenly cut short by the laugh which ran around the table. The members of the Codes Committee are all lawyers.

BROOKLYN HEARD FROM.

William R. McGuire spoke in opposition to the bill, as a representative of the Hercules Club, of Brooklyn. Mr. McGuire said that he had been knocked out several times in practice bouts, and that after a few seconds of unconsciousness he felt as good as ever. He showed a scar over his left eye where he said such a blow had been administered.

"Was it a corkscrew blow?" asked a certain member of the committee.

"I don't remember," answered Mr. McGuire.

"You say that in the regular bouts there are no knockout blows?" asked Assemblyman Lewis.

"No, sir," replied Mr. McGuire. "The knockout blows I received were given by contestants who were practising for the ring."

"Were there any knockout blows in the Matthews-McPartland fight, held at the Hercules Club, some nights ago?"

"No, nor a knockout." One of the contestants slipped and fell on his head. He caught his foot somehow and fell on his fist."

"The result was practically the same, was it not?" asked a clergyman from Steuben County.

Mr. McGuire was compelled to admit that it was.

Patrick Roche then addressed the committee as a defender of the existing statute. He said:

I used to be a prizefighter myself. At present I represent three athletic clubs down in my district. There is no admittance fee. Young men from twenty to thirty years of age engage in the contests for the pure love of the sport. Ten rounds are made the limit in most of the cases, and not an injury has resulted to anybody. When I was a fighter myself I often got a severe bruising, but it wore off very soon in each case.

"How many times were you defeated in the ring?" asked the chairman of the comittee.

"Not once," said Assemblyman Roche, proudly. "And I am not going to get licked now, either."

THOSE WHO SPOKE.

Among those who spoke in favor of the Lewis bill were the Rev. Dr. Thomas L. Poulson and the Rev. T. De Quincy Tully, of Brooklyn; the Rev. Dr. Ostrander, of Lyons; the Rev. I. N. Dalbey and the Rev. Dr. Peoples, of Rochester; the Rev. Madison C. Peters, and Frederick W. Block, of the City Vigilance League, of New-York.

All opposed the Horton law because of the demoralizing influences of prizefighting as conducted under the existing statute.

DR. PETERS ATTENDED A FIGHT.

Dr. Peters said: "We are not opposed to boxing or other forms of athletics simply because we are opposed to prizefighting. Boxing and prizefighting are two very different things, as everybody knows. I am something of an athlete myself."

"Then you are acquainted with the manly art of self-defence?" asked Assemblyman Saunders.

"No, I am not an adept at that. I have succeeded in defending myself without the use of my fists."

"Have you ever seen a prizefight?" was asked, and to the amazement of some of the clergymen from up the State Dr. Peters replied:

"Yes, sir, I have. I am not among the innocents," pointing to the other ministers. "I went to a prizefight once to see what it was like. Everybody sneaked in as if afraid of being detected. Sir, I will never go to another one. It was a beastly, low down, degrading sight from beginning to end. It was utterly demoralizing. I could not get over the effects of it for weeks. It was all I could do to justify myself for being there. I happened to get an interview with a reporter, and he wrote a great deal more than I thought he would. Gentlemen, I did not fully recover from that fight for nearly two years. To my mind, the Spanish bullfight and the cockfight are infinitely more refining."

Assemblyman Dillon and "Jimmy" Oliver replied to the arguments of the clergymen. Mr. Dillon maintained that Governor Roosevelt was in favor of prizefighting, because when the latter was a Police Commissioner of New-York City he was present at nearly all the fights, but in no case did he attempt to stop them.

OPPOSED TO TAXING MORTGAGES.

ARGUMENTS HEARD BEFORE BOTH SENATE AND ASSEMBLY COMMITTEES ON TAXATION.

Albany, Feb. 7.—The committees on Taxation and Retrenchment of the Senate and Assembly gave a joint hearing this afternoon in the Senate chamber on the bill prepared by the Committee on Taxation appointed by both houses, which proposes to impose a tax of one-half of 1 per cent on mortgages.

Those heard to-day spoke in opposition to the measure. Next Tuesday at 2 p. m. another hearing will be given, at which representatives of the Savings Banks Association will be present. Ex-Senator Myer Nussbaum was present to-day in behalf of the surface railroads of the State, but made no argument. He will be heard at the next hearing.

Thomas U. Gilchrist, a farmer from West Charlton, Saratoga County, was first heard by the committee. Mr. Gilchrist has been loaning money for years on farm mortgages, and said he appeared to oppose the measure on behalf of the farmer as well as himself. He said he thought the farmers had hard enough work to get money on their property now without imposing a tax of five mills on mortgages. "Every tax you put on a mortgage is paid by the mortgageors," he contended, "and the measure is therefore one which does not tax the money lender, but the borrower." He said he owned four thousand acres of land and held $50,000 in mortgages. He would be willing to dispose of these mortgages for half that amount to any one who might wish to purchase them.

OPPOSITION FROM COLLEGES.

T. L. Gross, representing the trustees of Hamilton College, next opposed the bill, because, he said, the measure would seriously embarrass the colleges of the State. He argued that a great deal of the money left to colleges must be put out in bonds and mortgages, which are now exempt from taxation. He explained that in the cities competition was keen, and with this bill imposing a tax the colleges would not be able to invest their money with advantage.

F. E. Hamilton, of Oswego, representing five building and loan associations, said he thought the bill was framed by the committee without a full appreciation of the business of building and loan associations. He then explained the methods of such associations, stating that the borrower was a stockholder, a borrower and a mortgagee.

Senator Higgins, chairman of the Senate Finance Committee, then explained that the intent of the bill was not to tax the stock of loan associations, but Mr. Hamilton argued that the mortgages should also be exempt.

William A. Gans, of New-York, was next heard. He represented the fraternal orders of the B'nai b'rith and Free Sons of Israel. Those organizations, he said, have bonds and mortgages to their credit amounting to $1,500,000. "If this bill should pass," said he, "our mortgages would be taxed $7,500 a year, which would be a direct draft on our mortuary fund."

He argued that as these organizations were purely of a fraternal nature, co-operative in their workings, they should be exempt from taxation.

Assemblyman Treat, who has a bill before the Assembly to tax individual deposits in savings banks of over $1,000, is a member of the Assembly Committee on Taxation. He wanted to know where the owners of mortgages would invest their money so as to avoid taxation if they called in their mortgages, a question which Mr. Gans did not answer.

"You will never get this committee to exempt from taxation an organization which you have admitted to be already subject," said Chairman Krum.

LOAN ASSOCIATIONS OBJECT.

J. T. McKechnie, of Brooklyn, representing the Metropolitan League of Co-operative Building and Loan Associations, favored an exemption of the building and loan associations from the tax. He said that they had sixty-five thousand members in the Metropolitan district and seventy-seven thousand up State. The borrowers, he said, numbered twelve thousand.

"We discourage capitalists from investing in our association. What we want and what we ask you to do is to amend the law so as to exempt building and loan associations from the tax." He then submitted to the chairman a copy of the amendment he wished inserted in the bill.

W. C. Burton, of New-York, representing building and loan association interests, echoed the sentiments of the speaker who preceded him. He said his company had $500,000 invested in mortgages and that the bill if passed would impose a tax of $2,000 on them. He maintained that the intent of the law should be to get the largest return from capital and not from the savings of thrifty citizens.

P. N. Johnson, a farmer from Guilderland, near this city, was the last speaker. He said he appeared in behalf of himself. What was wanted was a fair method of taxation based upon the principle of equity. He said that two-thirds of the farmers did not know anything about the bill. For the purposes of an argument he said:

"Suppose I give to two sons $1,000 each. One of them invests his money in a savings bank. The other puts his, with $500 more, which he has borrowed into a house, giving a mortgage for the sum he has borrowed. He is taxed not only for the amount he has, but also for the amount he has borrowed, while his brother, who has his money in a bank, draws the interest and escapes taxation altogether."

Mr. Johnson thought this principle unjust and argued that the mortgages should not be taxed. At the end of his argument the hearing was adjourned until Tuesday next.

BANKERS OPPOSE MORTGAGE TAX.

SAVINGS BANK ASSOCIATION DECIDES TO APPOINT A COMMITTEE TO FIGHT THE STRANAHAN BILL.

A largely attended meeting of the Savings Bank Association of New-York State was held yesterday at the Chamber of Commerce to consider the Stranahan bill for taxing mortgages on real estate, which is pending in the State Legislature and which the officials of the local savings institutions have put themselves on record as opposing. There were 104 banks represented out of the 127 in the State, and the opposition to the bill, so far as it refers to savings banks, was unanimous. Resolutions were adopted to appoint a committee of fifteen to act in conjunction with the Executive Committee of the association in opposing the bill.

J. Hasbrouck Rhoades, president of the association, occupied the chair. He opened the discussion with a speech in which he said that the association had been called together to confer on the Stranahan bill. G. W. Wickersham, counsel for the association, read a long digest of the proposed law, which he analyzed and showed would be cumbersome in execution and expensive. There was a discussion of the bill which lasted till 1 o'clock, when recess was taken.

Mr. Stone, counsel for the Onondaga Savings Bank, of Syracuse, made a speech in which he declared that the State would be adopting a suicidal policy in taxing savings institutions, inasmuch as these institutions have made it possible for municipalities to borrow money at low rates. Andrew Mills, of the Dry Dock Savings Bank, introduced the following resolutions:

Resolved, That this association considers the bill introduced by the Joint Committee on Taxation and Retrenchment imposing a tax upon debts secured by mortgages so far as it applies to savings banks as a measure for the taxation of the savings of the many wage earners and persons of small means intrusted to the care of the savings banks, and as such it is unalterably opposed to the bill.

Resolved, That this association now, as in the past, inflexibly opposes any scheme to tax the fruits of the industry and economy of those persons for whose protection savings banks have been established and fostered in this State.

Resolved, That a committee of fifteen be appointed by the chair to take action in connection with the Executive Committee of the association in effectively opposing the passage of the bill referred to and of any other bill the effect of which is to tax the personal property in the hands of the savings banks of this State.

The resolutions were adopted by a standing vote, only four being opposed to them. These, however, were not opposing the resolutions as in favor of the taxing of real estate mortgages, and so the action of the association in opposition to the bill was practically unanimous.

There was a meeting of the Executive Committee after the adjournment of the association and Mr. Rhoades named his committee of fifteen. It was decided not to make the committee public until anwers are received from those named.

FALLOWS BILL INDORSED.

At the conference between a committee of the Builders' League and the Real Estate Board of Brokers, held at No. 111 Broadway Tuesday afternoon, it was agreed to indorse the Fallows bill, which seeks to make it a penal offence to offer property for sale or to attempt to procure a mortgage on property without the written consent of the owner. At a previous meeting of the Board of Brokers a difference of opinion on the subject prevailed. A resolution was finally passed, however, indorsing the section relating to mortgages, but no definite action was taken on the other section. There was much discussion yesterday as to the value of the bill, but the final vote resulted in its indorsement by the two organizations represented at the conference.

THE MORTGAGE TAX UNFAIR.

DISCRIMINATION BETWEEN DIFFERENT PROPERTIES—AN INELASTIC REVENUE.

To the Editor of The Tribune.

Sir: The bill of the State Tax Commission now before the Legislature is full of weaknesses and inconsistencies. It is impossible in a short space to point them all out, but I wish now, with your permission, to indicate a few of them. It is proposed in the bill to abandon the direct levy on the counties and substitute therefor a tax of 1 per cent on the capital stock of banks and trust companies and a tax of one-half of 1 per cent on mortgages and mortgage bonds, all of which securities are to be exempt from local taxation. It is expected that the mortgage tax will furnish $10,000,000 or $12,000,000 annually of State revenue, the balance of the $16,000,000 now needed to be made up by the tax on the capital of banks and trust companies.

I think it can be shown that the mortgage tax will furnish a great deal more than the amount expected, and that the receipt by the State officials of a sum greatly in excess of the ordinary needs of the State will inevitably lead to great extravagance, which is one of the main things to be guarded against. The tax is also likely to prove inelastic, at times proving too much for State needs and at other times insufficient, according to the number of mortgages in existence, which fluctuates with varying business conditions throughout the State. If the proposed canal improvements are to be made the State revenue would be insufficient; if the improvements are not to be made the tax would be excessive.

There would also be an appalling amount of unjust discrimination between holders of property of the same kind. A holder of bonds of a railroad situated wholly outside the State would be taxable locally, and would have to pay a tax of 2½ per cent, while a holder of New-York Central Railroad bonds would be taxed only a half of 1 per cent for State purposes and be exempt locally. In the case of a railroad situated one-tenth within the State and nine-tenths outside the State the holders of its bonds would pay a tax of only one-twentieth of 1 per cent to the State and be exempt locally. That is to say, some bondholders would pay a tax of $22 25 on each $1,000 worth of bonds, while other bondholders would pay a tax of only 50 cents on each $1,000 worth of bonds. Can there be any more glaring discrimination and injustice than this?

New-York, Feb. 3, 1900. L. T.

POLICY SHOPS MUST GO.

HARM DONE THE POOR BY THIS WORST FORM OF GAMBLING.

Albany, Feb. 7 (Special).—The bill of Assemblyman Fallows, which is to prohibit the playing of policy, came up for hearing to-day before the Assembly Committee on Codes. In defence of the measure there were present W. M. K. Olcott, Captain Goddard, George Moore Smith, Robert C. Cornell and Theron G. Strong.

On the opposing side was James Oliver, formerly a member of the Assembly. Perceiving that he would have to fight the bill single handed, Mr. Oliver at first asked that the hearing be adjourned. He complained of not being informed in time. When he found that this argument failed to convince the committee he appealed to its sympathies by saying he was suffering severely from the grip. In spite of all his pleadings, however, the hearing was continued.

In defending the bill Mr. Strong read from a letter which had been sent to him by a Supreme Court Judge who had favored the measure.

"I demand that he file his letter," interrupted Mr. Oliver, before Mr. Strong had hardly finished reading.

"It is a personal letter," was the answer, "and I decline to give Mr. Oliver a chance to find out who has given judgment against him in advance. This bill is in the interest of the poor." Continuing, Mr. Strong said:

The earnings of these people are to be protected from the enticement of what we all know to be the most unfair and criminal form of gambling. The present law in regard to this game of policy is too general. It affords all manner of loopholes for the violators to escape conviction. The proposed bill remedies these defects. It is specific. It will go to the root. Not only will it reach the officials themselves, but all who in any way abet the evil. It will even make the owners of houses responsible for renting their property for these games. It also strikes at those who own the paraphernalia employed in this mode of gambling. It is a law which will be, in its effect, deterrent.

W. M. K. Olcott said that he had come before the committee to speak against the rottenest and most vicious form of grand larceny perpetrated in New-York.

PROFITS OF THE PROPRIETORS.

When he spoke of a certain district in the city of New-York where games of policy were played on almost every corner, and Mr. Oliver offered to name the streets, Mr. Olcott replied:

I do not need your help, Mr. Oliver. I happened to be connected with an examination of a certain police captain, against whom the charge had been laid of permitting policy playing in his precinct. In the investigation I made a thorough search of this very district, and found that the average policy shop took in as much as $30 a day. Mind you, this was in one of the poorest districts of the city. In order to understand how widespread this evil had become I will say that the maximum bet in all these places was five cents. Therefore the average number of people frequenting any one shop was about six hundred. Out of the $30 paid in only about $3 33 was paid back to the winners, so that at the best it was a 10 to 1 game in favor of the proprietor. At a game of poker between gentlemen friends the players are supposed to have an even chance. How, then, about the poor devils with only a paltry pile of pennies as their sole capital, playing with only one chance in ten? For this reason I say that this kind of gambling is nothing short of grand larceny.

"But, Mr. Olcott," interrupted Mr. Oliver, "can't a person rent a house for the playing of policy and yet be innocent of any knowledge of the fact?"

"Almost everybody knows where these games are being played," was the answer.

"But there are some that do not know," retorted Mr. Oliver.

"Yes, the police do not seem to know about them," replied Mr. Olcott, "everybody knows these things except the police. Perhaps you can state the reason why, Mr. Oliver." Then he continued:

Mr. Oliver also knows that in this bill we have hit on one way stop policy playing. He knows that if it becomes a law it will keep the money of the poor in their pockets, instead of in the pockets of his client, "Al" adams. The Investigating Committee was told by Magistrate Arnold that it was almost impossible to convict anybody. Even after testimony has been adduced apparently sufficient to send the policy man to jail, the Magistrate is compelled to discharge the prisoner.

LIVE IN LUXURY.

Captain Goddard followed. He sought to prove by mathematical demonstration that the game of policy was always unfair to the player. He adduced the familiar example of 4-11-44. He said:

I have lived in the tenement region for more than a year, and I know for a fact that the poor are the easy prey of the policy games. Those who run these games, however, live in luxury. In a word, the policy men live and grow fat on the blood of their unwilling and miserable victims. A criminal lawyer of high repute in New-York told me once in an unguarded moment that we could never get the best of policy until we drew a bill on the lines of the Burglars' Tools bill, and so we have drawn a burglars' tools bill. I have letters from Controller Coler and Abram S. Hewitt, which both read in favor of the bill. Mr. Coler says that the evil of policy is that it reaches the women and the children. Furthermore, it extends its impoverishing influence to the poorest of hovels, as was shown in the trial of Captain Martens. Women pawn their childrens' clothing to get money to play this game.

"You can't stop this sort of thing," interrupted Mr. Oliver. "It's all over the country. It stretches from Maine to California."

"Then let us set an example in this State," was the ready answer. "We never can stop it if we never begin."

"You don't understand me, gentlemen," said Mr. Oliver when Captain Goddard had finished speaking.

I am not here to defend policy or slugging, gentlemen. I am not ashamed to say that I am present in a professional capacity. I admit that I have clients among prizefighters. As to gambling pure and simple, I can say that some of the most successful and the most respectable men in the country began a career of fortune by gambling at the start. Our universities, some of them, have funds in their endowments which have come from lotteries. The lawyers object to this bill because they don't want the code disturbed. Now, I think that altogether too much haste is evidenced in pushing this bill along without a second hearing.

In executive session the committee decided not to grant the request for an adjournment. No action will be taken, however, until next week.

THE TEXT OF THE BILL.

Mr. Fallows's bill provides as follows:

Sub-division 1.—A person who is the owner, landlord, tenant, proprietor, manager, agent or superintendent of a house, building, tenement, store, shop or apartment in which a gambling or banking game is carried on; or who owns, controls, manages, superintends or assists in controlling, managing or superintending any device, book, paper, paraphernalia or apparatus for gambling; or who uses or allows to be used a store, shop, room, table, establishment, book, paper, stylus, pencil, paraphernalia or other apparatus for such a purpose; or who uses or allows to be used a store, shop, room, basement, yard or hallway for ingress to or egress from a place where gambling is carried on; or who engages as a backer dealer, gamekeeper, writer, clerk, assistant, runner or messenger, for, or aids, assists or abets in carrying on any gambling or banking game, where money or property is dependent upon the result; or who, as such backer, dealer, gamekeeper, writer, clerk, assistant, runner or messenger, makes, records, indorses, sells or offers to sell, or has in his possession for the purpose of sale, what is commonly called a lottery, policy; or has in his possession any writing, paper, token, or document in the nature of a bet, upon any event in the future uncertain, or any wager, or insurance upon the drawing or drawn numbers of any actual or pretended public or private lottery; or has in his possession or under his control, or uses, a book, paper, document, manifold sheet or sheets, list of numbers, policy slip, policy play, policy play paper, stylus, lottery, policy or other paraphernalia such as are usually or commonly used for the purpose of carrying on any gambling game, or enabling others to buy, or offer to buy a lottery, policy or policy slip, or other such writing, paper or document such as is usually or commonly used in playing policy, is a common gambler, and punishable by imprisonment for not more than two years, nor less than six months, and, in the discretion of the court, by a fine of not more than two thousand dollars, or both.

Sub-Division 2. A person who is the janitor or caretaker of a house, building, tenement or apartment in which a gambling or banking game is carried on or who uses or allows to be used the same or any part thereof, or any store, shop, room or basement thereof, for such purpose; or who uses or allows to be used a store, shop, room, basement, yard or hallway for ingress to or egress from a place where gambling is carried on, shall be guilty of a misdemeanor.

Sub-Division 3. A person who has in his possession, otherwise than as backer, dealer, gamekeeper, writer, clerk, assistant runner or messenger, any writing, paper, token or document in the nature of a bet upon any event in the future uncertain, or any wager or insurance upon the drawing or drawn numbers of any actual or pretended, public or private lottery, or who has in his possession or under his control any book, paper, document, manifold sheet or sheets, list of numbers, policy slip, policy play, policy play paper, stylus, lottery policy, or other paraphernalia, such as are usually or commonly used for the purpose of playing policy, or enabling others to play policy, or any other writing, paper or document such as are usually used in playing policy, shall be guilty of a misdemeanor, and if he has been previously convicted of such demeanor, he is guilty of a felony.

SPECIAL LAW FOR NIXON.

BILL INTRODUCED TO MAKE HIM AN ATTORNEY—"DELICATE COMPLIMENT," HE SAYS.

[BY TELEGRAPH TO THE TRIBUNE.]

Albany, Feb. 7.—Assemblyman Fish, of Madison County, who was recently appointed chairman of the Assembly Judiciary Committee by Speaker Nixon, introduced a bill yesterday directing the Appellate Division of the Supreme Court of the Third Department to admit Speaker Nixon to practice as an "attorney and counsellor at law."

This bill for some strange reason was hidden from most of the newspaper correspondents, only one copy being presented. Why this was done is a mystery, for newspaper correspondents are always eager to recognize versatility of mind. They had known that Mr. Nixon was a dealer in tombstones and would have gladly advertised his coming eminence as a lawyer.

But the Judiciary Committee of the Assembly did catch sight of the bill, for it was promptly sent to them by the Speaker, and they were able to act upon it at once. Bills are usually in the Speaker's possession at least twenty-four hours, while he determines the committees to which they shall be sent. But this bill suffered no such ignoble delay. It went with lightning speed to the Judiciary Committee, and these gentlemen promptly reported it favorably to-day.

MR. NIXON'S COMMENT.

Speaker Nixon acknowledged to-day that he had heard of the bill, and said that for several years back one or another of his fellow members of the Assembly had suggested that he be made a lawyer. This bill undoubtedly was a little "delicate compliment."

The bill in question is given below for the information of the State Bar Association:

An act to provide for the admission of Samuel Frederick Nixon to practice as an attorney and counsellor-at-law in all the courts of the State.

The people of the State of New-York represented in Senate and Assembly do enact as follows:

Section 1. The Appellate Division of the Supreme Court of the Third Department of the State of New-York is hereby directed to admit the Hon. Samuel Frederick Nixon, of Westfield, Chautauqua County, to practise as an attorney and counsellor-at-law in all the counties of the State upon his proving to the satisfaction of such Appellate Division that he is a graduate of Hamilton College, at Clinton, N. Y., that he attended courses of law lectures while a student in said college, that he has been during nine years a member of the Legislature of this State and upon his subscribing and filing the usual oath of office taken by attorneys and counsellors-at-law upon being admitted to practice.

Sec. 2. This act shall take effect immediately.

MINOR ALBANY TOPICS.

STATE OUTPUT OF FISH.

Albany, Feb. 7.—During January there was an output of 33,100 yearling trout in the State fish hatcheries. Of this number 15,000 were hatched at Caledonia, 5,800 at Cold Spring and 12,300 at Pleasant Valley. As to species, the number was divided as follows: Sixteen thousand five hundred brook trout, 5,600 brown, 8,800 rainbow and 2,200 lake. During the same period 3,000,000 whitefish fry were produced at Caledonia and 36,000,000 tom cod fry, 38,000 brook trout fry and 18,000 brown trout fry at the Cold Spring hatchery. The total amount of fry produced was 39,089,100.

13TH ARTILLERY REGIMENT NOW.

Albany, Feb. 7.—Major-General Roe was in town to-day and drew the formal order changing the 13th Regiment from an infantry to a heavy artillery regiment. The change takes effect immediately. General Roe states that there is to be little change at present at the conduct of regimental drills. Next summer, instead of going to State Camp the regiment will go to the coast defences in New-York Harbor and practise at coast defence duty.

REPORT OF LUNACY COMMISSION.

Albany, Feb. 7.—The eleventh annual report of the State Commission in Lunacy shows a decrease in the per capita cost of maintaining the insane during the last year from $185 per annum in 1898 to $178 in 1899. The net annual increase of cases was only 529, the smallest in five years. The total number of insane in the State institutions at the close of the year was 21,374. The total amount expended for maintenance was $3,875,323 97, and for new buildings and equipment and for extraordinary repairs $1,127,501 38. The total number of patients discharged (recovered) during the year was 1,009, and 931 additional patients were discharged sufficiently improved to enable them to return to their friends.

AGAINST DEPARTMENT STORES.

Albany, Feb. 7.—The Assembly Committee on Public Health has agreed to report favorably the bill of Mr. Gale, which prohibits the sale of drugs, whether in original packages or otherwise, in department stores.

IN THE SENATE.

Albany, Feb. 7.—Little business of importance was transacted by the Senate to-day. Senator Brown's bill codifying the Forest, Fish and Game laws was passed. After the introduction of bills an adjournment was taken until to-morrow morning.

IN THE ASSEMBLY.

Albany, Feb. 7.—In the Assembly this morning the McEwan bill, which adds the Chicago and Alton Railroad Company to the list of railroads in which can be invested first bonds and mortgages by savings bank institutions was passed by a vote of 87 ayes to 32 noes. These bills were also passed:

Mr. Wilson—Providing that an attorney in the municipal courts of New-York City may issue summonses.

Mr. Ellis—Exempting Genesee, Essex, Schenectady and Jefferson counties from the provisions of the Highway law relative to commutations of labor on highways.

Mr. Swift—Making it a misdemeanor to sell pistols to any person under the age of sixteen years.

Mr. Fallows (Mazet Committee) bill—Giving power to a legislative committee to compel the attendance of witnesses.

Senator Featherson—Allowing compensation to special clerks who served in the New-York City Controller's office during the period when no eligible list was in existence.

Mr. Fallows—Making it a misdemeanor for clerks in courts to place an action on the calendar out of its order.

Mr. Allds—Reappropriating $2,232, the unexpended balance of appropriation for the Third Appellate Division library.

Adjournment was taken at 11:55 a. m. until Thursday morning at 11 o'clock.

DEATH PENALTY BILL REPORT.

Albany, Feb. 7.—The Assembly Codes Committee will to-morrow report unfavorably the bill introduced by Mr. Maher, of New-York City, to abolish the death penalty, and substituting therefor imprisonment for life.

PRIMARY ELECTION BILL.

Albany, Feb. 7 (Special).—A bill providing for direct nominations from primaries will soon be introduced in the Assembly. This measure is the result of a movement which has been on foot for some time among certain political clubs of Brooklyn. The Young Men's Republican Club of Brooklyn was the first to arouse public interest in the subject, and it has won the co-operation of the Young Men's Democratic Club of Brooklyn. The measure as now formulated is supported by Controller Coler and Seth Low.

According to the provisions of this bill the district conventions are abolished and candidates are chosen directly by the citizens who attend the primaries.

C. C. N. Y. TRUSTEES BILL.

Albany, Feb. 7.—A new Board of Trustees for the College of the City of New-York is provided for in a bill introduced to-day by Senator Elsberg. It authorizes the Mayor of the city to appoint before June 1, 1900, a new Board, to be composed of nine persons, the term of one member to expire each year. No trustees shall be removed except for cause, and then only after a hearing at which he is entitled to counsel.

TROUBLES AT SOLDIERS' HOME.

COLONEL DAVIDSON MAY SUCCEED COLONEL SHEPARD—NEW BOARD OF TRUSTEES TO BE NAMED.

Albany, Feb. 7 (Special).—Governor Roosevelt has advised the trustees of the New-York State Soldiers and Sailors' Home at Bath, N. Y., not to accept the conditional resignation offered by Colonel Charles O. Shepard, the commandant of the Home, until the investigation of his administration now in progress is completed.

It should be stated that the condition named by Colonel Shepard was that a majority of the Board of Trustees should vote in favor of accepting his resignation at their annual meeting of February 8. Colonel Shepard afterward withdrew this conditional resignation, feeling that he had been unjustly assailed. The only reason that he offered a conditional resignation was because he felt that his policy of administration was not sustained by a majority of the members of the Board of Trustees. Then he demanded a formal investigation of his administration, and that has been in progress for two months past. The investigation is being conducted by Deputy Controller Gilman, Deputy Attorney-General Coyne and a committee of the Board of State Charities. The investigation will be resumed here on February 13.

It was reported here on apparently good authority to-night, that the new Board of Trustees of the Soldiers' Home, which will soon be appointed by Governor Roosevelt, is likely to elect ex-Senator Andrew Davidson, of Cooperstown, at present Deputy State Treasurer, to succeed Colonel Shepard. Colonel Davidson is a war veteran, and was once State Senator from the Otsego-Herkimer Senate District, and later Deputy Secretary of State. He was a prominent candidate for the Republican nomination for Secretary of State in 1898.

NEW-YORK MEMBERS RESIGN.

Bath, N. Y., Feb. 7 (Special).—A private dispatch from New-York states that General Daniel E. Sickles of New-York, General Horatio C. King of Brooklyn, and J. Monroe Shoemaker of Elmira, three of the trustees of the State Soldiers and Sailors' Home, situated here, have resigned their positions as trustees, and that Governor Roosevelt has accepted their resignations.

Two of these gentlemen, General Sickles and General King, have supported Colonel Charles O. Shepard. Recently, it is said, papers were prepared for legal proceedings to enjoin the Board of Trustees from removing Colonel Shepard. Then came a rumor that Andrew Davidson, former Deputy Secretary of State, was to be elected in Colonel Shepard's place as soon as the Board of Trustees was reconstructed by the dropping of some civilian members. General Sickles and General King, as well as Mr. Shoemaker, it is believed, thought that Colonel Shepard should be retained.

General Horatio C. King was seen last night by a Tribune reporter, at his home, No. 46 Willow-st., Brooklyn, in reference to his withdrawal from the Board of Trustees of the Soldiers' Home. He said:

General Sickles, Colonel Shoemaker and myself resigned for the same reason. There is an investigation now pending in respect to Colonel Shepard and the affairs of the Home, by the Commission of the State Board of Charities. The Commission adjourned to February 13, and Colonel Sheppard had not had an opportunity to present his defence. We learned that the majority of the Board of Trustees were determined at their meeting to-morrow (Thursday) to remove him at all hazards. We therefore sent in our resignations, and we regard the act as cruel and unjust, and do not desire to be participants in the matter.

General Daniel E. Sickles was also seen at his home, in New-York, and said it was true that he had resigned, but did not care to state the reasons, which, he said, were given in the resignation sent to the Governor.

AIMED AT THE GERRY SOCIETY.

THREE BILLS INTRODUCED IN THE LEGISLATURE.

Albany, Feb. 7.—A bill which, if passed, will absolutely wipe out the Gerry Society, was introduced in the House to-day by Assemblyman Harburger. It provides that after the passage of the act no child under ten years of age shall be committed to any institution by any judge or magistrate in this State. All children under ten years of age arrested by any officer or surrendered to any court or to any institution must be brought before the superintendents of the poor of the several counties of the State or the overseers of the poor and to the Commissioner of Charities of New-York for final disposition.

The Court of Appeals having recently decided that the Gerry Society is not subject to visitation and inspection by the State Board of Charities, this latter Board has reopened the long controversy by presentation to the Legislature to-day of a proposed amendment to the law which shall explicitly give to it absolute authority of visitation and inspection and general supervision of the Board. It is in the form of two bills introduced by Senator Brackett. The first provides that all institutions of a charitable or reformatory nature, whether or not in receipt of public moneys and whether or not supported wholly or in part by private donations, and if incorporated, no matter what the charter of the incorporation may state its purpose to be, providing the incorporation is in fact, either in whole or in part, of a charitable, eleemosynary, reformatory or correctional character, shall be subject to the inspection, visitation and supervision of the State Board of Charities, its members, officers and inspectors.

The other relates to the certificate of incorporation, and provides that a certificate shall not be filed unless with the written consent of a Justice of the Supreme Court; nor unless there be indorsed thereon or annexed thereto the written certificate of the State Board of Charities, provided the object specified be the prevention of cruelty to children. Corporations for the prevention of cruelty to children shall also submit annual reports to the State Board of Charities in the same manner that other charitable or reformatory institutions are required to do.

A DINNER FOR GOVERNOR ROOSEVELT.

REPRESENTATIVES OF MANY ORGANIZATIONS DECIDE TO HONOR HIM FOR HIS ATTITUDE ON CANALS.

At a meeting held at the Produce Exchange yesterday afternoon at which were present representatives of all the leading commercial bodies of the city, except the Stock Exchange and the Consolidated Stock and Petroleum Exchange, it was decided to give a dinner for Governor Roosevelt on the evening of March 3 in recognition of the position taken by the Governor in regard to the development of the canals for the benefit of the commerce of the State. The members of the State Canal Committee, of which General Francis V. Greene is chairman, and the members of the New-York State Commerce Commission will also be invited. It was not decided where the dinner would be held.

The following bodies sent representatives to the meeting: Chamber of Commerce, Merchants' Association, Board of Trade and Transportation, Maritime Association, Merchants and Manufacturers' Board of Trade, Boards of Fire and Marine Underwriters, Cotton Exchange, Manufacturers' Association of New-York, Coffee Exchange, Real Estate Exchange, New-York Mercantile Exchange, Produce Exchange, Canal Boatmen's Association and Metal Exchange.

The twenty-five men present were made a general committee. Gustav H. Schwab was elected chairman, and William R. Corwine secretary. Mr. Schwab announced the following Executive Committee:

Gustav H. Schwab, chairman.	E. T. Barrows.
Oswald Sanderson, treasurer.	F. B. Thurber.
William R. Corwine, secretary.	Samuel D. Coykendall.
H. B. Hebert.	Henry A. McGee.
Franklin Quinby.	Evan Thomas.
John P. Truesdell.	Ira M. MacKnight.
Alfred Romer.	E. L. Boas.
Vincent Loeser.	William Brookfield.
S. Christy Mead.	Darwin R. James.
J. Montgomery Hare.	John V. Barnes.
Henry Hentz.	W. E. Cleary.
Lewis H. Spence.	Julius D. Mahr.
A. B. Hepburn.	Herman Sielcken.
	G. W. Vanderhoef.
	S. De Walltearss.
	J. A. Heckman.

Mr. Schwab will announce the sub-committees later. The Committee on Invitation will go to Albany in a day or two, to call upon Governor Roosevelt and ascertain his wishes in regard to the arrangements for the dinner. Among the men who are to be invited to be guests at the dinner are the Mayors of New-York and Buffalo, and perhaps also the members of the canal committees of the two branches of the Legislature.

CANAL PLAN APPROVED.

STATE COMMERCE CONVENTION COMMITTEE FAVORS THE RECOMMENDATIONS.

The committee appointed at the State Commerce Convention held at Utica in October to take such action as it deemed best to secure the improvement of the canals so that the commercial supremacy of the State may be maintained, held an important meeting yesterday in the rooms of the Board of Trade and Transportation.

It placed itself on record as being in favor of the general plan recommended by the State Committee on Canals appointed by Governor Roosevelt, with such modifications in details as may be deemed necessary. It did not, however, indorse the suggestion of the State Committee on Canals that the canal counties bear the cost of the improvement of the canals, but it said it was in favor of raising the money for such canal improvements according to the past policy of the State. By adhering to such policy the canal and river counties, the committee said, would have to meet 90 per cent of the cost and the State at large the remainder. It also expressed disapproval of the Dillon bill before the Legislature to amend the charter of this city so as to remove the canal district from its present location near the Battery to the neighborhood of Fifty-fifth-st., North River. These views on the improvements of the canals and the maintaining of the commercial supremacy of the State were embodied in resolutions which were adopted.

The committee consists of all Mayors of cities, Presidents of villages or chairmen of local Boards of Improvement or like organizations of the State. John D. Kernan, of Utica, presided. Among those who spoke were J. H. Herbert, of this city; Frank S. Witherbee, Richard Humphrey, of Black Rock; E. F. Murray, of Troy; G. Waldo Smith, of this city; Mayor Diehl of Buffalo; Seth G. Heacock, of Ilion; Frank S. Oakes, of Cattaraugus; A. R. Kessinger, of Rome, and General Francis V. Greene, chair