

NINE PATRICK JURORS.

TALESMAEN UNWILLING TO SERVE IN A TRIAL THAT WILL PROBABLY LAST A MONTH.

Progress in the task of selecting a jury for the trial of Albert T. Patrick, accused of murdering William Marsh Rice, was slower in the Court of General Sessions yesterday than it was on Monday, the first day of the trial. Five jurors were chosen on Monday, when only twenty-four talesmen were examined. Yesterday fifty-eight talesmen were examined, and only four jurors were accepted. It may take nearly all of to-day to get the three remaining jurors.

It was evident in the examination of talesmen yesterday that many of the candidates for the jury box were anxious to escape service in the Patrick trial. They declared that they had formed opinions or had conscientious scruples against the infliction of the death penalty. As the talesmen had been drawn from the special jury list and had been examined by the Special Commissioner of Jurors, they were supposed to have no such objection to the death penalty, and Recorder Goff became annoyed by the repetition of the excuse.

"Did you make that reply to the Commissioner of Jurors?" he asked of one man, who declared he was opposed to the death penalty in murder cases.

"No," was the reply. "I have changed my opinion."

"See that this man's name is stricken from the jury list," ordered Recorder Goff. Then, turning to the talesman, he said:

"You may go. This change of sentiment is surprising. Some of you men will be defendants in the trial for one of these days."

The Recorder objected at times to some of the questions put to talesmen by Assistant District Attorney Osborne for the prosecution, and by the House of Representatives. "You seem to be trying not to get a jury," he said. The Recorder inflicted fines of \$100 each on talesmen who failed to respond when their names were called. Reluctance to serve on the Patrick jury is easily understood. The trial is expected to last at least a month.

John D. Campbell, superintendent of a building company, filed an affidavit yesterday that he had been subpoenaed to serve on the Patrick jury in the box, after admitting that he had read so little about the case that he could have formed no opinion.

John Budelman, a retired real estate dealer of Fordham, who said he would give the defendant the benefit of a doubt if he had one after the evidence was in, was accepted as the seventh juror.

"And no talking by the Assistant District Attorney could remove that doubt?" Mr. House asked.

"No," was the reply. "I have changed my opinion."

Lawrence F. Abbott, said to be a relative of the Rev. Dr. Lyman Abbott, and a sub-editor of the Outlook, was accepted as the eighth juror. He was the youngest man accepted so far, and he was asked only two questions—whether he knew any of the persons concerned in the case, and whether he had any opinion of the case. He replied "No" to each question.

The ninth juror selected was Edward S. Fink, cashier of the Farmers' Loan and Trust Company. He said he had read the newspaper accounts of the death of Mr. Rice, but had formed no opinion that he could not discard in the light of evidence. At the request of the Recorder, the prosecution had used up nine of its thirty peremptory challenges, and Patrick's counsel had interposed the peremptory challenge twelve times. The Recorder ordered an adjournment to 10:30 a. m. to-day.

Robert M. Moore, one of Patrick's counsel, yesterday discredited a report that John T. Milliken, of St. Louis, had married a sister of Patrick. He told Patrick's lawyers to spend \$1,000,000, if necessary, in the defense. Mr. Moore said the only basis for the report was that Mr. Milliken had offered to defray necessary expenses of the defense in the trial.

LITIGATION OVER \$110,000.

THE MANHATTAN RAILWAY AND WESTERN UNION COMPANIES CONTEND FOR ITS DISPOSITION.

Two motions involving the disposition of a judgment for \$110,000 occupied the attention of Justice Leventritt, in the Supreme Court, yesterday. At the request of the Western Union Telegraph Company, Justice Leventritt granted a writ of habeas corpus to the Manhattan Railway Company, which had been held in contempt for failing to pay the judgment.

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CALLS ITSELF CIVIL SERVICE BOARD.

CONCERN SENDS OUT CIRCULARS ASKING FOR THIRTY-FIVE CENTIS IN STAMPS.

A man entered Commissioner Shields's office in the Federal Building yesterday with a circular which had been received through the mails, and which purported to be from "The Board of Civil Service Commissioners." The "commission" stated that the government was anxious to get a number of computers, inspectors, clerks, workmen, mechanics and boys for service in the Philippines, and to fill positions for the government in Arizona, New-Mexico, Colorado and other Western States.

The circular added that if the recipient would send stamps to the extent of thirty-five cents, and immediately thereafter legitimation and fare tickets shall be accomplished, "whatever that may mean." The sender of the circular was identified as a man named Smith, who had been arrested for passing counterfeit money, and turned the complaint over to him. The letter questioned the man, but found he had made no payment except in stamps. The recipient of the circular was told to stop the man, if he could, and to report to the Commissioner of Civil Service.

APPOINTMENTS TO BOROUGH OFFICES.

Borough President Cromwell yesterday appointed Louis L. Tribus, an experienced civil engineer, to the place of Commissioner of Public Works of Richmond Borough. Mr. Tribus took the oath of office from Mayor Low last evening at the City Hall, and will enter upon the discharge of his duties at once. He has made a specialty of the construction of water works and sewerage systems, and is a member of the American Society of Civil Engineers.

President Haffen has appointed Thomas J. Byrne, of No. 22 East One-hundred-and-thirty-seventh-st., as superintendent of public buildings in the Bronx.

Mr. Burchard has been recommended by several persons for Deputy Commissioner of Water, Mr. Burchard is a son of the Borough of Brooklyn, and is a member of the City of New York.

TRIAL OF A NEW STREET SIGN.

Another conference on street signs was held by Borough President Cantor and a committee of the Fine Arts Federation yesterday. Final action is expected on Friday. An appropriation of \$50,000 will be asked for. The triangular sign suggested at the last conference is being tried. One of the signs has been put up at Thirty-sixth-st. and Broadway.

CHICAGO AGAINST SKYSCRAPERS.

Chicago, Jan. 21.—On a test vote the City Council blocked, temporarily at least, plans for the construction of eight skyscrapers. The number increased from sixteen and one fourteen-story buildings. The amount of money which the builders of these structures expect to expend is in the neighborhood of \$20,000,000. The principal opposition to these big buildings came from outlying districts, which have always opposed the erection of high buildings in the business district, on the plea that they would tend to congest all trade in the downtown territory.

WOMAN SIX FEET TALL MISSING.

William G. Ferris, of No. 148 West Eighty-second-st., asked the police at headquarters last night to send out a general alarm for Catherine Haeberlein, thirty-five years old, who has been missing from her home at No. 46 West One-hundred-and-forty-fifth-st. since Friday. Her height is 5'6", and she has a weight of 160 pounds, had dark hair, complexion and eyes, and wore No. 8 man's shoes.

FRICK'S ASSAILANT MUST SERVE TERM.

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"HUCKLEBERRY" GIVES IT UP

WITHDRAWS ITS OPPOSITION TO THE PORT CHESTER LINE.

The State Railroad Commission was treated to a surprise yesterday when it met in the Fifth Avenue Hotel to hear final arguments on the application of the New-York and Port Chester Railroad Company for a franchise to build a four track electric road from One-hundred-and-thirty-second-st. in the Bronx, to Port Chester and the State line. The surprise was a letter from William H. Page, Jr., counsel for the Union Railway Company, otherwise known as "the Huckleberry Line," withdrawing its opposition to the application of the New-York and Port Chester Railroad Company. Heretofore the Union Railway Company, in connection with the New-Haven road, had been fighting the application, but Mr. Page wrote that the company withdrew "its appearance and further participation as an objector" for the reason that it had decided that the projected four track electric road to Port Chester was in no wise opposed to its interests. The letter ended with this statement:

"Having come to this conclusion, the company requests that the Commission should incorporate its lines through which its lines extend, and to the Railroad Commissioners, who are considering this matter, to explain its attitude immediately, as it accordingly does."

General Daniel E. Sikes asked to have a hearing as a resident of New-Rochelle before the lawyers of the company and of its opponents summed up. He was allowed to make an address, and he attacked the managers of the New-York, New-Haven and Hartford Railroad, declaring that they should be ashamed to come before the Railroad Commission and through its lawyers oppose a franchise for a new road. He said in conclusion:

"They want us people along the line of their road to continue riding on their trains and traveling through that hellish tunnel. They tell us that we must and shall continue to travel on their line at the peril of our lives, and compel us to take out an accident insurance policy every time we board one of their cars. I am one of many in favor of the commission granting to the New-York and Port Chester Railroad Company a franchise."

J. S. Richards, representing an opposing railroad company that has built no road, said that the New-York and Port Chester Railroad Company had not complied with the charter in putting up 10 per cent of its capital stock at the time it filed its articles of incorporation. The amount had been put up in the form of a check instead of cash, he said. He admitted that the company subsequently substituted cash for the check, but he insisted that failure to put up the cash in the first place invalidated the incorporation of the company. Frank Smith and W. C. Trull replied to arguments against the application for a franchise, and all the lawyers interested in the case submitted briefs.

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AGAINST USE OF STEAM IN TUNNEL.

Albany, Jan. 21.—The text of Mr. Walnwright's bill designed to prohibit the use of steam in the Park-ave. tunnel in New-York is as follows:

On and after the first day of January, 1902, it is the duty of every railroad corporation to operate any roadway, by steam power, within any tunnel situated wholly or in part in the Borough of Manhattan, in the City of New-York.

Every corporation violating any of the provisions of this act shall be liable to the corporation and to the State, and may be proceeded against as now provided by the Code of Criminal Procedure, and upon conviction thereof shall be punished by a fine of \$2,000 for each offense, and duly sentenced to pay the same. The provisions of this act shall be in force from and after the first day of January, 1902.

MR. NEWMAN SICK WITH A COLD.

William H. Newman, president of the New-York Central, who is expected to testify on Friday at the Coroner's inquest regarding the Park-ave. tunnel wreck, is suffering from a bad cold. Mr. Newman has been ill for several days.

ARCtic CLUB TO STICK TO PEARY.

The Peary Arctic Club held its annual meeting yesterday, re-electing Morris K. Jessup president, and Henry W. Cannon, secretary. Resolutions were adopted congratulating Mr. Peary on his achievement in rounding in 1901 the northern end of the Greenland archipelago; commending the fortitude and tenacity with which he adheres to his original purpose to reach the Pole, and pledging him support to the end.

Recognition was also made of the services of Henry W. Cannon, the Eskimau who accompanied Mr. Peary on his highest northern trip, and of Captain Samuel W. Bartlett's noble and heroic conduct in the Peary expedition, and all her company safely through the winter of 1900-'01 at Cape Sabine. The matter of a steamer for next expedition was referred to the executive committee.

MUST MOVE BRIGADE HEADQUARTERS.

GENERAL McLEER TOLD THAT HE WILL HAVE TO LEAVE THE MUNICIPAL BUILDING, BROOKLYN.

So much pressure has been brought to bear upon Frank J. Helmie, Superintendent of Public Buildings in Brooklyn, for new and larger quarters for the various municipal departments, that he has been obliged to inform General James McLeer, commanding the Second Brigade of the National Guard, that he must vacate the three rooms in the Municipal Building which were fitted up as brigade headquarters about a year ago. General McLeer made a strong protest, but he was told that it was necessary to him to leave the rooms on February 1. Mr. Helmie has made no provision for General McLeer's headquarters, and says that the general will have to find rooms for himself.

SHIP FOR HAWAIIAN SERVICE LAUNCHED.

THE NEVADAN GOES OFF THE WAYS AT CAMDEN.

Camden, N. J., Jan. 21.—The steamship Nevadan was successfully launched at the New-York Shipbuilding Company's yard in this city to-day. The vessel is being built for the American-Hawaiian Steamship Company, and will be completed in about two months. She is one of three vessels that the company is building for its Hawaiian line. The new ship was named by Miss Mildred Morse, the daughter of President Morse of the shipbuilding company.

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JEROME'S EAST SIDE HOME.

KEEPS CAMPAIGN PROMISE BY LEASING RUTGERS-ST. HOUSE.

At the Eye and Ear Hospital the method is used of recovering the sight of one eye, and the sight of the other had been much improved. The method is to stimulate the nerve by moving the eyeball backward and forward.

TRICKERY IN ASPHALT.

CITY CLUB ASKS MAYOR TO HAVE COMPOSITION OF PAVEMENTS EXAMINED

OMNIBUS SPECIFICATIONS.

The municipal government committee of the City Club yesterday sent to Mayor Low a letter with reference to asphalt paving in this city. The club has been informed that the city was swindled under the Van Wyck administration.

The committee says: "We have information, which we think to be credible, that in this city two or more years ago mixtures have been used for surfacing the streets of such various composition as to constitute an enormous variety of pavements. These pavements have been carried on under the very vague specifications controlling the contracts of that time, which permitted the contractor to admit all kinds of material from which pavement could be made, with the single exception of coal tar. It is not within the terms of the specifications that could be used, which is equivalent to saying that the contractor might elect to use anything that he pleased, and to use it in the most economical manner possible."

We think it is demonstrable, if our information be correct, that petroleum residuum has been used upon some of the streets where travel is heaviest and charged for at the same rate as the paving on the same streets in which the basis had been Trinidad pitch. If this be so, then the cost of production in the two cases has been so different as to be a very serious question of honesty in the work done.

We also appeal to your honor to have engineers of the city make an inquiry into the condition of the pavements recently laid, as to the date of paving and the evidence of wear, and the condition of the pavement as to the presence of suggestion in the premises that some system of forfeiture, in addition to the guarantee of maintenance, should be provided. It is suggested that constant repairs at short intervals should not be allowed to embarrass the traffic of the thoroughfares, and that the necessary work be done at night grade material make such repairs necessary.

The letter expresses gratification because of the stand toward asphalt taken by the new administration, and makes a number of suggestions regarding the new paving specifications adopted by the city. The letter continues:

The proposed specifications confirm, by the changes which they make as to the conditions of contract, the accounts of the city which have been taken with respect to the old specifications, namely, that it was impossible to have free competition by the use of vague terms, meaningless terms, or contradictory terms and obscure clauses, which in the end would result in a specification framed by paving companies independent of one another, with any certainty that they would be within the terms of the specification. It is suggested that the specifications should be framed by paving companies independent of one another, with any certainty that they would be within the terms of the specification.

LUTHER R. MARSH SUES FOR INSURANCE.

HE WANTS EXECUTORS OF MRS. HUYLER, SPIRITUALIST, TO RETURN POLICIES.

[BY TELEGRAPH TO THE TRIBUNE.]

Goshen, N. Y., Jan. 21.—Luther R. Marsh has brought suit against the executors of the will of Clarissa J. Huyler, the spiritualist medium who died several months ago, to recover insurance policies on his life aggregating \$15,000, which Mrs. Huyler in the will claimed as her own. Mr. Marsh contends that he assigned the policies to Mrs. Huyler in the will, and that she should have kept them in trust until he should direct their delivery to her. He also contends that the executors of the will were not to give all the policies to Mrs. Huyler, and that the assignment was void as to the policies which she did not receive.

MITCHELL, MINERS' PRESIDENT, ACCUSED.

HE DENIES CHARGES MADE TO CONVENTION BY AN EMPLOYEE.

Indianapolis, Jan. 21.—Charges against President Mitchell, Secretary Wilson and the Executive Board of the United Mine Workers of America were first brought before the convention this afternoon, and the unexpected announcement that the charges would be taken up caused a flurry of excitement in the convention. The charges were made by Miss Meredith, an ex-employee of the national office.

Miss Meredith had prepared the charges in typewritten form. The young woman's statement concerned the alleged shortage of ex-Secretary-Treasurer Pearce, and alleged that President Mitchell and Secretary Wilson had conspired to cover up the shortage. She demanded an investigation of the books to see how much Pearce's alleged shortage really was. She intimated that both Mitchell and Wilson sought to protect Pearce, and for the reason of not giving out all the facts and charges that Pearce frequently presented bills for double the amount of the United Mine Workers, and that the charges amounted to \$2,000 a year, while Mitchell and Wilson reported that he had taken only \$100.

Wilson denied the charges, and said they were the outgrowth of spite. Miss Meredith, he said, was really removed as an assistant secretary. She demanded an investigation of the books to see how much Pearce's alleged shortage really was. She intimated that both Mitchell and Wilson sought to protect Pearce, and for the reason of not giving out all the facts and charges that Pearce frequently presented bills for double the amount of the United Mine Workers, and that the charges amounted to \$2,000 a year, while Mitchell and Wilson reported that he had taken only \$100.

PARDONED ONLY TO BE HANGED.

MISSOURI CONVICT, FREED BY GOVERNOR, IS IMMEDIATELY EXECUTED.

Jefferson City, Mo., Jan. 21.—Governor Dockery pardoned from the penitentiary J. L. Craft, serving a fifteen years' sentence, that the prisoner might to-day expiate the crime of murder on the gallows. Craft killed Henry Speker, a penitentiary guard, in the prison, and was hanged for the crime. Governor Dockery received an anonymous letter threatening him with assassination unless he pardoned the convict. The court reviewed the case, and the Governor's pardon in order that the man might be hanged in Cole County.

ENGINEER STUCK TO DERAILED ENGINE

AND AVERTED POSSIBLE DISASTER.

Denver, Jan. 21.—Through the bravery of Engineer Rooney, Lord Lennox and a party, consisting of Engineer Lennox, ex-Senator Wolcott and Moreton Frewen, were saved from a probably fatal probable death by the derailment of their special train near Gunnison this afternoon.

LORD LENNOX IN ACCIDENT.

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TAKES MAN HE RUNS DOWN TO BELLEVUE.

THE CONSCIENTIOUS CARMAN THEN DRIVES THE PATIENT HOME.

Charles Creamer, a cabman, of No. 34 Fifth-st., who drives for Michael Hoffman, of No. 32 Second-st. Club, was taken to Bellevue Hospital to-day by his horse, which he had run down on the sidewalk of the city. Creamer was taken to Bellevue Hospital to-day by his horse, which he had run down on the sidewalk of the city.

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WANTS PAROLE STOPPED.

DISTRICT ATTORNEY CLARKE OF KINGS COUNTY THINKS LAW UNCONSTITUTIONAL.

With a view to stopping the pardoning of criminals under the law passed last year, providing for the parole or pardoning of certain prisoners at Sing Sing by the Board of Prison Commissioners, and also to test the constitutionality of the law, District Attorney John F. Clarke of Kings County has secured an order from Supreme Court Justice Maddox directing Warden Addison Johnson, of Sing Sing, to show cause why a peremptory writ of mandamus should not be issued to prevent him from acting on the paroles granted by the Board of Prison Commissioners.

The papers have been served on Warden Johnson, and a copy of the same papers was served on the Attorney General in Albany. The return of the writ will be made before Justice Maddox on Monday next. At that time the Attorney General, it is said, will be represented by Edward Lauterbach, of Hoadly, Lauterbach & Johnson. District Attorney Clarke is suing not only as a county officer, but also as an individual and taxpayer.

"We have prevented the release of any more hardened criminals until this question can be settled," said the District Attorney yesterday. "Assistant District Attorney Elder, who is representing me in this action, explained to me that he believed the law to be unconstitutional, and I agree with him. He has shown me our contention that the exclusive power to pardon is held to be in the Governor."

Assistant District Attorney Elder said: "This law is unconstitutional. The indeterminate sentence act has been condemned both by judges in New-York County and by Judges Aspinall and Crane in Kings. Moreover, Warden Johnson, who is the shareholder of the one bank, and \$600,000 to the other. Among the directors whose names are attached to the circular are Governor Franklin Murphy, Frederick Frothingyusen, Eugene Vanderpool and Edward S. Campbell."

"The girls were held without bail on a charge of conspiracy to poison their mother."

GIRLS TRY TO POISON MOTHER.

THEY WANT TO GET INSURANCE—PLAN TO BLAME BROTHER.

A conspiracy of two children to poison their mother and get \$250 insurance resulted yesterday in the arrest and confession of the two children, Lizzie Thoms, thirteen years old, who put Paris green in her mother's tea, and Annie, her seventeen-year-old sister, who bought the poison. Mrs. Lizzie Thoms, the mother, recovered sufficiently yesterday to go to Recorder Stanton to make her charge.

The poison was given to her last Wednesday. She stated it was given to her tea. She was ill until Sunday, though no physician was called. The older girl when arrested blamed her sister, who confessed that she had poisoned her mother, but said that Annie bought the Paris green. She said they had planned to get the insurance money, and to blame their brother if there was any trouble over the insurance.

UNION LEAGUE CLUB ELECTION.

The Union League Club, of Jersey City, held its annual meeting on Monday night, and re-elected by acclamation the following officers: President, Albert Rappley; vice-president, Samuel D. Dickson; secretary, Robert B. Gray; treasurer, Samuel Limerick, Jr.; governors, William H. Holmes, Harry Hill, E. B. Bacon, Frank W. Angell and Thomas W. Tilden.

BOARD OF TRADE DINNER.

The Jersey City Board of Trade will have its annual dinner on Thursday night of next week.

AN EXCEPTION.

From The Philadelphia Record. Tommy—Pop, a husband and a wife are one, aren't they? Tommy's Pop—So we are told, my son. Tommy—Then it doesn't always take two to make a quarrel, does it?

PARTRIDGE TO APPOINT PATROLMEN.

HE LEAVES TO CIVIL SERVICE BOARD THE PASSING ON RECORDS FOR PROMOTION.

Commissioner Partridge said yesterday that he had asked for an eligible list from the Civil Service Commission from which to appoint twenty-five additional patrolmen. Mr. Partridge was asked if he understood that there were eligible lists for captains, sergeants and roundsmen. There was a long standing difference of opinion between Commissioner Murphy and the Civil Service Board as to the formation of such lists. Mr. Murphy held that he should have the power to recommend promotion on the records of the men, and that the Civil Service Board should maintain that the Commissioner should submit the records, and that the board should form its own conclusions from the records. Mr. Partridge said that he understood lists of those eligible for promotion as roundsmen, sergeants and captains were in the course of preparation, and that he would submit the records to the board. This was an expression of consent on his part to give the Civil Service Board the full opportunity of preparing the eligible lists, including the passing on records.

PRESBYTERIANS' NEW CREED.

OUTLINE OF SHORT DECLARATION OF BELIEF COMPLETED BY COMMITTEE.

Pittsburg, Jan. 21.—The Presbyterian creed revision committee has been called to meet in Philadelphia week after next, to hear the reports of the several sub-committees. It is expected that the finishing touches will be put on the "declaratory statement" which will be the basis of the new creed. The plan is to report this short creed to the next General Assembly, as the committee feels that it will not satisfy the Church simply to report progress of the revision. The new creed will be a fundamental doctrine of Calvinism and expressed in popular form. It teaches the existence of God, the doctrine of the divine sovereignty, the Trinity, the divinity of Christ, the inspiration of the Scriptures, life everlasting, the atonement, predestination, and other fundamental truths, but avoids the old phraseology around which controversy has arisen.

The United Presbyterian General Assembly has also undertaken to summarize the doctrines of the Confession of Faith for popular use. In the case of the United Presbyterians the General Assembly will settle the question, and the churches will use the statement on their communion.

A TAMMANY EMPLOYEE OUT.

PRESIDENT CANTOR