WEI-HAI-WEI A MISTAKE.

ADMITTED FAILURE OF MR. BALFOUR'S CHINESE VENTURE.

DECISION IN THE CASE OF CANON GORE—FASHIONABLE WEDDINGS IN THE METROPOLIS.

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[BY CABLE TO THE TRIBUNE.]

London, Feb. 11, 1 a. m.—Mr. Balfour's Chinese exploit was subject to searching inquiries in both houses yesterday and his policy was admitted to be a failure. He took Lord Salisbury's place in the Foreign Office during a critical period when Russia and Germany were obtaining naval bases in the Gulf of Pe-Chi-Li and England was doing nothing. There was an outbreak of newspaper criticism, and Mr. Balfour was before the storm. He obtained a lease of Wei-Hai-Wei and was applauded by the press for a timely display of vigor. Well informed critics like Sir Charles Dilke ridiculed the attempt to convert the harbor into a naval stronghold and predicted that Wei-Hai-Wei would be as great a failure as Lord Beaconsfield's strong place of arms, Cyprus. These forecasts have been confirmed by the abandonment of the attempt to fortify the harbor. Mr. Brodrick was terser in his explanation of the change of policy than Lord Onslow, who gave Lord Rosebery an opening for fine irony by enlarging upon the advantages offered for a naval sanatorium and practice ground. Sir Michael Hicks-Beach solemnly figured up the cost of this ill-advised venture, which has ranked with Cyprus as a poor investment made from mistaken views of imperial policy.

Lord Cranborne will be asked in the House of Commons to-day whether the decision to withdraw the troops from Wei-Hai-Wei was the outcome of an arrangement with Germany.

The Lord Chief Justice has decided that there has been no interference in the confirmation of a bishop since the time of Henry VIII, and can be none in the case of Canon Gore. He has also made a practical suggestion that the form of public citation now employed should be modified in order to prevent the raising of questions at an unsuitable time and place. The effect of the decision is to exclude objections based on doctrinal grounds. The Prime Minister with the king behind him is the arbiter of doctrine and morals when a vacancy in a bishopric is filled, and the citation of the Vicar General is an empty form. The legal proceeding has cost two Protestant associations heavily in counsel fees. It has emphasized the unpleasant features of the state of the Church and strengthened the impulse for ultimate liberation.

A most picturesque wedding yesterday was that of Ivor Churchill Guest, Lord Wimborne's son, and Alice Sibell Grosvenor, Lord Ebury's daughter. The two mothers-in-law are at opposite poles of churchmanship, but St. Peter's, Eaton Square, offered a middle ground for the ceremony. There were fourteen bridesmaids, and the bride was a lovely figure in embroidered lisse over white satin. The church was crowded with duchesses and countesses, the Duchess of Marlborough and Lady Harcourt being the most prominent Americans present. Many members of Parliament also attended the wedding of their colleague.

A ceremony at St. Paul's, Knightsbridge, was simpler when Sir William Hart Dyke gave his daughter away to John Scott Gatty, eldest son of the York Herald of the College of Arms, but the reception at Lowndes Square was attended by a large company of titled and fashionable people.

Colonial officials are disappointed by the exclusion of Victoria-st. from the route of the coronation day procession, but the King's decision is warmly approved in clubland, where both shows will be well seen, the effects of decoration can be concentrated and seats for a portion of the route are good for two days.

L. N. F.

BRITISH TO HOLD WEI-HAI-WEI.

BUT WILL CEASE TO FORTIFY THE PLACE, AND WILL WITHDRAW THE TROOPS.

London, Feb. 10.—In the House of Commons to-day the War Secretary, Mr. Brodrick, confirmed the report that the government had decided to withdraw the British troops at Wei-Hai-Wei, and to proceed no further with building fortifications at that place.

In the House of Lords the Under Secretary for the Colonial Office, Lord Onslow, referring to the Government's intention to withdraw the British troops from Wei-Hai-Wei, added the information that the government had no intention of giving up so valuable a colony as Wai-Hai-Wei. It was extremely useful as a small-arms store, for gunnery practice and as a sanatorium. The naval and military officials there had every reason to believe Wei-Hai-Wei would become increasingly useful and valuable.

The Chinese regiment at Wei-Hai-Wei, Lord Onslow added, would be gradually disbanded. It had been found that the position could only be fortified at a great expense. The Colonial Office took over the administration of the place on January 1. The rumors that Wei-Hai-Wei would be returned to China or handed over to any other power were entirely unfounded. The decision had been reached from the point of view of naval strategy, and there had been an extraordinary consensus of naval opinion in favor of the course adopted.

MOB BURNS MISSIONARY BUILDINGS.

Hong Kong, Feb. 10.—A dispatch from Canton announces that the Berlin Missionary Society's buildings at Fayen, near Canton, have been burned by an anti-Christian mob. The missionaries escaped.

Details received here later in the day show that the mission was burned on February 7. The perpetrators of the outrage profess to be connected with the French Catholic missions, but this is regarded as being merely a subterfuge.

The Rev. M. Bahr, of the Berlin Mission at Fayen, and his wife and infant child have arrived safe at Canton.

SAMOAN CLAIMS BEFORE KING OSCAR.

London, Feb. 10.—The Under Secretary for Foreign Affairs, Lord Cranborne, answering a question, informed Sir Charles Dilke (Radical) that the American, German and British claims in Samoa were now before King Oscar of Sweden and Norway for arbitration. The counter cases, which must be presented before March 1, were now in course of preparation. It did not appear that any proposal had been made by either Germany or the United States to include in the scope of the arbitration the claims of Samoan natives.

LIVELY WEEK IN SOUTH AFRICA.

BRITISH COLUMNS RUSHED—HEAVY LOSSES ON BOTH SIDES.

London, Feb. 10.—A report received to-day from Lord Kitchener at Pretoria shows last week to have been the liveliest week, with the heaviest losses on both sides, for several months past. Lord Kitchener gives as the Boer casualties a total of 69 killed, 57 surrendered and 574 taken prisoners. The British captured 480 rifles, one pompon and the usual grist of munitions and live stock.

The most serious British loss during the week was the capture of sixty donkey wagons, convoyed by 160 troops. At a point thirty miles from Beaufort West, Cape Colony, the enemy swooped down on the donkey wagons and cut up the convoy before assistance arrived. They were able to remove only twelve of the wagons, and burned the rest. In this engagement the British lost 2 officers and 11 men killed and 1 officer and 47 men wounded, while the Boers lost 24 killed and 47 wounded.

The Boers also rushed a detachment of one hundred men of Colonel Doran's column on the night of February 3, when the British lost 3 officers and 7 men killed and 17 men wounded.

Von Donop surprised Potgieter's laager, near Wolmaranstad, Transvaal Colony, February 7, killing 3 Boers and capturing 36, as well as 25 wagons and live stock.

TEST FOR NEW SHAMROCK.

WILL BE TRIED AGAINST SHAMROCK II WITH AMERICAN SKIPPER AND CREW.

London, Feb. 10.—Sir Thomas Lipton's third challenger for the America's Cup will be tested against Shamrock II with an American skipper and crew on board the latter. This decision is the outcome of the statement that the Columbia was the better handled during the Cup races last year. No American captain has yet been asked to show what he can get out of Shamrock II, and probably no captain will be asked to do so until the end of the coming season. But Sir Thomas has decided that, after his new challenger has been thoroughly tried here against Shamrock I, another series of trials shall be carried out over the Cup courses against Shamrock II in American hands. By this means it is hoped to show how far George L. Watson's opinion of his boat was justified and give the third challenger such a tuning up as to assure that she shall not suffer from being brought to the starting line in an untried condition.

THE LIBERTADOR IN BATTLE.

REBEL STEAMER SAID TO HAVE SUNK A VENEZUELAN GUNBOAT.

Willemstad, Island of Curacao, Feb. 10.—Cannonading has been heard here from early morning in the direction of the Venezuelan coast. It is believed that the Libertador has been engaged with another Venezuelan gunboat.

A report of an engagement between the Libertador and the General Crespo appears to be confirmed. The Libertador some days ago landed a force of insurgents on the Venezuelan coast, and they subsequently took possession of the village of Cumarebo, situated near La Vela de Coro. The Venezuelan gunboat General Crespo, which attempted to prevent the landing, was fired upon and badly damaged by the Libertador. The Crespo had her propeller shaft broken, and is said to have sunk.

General Andrade, the former President of Venezuela, who reached this island recently, embarked on board the Libertador on the night of February 7.

The success of the Libertador has caused a sensation at Caracas, where great commotion prevails. The news received there from the interior of Venezuela is not favorable to the government. It is announced that the insurgents are very active, especially in the vicinity of Barquisimeto, capital of the State of Lara. The revolution against President Castro is gaining ground visibly, and its partisans are increasing in number.

ALARMED BY A BRITISH THREAT.

CONTINENTAL SUGAR MEN DISTURBED OVER PROSPECT OF COUNTERVAILING DUTIES.

Brussels, Feb. 10.—The reassembling of the International Sugar Conference, which was to have occurred to-morrow, has been postponed until February 17.

Berlin, Feb. 10.—The news received here from the Brussels sugar conference that Great Britain intends imposing a countervailing duty on sugar against bounty paying countries has alarmed the German and Austrian sugar manufacturers. The delegates of both countries met here yesterday and discussed the action to be taken. They resolved to do their utmost to prevent the abolition of bounties at a moment when the sugar industry is in the midst of a severe crisis and to appeal to both governments to do nothing which may disastrously affect the sugar industry.

BAD OUTLOOK FOR INDIA.

NO RAIN HAS FALLEN, AND THE RATS ARE DESTROYING THE CROPS.

London, Feb. 10.—The Viceroy of India, Lord Curzon of Kedleston, telegraphs that the famine outlook is very serious. No rain has fallen, and the plague of rats in Gujerat, Rajpootana and Central India is assisting in the destruction of the crops. The relief works are being rapidly extended.

FOR THE LIBRARY.

Edition de Luxe of The Tribune Almanac is a necessary fixture for the library. Bound in cloth and gold lettered. Price, $1.

GLASGOW PIG IRON MARKET EXCITED.

Glasgow, Feb. 10.—Pig iron closed strong and excited here to-day. A large business was done at 50s. to 50s. 6d. cash. The previous closing price was 49s. 7d.

SANTOS-DUMONT MAKES ANOTHER TRIP.

Monaco, Feb. 10.—Santos-Dumont to-day made his third trip over the bay. Splendid weather prevailed. The aeronaut made evolutions, with complete success, for thirty minutes, and returned to his starting place amid the plaudits of the great crowd assembled.

SENOR SILVELA CHALLENGED.

Madrid, Feb. 10.—Señor Ibauey, a Republican Deputy, has challenged Señor Silvela, the former Premier, to fight a duel, in consequence of the latter's sharp criticism in the Chamber of Deputies, February 8, of Ibauey's connection with the agitation in Valencia.

"DAILY NEWS" CHANGES OWNERSHIP.

London, Feb. 10.—Another change has taken place in the proprietorship of "The Daily News," of this city. George Cadbury has bought out his copartners. A number of new departures are contemplated. A special feature will be made of social reform. Betting and turf news will be rigidly excluded from the paper, but the reporting of other sports will be continued.

"Sec" (A Very Dry Wine.) **POMMERY** "Brut" (No Sweetening Whatsoever.)

To offer your friends POMMERY is evidence of your own knowledge of Champagne quality.

CHAMPAGNE

PRINCE WOULD NOT COME.

Continued from first page.

and speed run. If she measures up to the expectations of the trial board, which is on the ship, the government will accept her from her builders, the Newport News Shipbuilding and Dry Dock Company, and pay the last instalment of the construction price. The members of the board of inspection and survey, of which Captain Train is acting chairman, arrived here early this morning from Washington, and were soon domiciled aboard the battleship. The bunkers of the Illinois are filled with picked New-River coal, which will be used in developing the highest possible steam pressure for the final trials. On arriving at New-York preparations will be made to fit up the ship for Prince Henry's coming.

Orders have been received at the navy yard to dispatch the remodelled cruiser San Francisco to New-York on Friday. She will carry the stores for the Illinois, which the navy yard could not deliver prior to sailing. The San Francisco has been out of commission since the fall of 1898. It is understood that the cruiser Cincinnati, now at Old Point, will accompany the San Francisco.

CHANGES IN RECEPTION.

ABANDONMENT OF PLANS FOR RECEIVING HOHENZOLLERN OFFICERS—ETIQUETTE SAID TO REQUIRE IT.

The plans for the reception of the officers and crew of the Hohenzollern have been abandoned. For several weeks clubs of this city have been planning receptions and dinners for the officers of the imperial yacht. These included a smoker concert at the Union League Club, an athletic exhibition at the New-York Athletic Club and a dinner, given by Commodore Ledyard, at Sherry's. All these plans had been accepted provisionally by the committee that has charge of the entertainment of those on the Hohenzollern. But yesterday this committee met, and, after a long discussion, decided that for good and sufficient reasons these receptions must be declared off. The cause of this decision was not given. Captain A. T. Mahan, chairman of the committee, intimated that etiquette forbade the reception of the attendants until the prince arrived. A prominent German told a Tribune reporter that the preparations for the reception of the officers had been so elaborate that it was feared it would detract from the principal reception. It was also intimated that the committee had received suggestions from Washington.

Emil L. Boas, agent of the Hamburg-American Line, said that the reason the entertainments for the officers of the Hohenzollern were given up was that the ship would be so dirty after the sea voyage that it would be necessary for the officers to stay aboard ship to get it in shape for Prince Henry.

Instead, therefore, of entering the harbor amid the booming of cannon and receiving the official honors due a warship commanded by an admiral, the Hohenzollern may come in as a merchant ship and go quietly to her Hoboken dock. There she will be thoroughly overhauled and painted cream white. It is still possible that she may enter the city as a man of war, but that seems unlikely.

The Hohenzollern is now midway between St. Thomas and Bermuda. She will stop at Bermuda only to coal, and will then sail for this port, where she will arrive either Saturday afternoon or Sunday morning.

EARLY RECEPTION AT CITY HALL.

Another change is announced for the reception of Prince Henry at the City Hall. He will be received at 4:30 p. m. on Saturday, February 22, instead of at 5:30 p. m. Mayor Low, in announcing this change, said that it had been made at the request of the authorities at Washington. This will permit the prince to keep an evening engagement.

Herman Ridder announced yesterday that over eleven hundred of the fourteen hundred persons to whom invitations had been sent for the dinner to be given by the "New-Yorker Staats-Zeitung" for the American press in honor of Prince Henry had been accepted. As the dining hall at the Waldorf-Astoria will accommodate only eight hundred, additional space will have to be provided for, and it is probable that the Astor Gallery will be used.

Among those who have accepted invitations are Adjutant General H. C. Corbin, Rear Admiral Robley D. Evans, David J. Hill, Assistant Secretary of State; Senators Depew and Hale, Commander Cowles and Colonel Bingham. Acceptances have been received from people living as far West as Chicago.

The dining room at the Waldorf will be finely decorated for the dinner. Behind the dais American and German colors will be draped. Thirty-one people will be seated at the guest table. All the tables will be banked with American Beauty roses, and the walls will be festooned with smilax.

Townsend & Downey have begun the work on the grandstand from which the Presidential and royal parties will watch the launching. This stand will be 32 by 45 feet, and will accommodate about two hundred persons.

The builders are besieged with applications for tickets from those who want to see the launching. It is estimated by a member of the firm that about thirty-five hundred persons will gain admittance to the island on the two thousand tickets issued.

A sample flag in German colors, trimmed with red, white and blue streamers, was sent to Townsend & Downey yesterday by a firm which desired to secure a contract for several thousand to be distributed in the crowd at the launching. These flags have the name of the Kaiser's yacht printed in the centre. They created considerable amusement, as the name was spelled "Meoteor."

AT THE UNION LEAGUE CLUB.

At the Union League Club the arrangements for the smoker for the Hohenzollern officers has been extended to include a programme furnished by the Mendelssohn Club. This provided for patriotic songs, and was to close with the singing of "Die Wacht am Rhein." Cornelius N. Bliss called on Mayor Low yesterday to see about this reception. It is possible that it will simply be postponed until after the Prince arrives.

The statement of Maurice Grau that the price of general admission to the Metropolitan Opera House on the night of Prince Henry's visit there will be $5 is likely to intensify further the strained relations between Commissioner Sturgis of the Fire Department and the management of many theatres. Mr. Sturgis was too busy yesterday to say what he might do in the event of Mr. Grau disposing of tickets of general admission at $5 each, allowing the holders of them to stand in the rear of the house. William Leary, the secretary of the department, said that the "standing" question had been taken into the municipal courts, and a decision was expected within a few days that would settle the dispute. "I don't think," added Mr. Leary, "that Mr. Grau intends any flagrant violation of the law. If the department's attitude is sustained by a judicial decision you can rest assured there will be no standing in the Metropolitan Opera House or any other theatre."

STANDING ROOM AT METROPOLITAN.

Asked about an alleged remark by Mr. Grau that seats had not been provided for Commissioner Sturgis for the night of opera in honor of Prince Henry, but that he would receive seats if he paid for them, Mr. Leary, smiling, replied that he thought the Commissioner could visit the opera house on that particular night or any other if he saw fit in his official capacity without paying for admission, but that he did not believe the Commissioner had the remotest idea of taking advantage of his official prerogative.

Commissioner T. B. Connery, of the Board of Education, who is chairman of the committee which invited the Prince to inspect the public school system of this city, said yesterday that the committee had sent to Karl Buenz, the German Consul General, the board's formal invitation to the Prince.

"We are confident," said Mr. Connery, "that the Prince will accept. One of the places we shall take him to is the Normal College, which was visited by the old Brazilian Emperor, Dom Pedro. In a day or two we shall know whether we can get the old schoolship St. Mary's in trim to warrant taking the Prince aboard her."

President Cantor said that the sub-committee of the Board of Aldermen yesterday considered the programme for the reception of Prince Henry. It would recommend to the full committee of fifteen, which meets to-day, the appropriation of $1,500 to cover the expenses of the City Hall exercises. This appropriation will include the cost of the engrossed "freedom of the city" and the box in which it will be cased.

MINNESOTA NOT TO SEE ROYAL VISITOR.

Minneapolis, Feb. 10.—Prince Henry cannot come to Minnesota, so Minnesota's Governor will convey the greetings of the State to Prince Henry at Milwaukee. Baron von Holleben, the German Ambassador, has replied to the invitation of Governor Van Sant, stating that it will be impossible for the Prince to extend his tour beyond Milwaukee. Governor Van Sant and his staff will meet Prince Henry in Chicago on March 2, and will join the party that is to escort him to Milwaukee. In connection with the exercises at Milwaukee, Minnesota's welcome to the Prince will be extended by Major J. C. Jensen, of the Governor's staff. It will be given in the German language.

BERLIN PRESS KEEPS AT IT.

AN OFFICIAL ORGAN TAKES UP THE CONTROVERSY OVER THE SPANISH WAR.

Berlin, Feb. 10.—The official "North German Gazette" this evening joins in the controversy regarding the attitude of the respective powers at the outbreak of the Spanish-American War. It says Lord Pauncefote's proposals, April 14, 1898, to send a collective note to the government of the United States, declaring American intervention (in Cuba) to be unjustifiable is an historical fact, and proceeds to characterize as absurd the "attempt now being made to obscure and dispute an event which did not occur in the presence of the representatives of only two powers, but on which the representatives of all the powers at Washington, after reaching an agreement, reported to their respective governments, April 14, 1898, simultaneously and identically."

The declaration in the "North German Gazette" is a direct consequence of the incredulity expressed by American and English newspapers regarding the disclosures from here of the action of Lord Pauncefote on April 14, 1898. If this declaration is replied to by Great Britain, the documents relating to the matter will undoubtedly be published. In official circles here it is deemed best to wait and see how the statement published this even in the "North German Gazette" is received.

The correspondent here of The Associated Press learns that a transcript of the dispatch from Dr. von Holleben, the German Ambassador at Washington, communicating the proposal of Lord Pauncefote, was sent to Emperor William immediately after its receipt, and that the Emperor annotated his flat refusal on the margin of the message. The informant of the correspondent added:

"But for the action of Emperor William, Lord Pauncefote's proposal would have been accepted by the other powers."

NORMAN TO ASK ANOTHER QUESTION.

REPEATED STATEMENTS IN THE GERMAN PRESS MAY LEAD TO COMPLICATIONS.

London, Feb. 10.—The efforts of the German official and semi-official press to reopen the controversy concerning the attitude of the powers toward the United States prior to the Spanish-American War are rapidly leading to complications which, at least, will be entertaining, and which possibly may have important developments.

Henry Norman, a member of Parliament, who on January 20 first interpellated Lorn Cranborne, Under Secretary for Foreign Affairs, in the House of Commons on this matter, will ask Lord Cranborne to-morrow whether his attention has been called to the statements widely made in the German press, and alleged to have received official confirmation, to the effect that Great Britain on April 14, 1898, through her ambassadors, proposed a fresh joint note, in which the powers should declare that Europe did not regard the armed intervention of the United States in Cuba as justifiable, and that in consequence of Germany's refusal to accept this proposal the step was abandoned. Mr. Norman will also ask whether Lord Cranborne can make any statement on this subject.

The Associated Press is in a position to say that if the Cabinet agrees to allow Lord Cranborne to make a frank answer to Mr. Norman's questions, he will not give anything but a flat denial to the allegations of the German press. If Lord Cranborne accepts Mr. Norman's invitation to make a further statement on this subject, it is probable that it will be a guarded reference to the unofficial pourparliers which took place among the diplomats at Washington prior to the declaration of war, and of which the Foreign Office has no official record.

According to the Foreign Office, it is inconceivable that Lord Pauncefote could have entered into any such negotiations as are suggested by the German press, and much less instigated them.

However, if the reply regarding this phase of the affair is made, it is not likely to be too definite, on account of the palpable anxiety exhibited here to make Germany produce those documentary proofs which she is alleged to have up her sleeve.

PRESBYTERIAN CREED CHANGES.

DEFINITE DECISION ON SEVERAL POINTS IN CONFESSION OF FAITH.

Philadelphia, Feb. 10.—The creed committee of the Presbyterian Church, now sitting in this city, disposed of considerable work to-day, coming to a definite decision on several vital points in the Confession of Faith. The work done is summed up in the official statement given out by Dr. William H. Roberts, of this city, the stated clerk of the General Assembly and the secretary of the committee. It is as follows:

The work of the committee, so far as completed, provides a declaratory statement for Chapter III of the Confession of Faith on predestination, and also for Chapter X, Section 3, on elect infants. The secretary, Dr. William H. Roberts, repeats his statement that the American Presbyterian Church does not teach that any dying in infancy are lost.

The committee, further, has agreed to revision of the text of the Confession in the matter of "good works," Chapter XVI, Section 7; of its being a sin to refuse an oath, Chapter XXII, Section 5, and also to the Pope being a man of sin, Chapter XXV, Section 6. It also adds to the Confession two chapters—one on the Holy Spirit and the other on the Gospel.

In explanation of the second paragraph of the statement regarding Dr. Roberts's reiteration that "the American Presbyterian Church does not teach that any dying in infancy are lost," he said that he had made the first statement to that effect last week, and that since then he has received many communications from clergymen, religious newspaper editors and others as to whether he had been correctly quoted. He said that he had solicited the individual opinion of each member of the committee, and that they all were of the opinion as he stated it. The section on "good works" is as follows:

Works done by unregenrate men, although for the matter of them they may be things which God commands, and of good views both to themselves and others, yet, because they proceed not from a heart purified by faith, nor are done in a right manner, according to the Word, nor to a right end, the glory of God, they are therefore sinful, and cannot please God or make a man meet to receive grace from God. And yet their neglect of them is more sinful and displeasing unto God.

This section was revised by striking out the words, "are therefore sinful, and."

MADE "DUKE OF RIVERS AND HARBORS."

Washington, Feb. 10.—The New-Orleans Mardi Gras officials to-day presented to Chairman Burton of the River and Harbor Committee of the House an elaborate jewelled emblem, designating him as the "Duke of Rivers and Harbors."

THE AUSTRALIAN WHEAT CROP.

Adelaide, South Australia, Feb. 10.—"The Register" estimates the wheat yield of the colony at an average of five 50-pound bushels an acre on 1,500,000 acres, and the exportable surplus of wheat at 146,000 tons.

FRIEND A STATE WITNESS.

PATRICK'S PERSONAL COUNSEL TESTIFIES THAT LAWYER TOLD HIM HE WAS SURE OF RICE ESTATE.

After a recess of three court days, due to the illness of one of the jurors, John D. Campbell, the trial of Albert T. Patrick, who is charged with murdering William Marsh Rice, was resumed yesterday. Mr. Campbell had apparently recovered from his indisposition. When court adjourned because of the illness of Mr. Campbell, Dr. H. B. Loomis, the pathological expert, was under cross-examination. He had testified that the condition of Mr. Rice's lungs, as developed by the autopsy, was due, in his opinion, to the inhalation of chloroform or some like irritant. He was the first witness yesterday.

"I know of no natural cause," he replied to one of Assistant District Attorney Osborne's questions, "that could have caused death with the symptoms shown by the autopsy on Mr. Rice's body."

"Are you prepared to say," Mr. Moore asked in cross-examination, "that Mr. Rice did not die of disease?"

"I am not. I can say, however, that the examination I made disclosed no disease."

Max Hunke, a manufacturing chemist, of Brooklyn, who made the embalming fluid used in embalming the body of Mr. Rice, testified to the ingredients from which the fluid was made. Traces of mercury were found in Mr. Rice's stomach, as shown by the testimony of Rudolph A. Witthaus, and the counsel for the defence asked Dr. Witthaus if the mercury might not have come from the embalming fluid. Mr. Hunke was called to offset any impression that that question might have made on the jury.

"Did the fluid you sold to the embalmer, Potter, contain mercury?" he was asked. The defence objected and was sustained, but after a long argument by Mr. Osborne the Recorder reversed his former ruling, and, despite the objections of the defence, permitted the witness to answer the question. His reply was "No."

On cross-examination, the witness told Mr. Moore he knew of several kinds of embalming fluid that contained mercury. One manufactured at his laboratory contained it, but he did not believe it possible that mercury could have got into the fluid sold to Mr. Plowright, the undertaker, for the use of the embalmer, Potter.

John R. Potts, Patrick's personal counsel, who cashed the $25,000 check at the Fifth Avenue Trust Company for Patrick, was the next witness. In response to Mr. Osborne's questions he testified that Patrick first spoke to him of Mr. Rice on September 17, 1900.

Patrick said: "John, I've got something to tell you. That rich client of mine has made a will, naming me a residuary legatee. Come with me, and I'll prove it to you." They went to No. 220 Broadway, and Patrick showed witness the assignment giving him access to the safe deposit vault, a paper showing the settlement of the contest of the will of Mr. Rice, and some other papers. Some checks fell out while Patrick was handling the papers. The amounts were blank, but they were signed and made out to his order.

Witness identified the 1900 will as the paper Patrick showed him to prove that "his rich client" had made him residuary legatee of all his estate.

Witness said to Patrick: "I don't think a will like that is good for anything. Patrick replied: "That's all right, John. The estate is practically mine."

Counsel for the defence objected to the witness telling any of the conversation he had with Patrick in the Tombs, on the ground that before his arrest Patrick retained Mr. Potts as his personal counsel, and that any communication between counsel and client was privileged.

Recorder Goff sustained the contention of the defence and refused to instruct the witness to tell how Patrick explained his possession of the blank checks or any of the conversation he had with Patrick subsequent to his arrest.

All of the testimony of Mr. Potts was given in a storm of objections, in which Mr. House accused the Assistant District Attorney of leading the witness, and Mr. Osborne declared that the lawyer for the defence was giving the witness warnings as to what questions he should not answer.

Every now and then, after a more than usually prolonged wrangle, the Recorder instructed the stenographer, "Strike all that out," but the point of the prosecution had been made, and the questions objected to were in the minds of the jury.

The witness said Patrick told him he presumed Mr. Rice was actuated by personal regard for him and because he knew his determination of character would lead him to carry out all Mr. Rice's directions without regard to the claims of his relations.

He told witness the day before Mr. Rice died that he had not seen Mr. Rice for a week. He said he did not intend to permit Mr. Rice to play fast and loose with him.

Mr. Potts identified the $25,000 check which he certified and later deposited in the Nassau Bank to the credit of Patrick as trustee. Patrick, he said, told him that Mr. Rice sent the checks to him on the day before his death.

Within two or three days of Mr. Rice's death Patrick told witness he understood the checks were sent to him to settle the claims of the heirs under Mr. Rice's will.

On cross-examination by Mr. Moore Mr. Potts said he had the proceeds of the $25,000 check for about ten months, and then paid it over to the temporary receiver of Mr. Rice's estate. Patrick gave his written consent to the transfer.

Adjournment was taken at 4:25 o'clock until 10:30 a. m. to-day. The failure of the defence to cross-examine Mr. Potts at length had upset Mr. Osborne's calculations.

TO CHANGE INAUGURATION DAY.

SENATOR HOAR FAVORABLY REPORTS HIS PROPOSED CONSTITUTIONAL AMENDMENT.

Washington, Feb. 10.—Mr. Hoar, from the Senate Committee on Privileges and Elections, to-day reported favorably the amendment to the constitution introduced by himself changing the day for the inauguration of the President of the United States from March 4 to the last Thoursday in April. The resolution provides that the change shall take effect in 1905, and extends the term of President Roosevelt from March 4 to that date. It is also provided that hereafter the terms of Senators and members of the House of Representatives shall begin on the last Thursday of April instead of March 4, as at present. The committee added the following amendment to the resolution:

If the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them before the last Thursday in April next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

PROF. HAUPT ON CANAL ROUTES.

HE POINTS OUT SOME ADVANTAGES OF THE NICARAGUA SCHEME.

Washington, Feb. 10.—Professor Lewis M. Haupt, of the Isthmian Canal Commission, testified before the Senate Committee on Interoceanic Canals to-day concerning the engineering features connected with the construction of a canal across the Isthmus of Panama. He said that while the proposed Panama Canal is much shorter than the Nicaragua, the total distance to be covered by vessels in making the voyage from New-York to San Francisco would be much greater by the former than the latter route. He also said that he apprehended much difficulty in constructing the big dam at Bohio on the Panama line. Another point made by him as favorable to the Nicaragua route was to the effect that the harbors at the two ends of that route could be much more economically maintained than could those at the ends of the Panama route.

TO INVESTIGATE BAGGAGE COMPLAINTS.

SECRETARY SHAW WILL LOOK INTO CHARGES AGAINST CUSTOMS INSPECTORS HERE.

Washington, Feb. 10.—Secretary Shaw has decided to investigate the charges that have been made against the inspectors of baggage at the New-York docks. These charges are signed by a large number of returning passengers from Europe, who allege insolence, incompetence and general unfitness of the inspectors for the duties they are called upon to perform. The contemplated action of the Secretary does not imply that he is fully convinced that the baggage inspection service at New-York needs overhauling, but he will make an investigation to learn the facts for himself.

Persons in the Treasury service in a position to know, say that there are two sides to this question, and that as a rule the inspectors perform their duty of ascertaining the amount of dutiable goods in each person's baggage with as little inconvenience to the passenger as possible. Some time ago the Treasury officials were obliged to change the method of baggage inspection. The result is shown in the amounts collected. In the ten months ended December 31 last the duties collected on incoming baggage amounted to $685,524, against $221,266 collected in the corresponding period in 1900, when the old system was in force, an increase of about 300 per cent.

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6 East 23d St., Madison Square South.

Surrogates' Notices.

BARCLAY, WILLIAM O.—In pursuance of an order of Hon. Frank T. Fitzgerald, a Surrogate of the County of New York, notice is hereby given to all persons having claims against William O. Barclay, late of the County of New York, deceased, to present the same with vouchers thereof to the subscriber, at her place of transacting business at the office of Lester W. Clark, No. 20 Broad Street, in the City of New York, on or before the twelfth day of July next.
Dated New York, the third day of January, 1902.
CLARA S. BARCLAY, Executrix.

HAIGHT, JOSEPH.—In pursuance of an order of Hon. Frank T. Fitzgerald, a Surrogate of the County of New York, notice is hereby give. to all persons having claims against Joseph Haight, late of the County of New York, deceased, to present the same, with vouchers thereof, to the subscribers, at their place of transacting business, namely, at the office of August C. Nanz, No. 302 Broadway, Borough of Manhattan, in the City of New York, on or before the 5th day of March next.
Dated New York, the 31st day of August, 1901.
GEORGE H. FOSTER, GEORGE W. HAIGHT, ANDREW F. MURRAY, Executors.
AUGUST C. NANZ, Attorney for Executors, No. 302 Broadway, Borough of Manhattan, New York City, N. Y.

IN pursuance of an order of Hon. Frank T. Fitzgerald, a Surrogate of the County of New York, notice is hereby given to all persons having claims against Joseph F. Weber, late of the County of New York, deceased, to present the same with vouchers thereof to the subscriber, at her place of transacting business, the office of Heyn & Covington, attorneys, No. 135 Broadway, in the City of New York, Borough of Manhattan, on or before the first day of July next.
Dated New York, the 13th day of December, 1901.
EMELINE A. WEBER, Administratrix with the will annexed.
HEYN & COVINGTON, Attorneys for Administratrix, 135 Broadway, Borough of Manhattan, New York City.

IN PURSUANCE of an order of Hon. Frank T. Fitzgerald, Surrogate of the County of New York. Notice is hereby given to all persons having claims against Francis Bazzoni, late of the County of New York, deceased, to present the same with vouchers thereof to the subscribers at their place of transacting business, No. 110 East 80th Street, Borough of Manhattan, in the City of New York, on or before the 27th day of June next.
Dated New York, the 16th day of December, 1901.
ELEANORA A. BEATY, EDWARD J. HESSION, Executors.
MICHAEL J. SCANLAN, Attorney for Executors, 66 Pine St., N. Y.

IN PURSUANCE of an order of Hon. Frank T. Fitzgerald, a Surrogate of the County of New York, notice is hereby given to all persons having claims against Henry Mills Day, late of the County of New York, deceased, to present the same with vouchers thereof to the subscriber, at her place of transacting business, the office of Sherman Day, No. 30 Broad Street, in the Borough of Manhattan, City of New York, on or before the 25th day of June, next.
Dated New York, the 10th day of December, 1901.
SARAH V. DAY.
SHERMAN DAY, Attorney for Executrix, 30 Broad Street, New York City.

IN pursuance of an order of Hon. Abner C. Thomas, a Surrogate of the County of New York, notice is hereby given to all persons having claims against Andrew Shiland, late of the County of New York, deceased, to present the same with vouchers thereof to the subscriber, at his place of transacting business, No. 71 Broadway, in the City of New York, on or before the 11th day of August, 1902.
Dated New York, the 4th day of February, 1902.
ANDREW SHILAND, Executor.
SHILAND, SHOEMAKER & HEDGES, Attorneys for Executor, No. 71 Broadway, New York City, N. Y.

IN PURSUANCE of an order of Hon. Abner C. Thomas, a Surrogate of the County of New York, notice is hereby given to all persons having claims against Sarah A. Townsend, late of the County of New York, deceased, to present the same with vouchers thereof to the subscriber, at his place of transacting business, at the office of Nash & Jones, No. 63 Wall Street, in the City of New York, on or before the twenty-fifth day of July next.
Dated New York, the twentieth day of January, 1902.
GEORGE G. WHEELOCK, Executor.
NASH & JONES, Attorneys for Executor, 63 Wall Street, New York City.

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