

EIGHT HOUR LAW VOID. EFFECT ON CITY WORK.

Decision May Tangle Up Big Croton Dam Contract.

ALBANY, April 28.—The Court of Appeals today declared unconstitutional the statute limiting employment on public work to eight hours a day.

The defendant corporation was engaged in road construction for the county of Orange, and criminal proceedings were instituted in behalf of the people for infringement of the statute.

It seems to me to be entirely clear that the statute cannot be upheld as an exercise of the public power vested in the legislature.

Justice Cullen adds that the weakness of the law lies in its arbitrary distinction between the State and other employers.

Borough President Cantor, who has been a warm advocate of an eight hour day and the prevailing rate of wages in all city contracts.

It is difficult to tell just what the effect of the decision may be until the full text of the law is ready to speak for itself.

The decision yesterday may cause a remarkable complication in the execution of the contracts for the construction of the new Croton Dam and the Jerome Park Reservoir.

Aqueduct Commissioner Ten Eyck, when asked about this feature of the law, said:

That is something I cannot tell much about till I see the law and consult with counsel.

Professor Woodward appointed. Professor Benjamin Duryea Woodward, of the department of Romance languages at Barnard, Columbia University, has been commissioned by President Roosevelt to wind up, on behalf of the United States, all business relating to its share in the Paris Exposition of 1900.

MURPHY EXPECTS TO SURPRISE THEM. Charles F. Murphy, it was learned yesterday, expects to surprise some of the old guard at the meeting of the General Committee of Tammany Hall on Friday night.

DEFENDS MAJOR GLENN. That Officer's Brother-in-law Writes a Tart Letter to Gen. Miles.

St. Paul, April 28.—George C. Squires, an attorney of this city and a brother-in-law of Major Edwin F. Glenn, has written an open letter addressed to General Nelson A. Miles.

It is a remarkable spectacle that the command-in-chief of the army of the United States should attempt to besmirch the good names and records of his own brother officers.

In conclusion, let me suggest that not even your prejudice against the administration or the well founded impression that you went to the Philippines to find fault with existing conditions.

JEROME AT VREELAND HEARING.

Nason's Testimony Awaited with Much Interest.

District Attorney Jerome will be present today when Magistrate Barlow continues the hearing on the charge of libel made by William N. Amory against H. H. Vreeland, president of the Metropolitan Street Railway Company.

It is believed that Mr. Nason will be a witness in the libel case, and there is some expectation that William H. Page, Jr., a lawyer formerly having close connections with the Third Avenue Railroad Company will be recalled for further testimony.

"MRS. FAIR" IS NOW "MRS. CREIGHTON"

Woman Taken to Bellevue Says She Never Sued Senator Fair.

The woman who was taken to the alcoholic ward in Bellevue Hospital on Monday night and gave her name as Mrs. Nellie Fair yesterday said that her right name was Mrs. Nettie Creighton.

About noon yesterday a man called at the hospital and asked permission to see Mrs. "Creighton." The man refused to give his name, and Mrs. "Creighton" sent out word that she did not wish to see any one.

The man who called, but who was not admitted, was found later walking up and down the street outside the hospital.

SAID TO HAVE FORFEITED BONDS. St. John's, N. F., April 28.—It is reported here that three of the American herring vessels that were looted at Bay of Islands have visited St. Pierre, Miquelon, and sold their cargoes to the French fishermen for bait.

ASKING FOR MORE MAGISTRATES.

Police Magistrate Deuel and Assemblyman Wainwright appeared before the Mayor at a public hearing yesterday in favor of the bill introduced by Mr. Wainwright providing for two additional police magistrates.

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BEIEGIED IN CONVENT. Gendarmes Surround House of the Capuchins at Marseilles.

Paris, April 28.—The dispersals of the congregations continue to be accompanied with violent agitation and disorder.

The convent is now surrounded by a strong force of gendarmes to prevent communication with the inmates.

The monks at the Abbey of Korbenaut have barricaded themselves strongly, while the peasants of the vicinity guard the buildings day and night to prevent the authorities from approaching to execute the orders of the court to close the abbey.

Colonel Goubertin, in command of a regiment of dragoons, has telegraphed Minister of War André asking to be placed on the retired list rather than obey an order to send two squadrons of his command against the monastery of the Grande Chartreuse.

ADVANTAGE OF BRITISH EXHIBITS.

Prince of Wales Urges English To Be Well Represented at St. Louis.

London, April 28.—The British Royal Commissioners to the St. Louis Exposition held their first meeting to-day at Marlborough House.

I trust the members of the corporations, Chambers of Commerce and other public bodies at the promotion of the success of the British section.

Referring to the \$150,000 already appropriated by the government, the prince said:

A decision regarding the full amount to be granted will not be arrived at until it is ascertained to what extent British manufacturers will show a willingness to take part in the exhibition.

CAUSE OF SMALLPOX DISCOVERED.

The Disease Is Related to Malaria, Dr. Councilman Says.

Boston, April 28.—Announcement of the discovery of the cause of smallpox was made to-night by Dr. William T. Councilman, professor of pathology in the Harvard Medical School.

EXONERATES GENERAL BALDWIN. Colonel Mills Reports That the Alleged Interview Never Took Place.

Washington, April 28.—Colonel Mills, of the inspector general's department, who went to Denver to investigate the interview said to have been given by General Baldwin, in which the general was said to have spoken in an improper manner of the Filipino and negro soldiers, has reported to Secretary Root that the interview never took place and that the man who reported it has been discharged from the paper.

ORTHODOX JEWS HONOR DR. GOTTHEIL.

A service in memory of Dr. Gustav Gottheil, vice-president of the Federation of American Zionists, was held last night in the First Rumanian Synagogue, No. 93 Livingston-st.

WANT BRONX A SEPARATE COUNTY. The North Side Board of Trade Discusses the Plan.

The North Side Board of Trade met last night and did little else than talk over the plan of having the Borough of The Bronx made into a county by itself.

VESEL NAMED FOR NEW-JERSEY MAN. Bath, Me., April 28.—The four-masted schooner Frederic A. Duggan, named for a Matinean (N. J.) citizen, was launched to-day.

HUGHES ON MILES'S REPORT. He Says He Never Heard of the Alleged Atrocities.

St. Paul, April 28.—General R. P. Hughes, who two years commanded the Department of the Visayas, in the Philippines, was in this city to-day, and, being asked as to the statements made in the recent report of General Nelson A. Miles, said he had no knowledge of the atrocities alleged to have been committed by American soldiers.

STILL ADVANCING. The Army of Tribune readers is constantly progressing and growing as it advances.

The net sales for March, 1903, were 22% more than in March, 1902.

LOSE LONG LEGAL FIGHT. decision to the Court of Appeals, and on April 6 argued before the court that the special franchise tax act was absolutely constitutional.

The opinion fully concedes that the principle of home rule for communities cannot be infringed by the legislature and that local functions cannot be transferred to State officers.

The presumption is in every case, says Judge Cullen, that the act of the legislature is constitutional, and should be so held by the courts if a reasonable construction of the constitution and of the act will permit.

In the case of the Special Franchise Tax law the legislature, seeking means of more equitably distributing the burdens of taxation, found property scattered about the State valued at about \$200,000,000 in the way of special franchises in the possession of public service corporations, which were not and never had been taxed.

This property was not local and did not fall within the ordinary taxing scope of county, city, town or village.

The court denies that the franchisees of a consolidation of corporations should have been assessed separately, since they derive their highest, if not their only value, from the combination of all into single enterprise.

It is in ending the court pays high tribute to Judge Earl, who, as original reporter in the case, formulated the able and prevailing view of the constitutionality of the law.

STATE WINS; BIG SUMS INVOLVED. Patent Rights Must Be Considered in Franchise Tax Valuations.

Albany, April 28.—The Court of Appeals to-day handed down a decision involving a large sum which the State Attorney General would have lost had Attorney General Cullen's position not been upheld.

POLICE RESERVES CHASE BOY THIEF. He Escapes from Capturer at Door of Station.

It took the entire reserve section of police from the East One-hundred-and-twenty-sixth-st. station, composed of about twenty men, to capture a fourteen-year-old prisoner last night who had broken away from his capturers at the door of the station.

ALMOST WISHES DIFFERENT DECISION. Ex-Senator Ford Would Have Assessing by State Board Declared Unconstitutional.

In commenting on the Franchise Tax decision Ex-Senator John Ford said:

I expected this decision, and never had any reasonable doubt as to the validity of the essential feature of the law—the bringing of public franchises within the hands of local assessors.

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P. L. ROGER & Co. CHAMPAGNE DRY SPECIAL BRUT SPECIAL Vintage 1893. On Sale at the leading Restaurants, Clubs and Wine Merchants. ANTHONY OECHS, 51 Warren St., N. Y. Sole Agent, U. S.

OUT TO-DAY Life's Common Way. By ANNIE ELIOT TRUMBULL. Author of "Mistress Content Craddock," etc. 12mo, Cloth, \$1.50. A. S. BARNES & CO., 156 Fifth Ave., New York.

NOT FEDERAL QUESTION. Tiffany & Co. Visitors to Europe are cordially invited to visit the establishments of Tiffany & Co. at Avenue de l'Opera, 36 bis, Paris, and 221 and 221A Regent Street, W., London, where objects of interest can be viewed with the same freedom as in a museum.

By Special Appointment Gold and Silver-Smiths to H. M. King Edward VII and H. M. Queen Alexandra. UNION SQUARE NEW YORK.

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"IMPROVES WITH USE." HARDMAN PIANO. FIFTH AVE. & 19TH ST. N. Y. BROOKLYN BRANCH, 624 FULTON ST.

NEW COLLAR 300 SOFA BEDS. A manufacturer's consignment to be closed out by "Gyger of New York," at 150 West 23d Street.

EXCEPTIONAL SALE. HIGH GRADE STOCK OF FURS, RAW AND DRESSED SKINS, Etc. CONSISTING OF ERMINES, CHINCHILLAS, SEAL, BROAD-TAIL, PERSIAN LAMB, SABLE, ETC.

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Salutations of all Nations. May your shadow never be less—is the toast of the Hindoo—and well of his own might he boast! For he knows that his shadow he safely insured when with Johann Hoff's Malt his health he secured! For Nervousness and Insomnia. Buffalo, N. Y., August 5, 1902. "Gentlemen: Your Johann Hoff's Malt Extract proved very beneficial in my case—nervousness and insomnia. I am nearly 70 years of age." [signed] WILLIAM E. YOUNG. INSIST upon Johann Hoff's and you will not be imposed upon. Eisner & Mendelson Co., of New York.

Bottled Vitality. Illustration of a man and a dog.

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