New-York Tribune.

VOL. LXIII....No. 20,670. To-day, showers. To-morrow, showers, with south winds. NEW-YORK, SATURDAY, JUNE 20, 1903.—SIXTEEN PAGES.— Copyright, 1903, by The Tribune Association. PRICE THREE CENTS.

FEDERAL LAW SUPREME.

WARSHIP CONTROVERSY.

Cabinet Orders Virginia Court's Injunction Disregarded.

Washington, June 19.—The Cabinet, at its meeting to-day, unanimously decided to disregard the injunction issued yesterday by the Chancery Court of Virginia, and to carry out Secretary Moody's programme for the launching of the cruiser Galveston at the Trigg shipyards in Richmond. The action taken is regarded by the President and the members of the Cabinet as of the greatest importance. The question raised is new, and the President and his advisers gave it earnest consideration.

Practically the entire time of the meeting was devoted to discussion of the legal questions involved. Attorney General Knox presented a carefully prepared opinion, strongly affirming the right of the government to disregard the injunction.

In his opinion, which is addressed to the President, Mr. Knox says that the letter of Secretary Moody raises the question of the right and power of the United States to take immediate and complete possession for all purposes of vessels of the United States in course of completion under contracts with shipbuilders when there has been a breach of contract with the latter. The question, he said, actually affects three vessels at present, and might at any time involve any or all public vessels under construction by private persons. For this reason he declares the subject one of vital importance in respect to national and sovereign interests.

MR. KNOX DEFINES THE LAW.

Taking up the particular case of the cruiser Galveston, he recites the act of Congress authorizing the construction of the ship, the terms of the contract with the Trigg company, the failure of the company to do the work, and the action of lien claimants and material men in objecting to the launching of the ship by the government, and challenging the exclusiveness of the government's title and the priority of its lien. On this subject the Attorney General, after a brief reference to the exemption of the government and its property from suit or lien, and to the express recognition in the contract of the paramount title and lien of the government, quotes at length from the statutes bearing on the subject of attachment against property in which the United States has or claims an interest, and then says:

The right of a party in ordinary litigation to a release of property from attachment upon giving a bond for indemnity is fundamental. It manifestly applies with greater force and reason in a case affecting the government as parens patriæ than where the interests of private litigants alone are involved. The statute of 1864 enables the government, although not a party, nor in general subject to be made such, to intervene without prejudice and to invoke that doctrine.

It is especially significant that Section 3,753 expressly refuses to recognize any right whatever to seize or attach property of the United States, or property held, owned or employed by it. Quite apart from the statute, and because of the nature of the case, it is impossible, on primary grounds, to yield assent at all to the idea that any instrumentality of the government—in this case an instrumentality of prime importance—may be taken into custody and held under any adverse authority whatever. This view applies, in my judgment, whether the adverse custody should assume to attach upon the instrumentality as a completed thing or upon one in process of creation.

While, however, it is not to be doubted for a moment that the United States is entitled to the undisturbed possession and control of its property and of property in which it is interested to the extent of that interest, and that this possession and control are exempt from the process of every court, yet, in order to avoid unseemly clashing and hostile demonstration upon the part of creditors or claimants, Congress, by the act of 1864, provided an orderly and peaceful solution of controversies that may arise between parties claiming adverse to the United States, under the terms of which the utmost rights of all claimants are preserved without the functions of the government being in the slightest degree disturbed.

It will be observed, however, that this act is not mandatory in its provisions, and that in a palpable case of improper interference with the government's rights the strong executive arm may be relied upon for the protection of its sovereignty, the language of the act being that the Secretary of the Treasury may, in his discretion, cause such stipulation to be entered. This is a case in which, I think, that discretion should be exercised.

The nature and necessities of the subject, the sovereign claim and interests, the object to be gained, the words of the statute, its fair inferences and clear reservations, all convince me beyond doubt that the stipulation to be entered into is an engagement on behalf of the United States which shall be addressed to and filed with the particular court, under proper reserve of submission to the jurisdiction, whereupon discharge of the property as matter of course would follow, and adverse claimants would have the opportunity of establishing in accordance with the law their respective claims against the bond of indemnity thus provided.

From another point of view a certain analogy is furnished by the laws relating to the removal of causes, under which, when the various statutory reasons exist, a petition for removal with sufficient security makes it the duty of the State court to proceed no further in the cause, and in effect ousts its jurisdiction, and confers jurisdiction upon the federal court. So here, I cannot doubt that the stipulation (one of indemnity), when presented and entered into as the engagement of the United States, will operate forthwith to discharge the property, and free it from the State jurisdiction, that the Chancery Court of Virginia, upon the entry of this instrument and consideration of the new law invoked, will take whatever action may be necessary or desirable to conform its records to the supreme law and to prevent any clash of authority.

The Attorney General's opinion, as originally submitted, upheld the right of the Secretary of the Navy to use force, if necessary, but, in the hope of reaching an amicable agreement, the closing paragraph was modified to read as follows:

One further point remains to be considered. The letter of the Secretary of the Navy requests to be authorized to employ, if necessary, the military forces of the government at his disposal for the execution of his orders in the premises. I am loath to believe that occasion for such exertion of the federal powers will arise, being confident that any claim to interfere with the national rights under the judicial authority of the State of Virginia will be promptly disposed of and denied by the Chancery Court. For this reason I shall defer answering that question.

After considering the opinion, the Cabinet unanimously decided that the government's case was sound.

A SHOW OF FORCE NOT LIKELY.

Except to announce that "the Galveston matter is in the hands of the Attorney General and nothing on the subject will be said at this department," Secretary Moody refused to discuss to-day's Cabinet meeting or the probable action of the department in view of the revised opinion of Attorney General Knox. He desired to be placed in the attitude of saying nothing on the subject, and he requested Rear Admiral Bowles, who advanced the contention regarding the rights of the government, to be equally mindful of the President's wishes as to silence on the subject. The modification of the Attorney General's opinion, which in its unrevised form had already been communicated to Secretary Moody, somewhat disarranges for the moment the programme of the department as to a show of force. The President thinks a show of force under the circumstances will be inexpedient, and the Navy Department, therefore, must content itself with awaiting the advice of the Department of Justice in the matter. Meanwhile, it has instructed its agents at Richmond not to interfere with the order of the court until specifically instructed by the department.

It was learned to-day that all the workmen employed by the Trigg company left the yard when the company went into the hands of a receiver, and the government is experiencing some difficulty in securing laborers. This will prevent the vessels being ready for launching next Monday, and it is hoped that the Department of Justice, in the mean time, will have

Continued on second page.

Lord Coleridge said: "The Hudson is the most beautiful river in the world." The Day Line service was made to match it. Orchestra.—Advt.

DRESSER TO TELL ALL.

HE INVITES INQUIRY.

Here Despite Doctor's Orders—No Aid from Sister or Vanderbilt.

D. Leroy Dresser, formerly president of the Trust Company of the Republic, arrived in the city yesterday from Watkins Glen, where he has been staying at a sanatorium for the last three weeks. Despite the many rumors of Mr. Dresser's ill health he seemed yesterday, to be in fairly good physical condition. Mr. Dresser did not attend the meeting of the stockholders of the trust company yesterday afternoon, but after a conference with Charles S. Mackenzie, one of the receivers of the firm of Dresser & Co., and with his counsel, M. J. Hirsch, issued a statement last evening. This statement was as follows:

At the time of publication of the recent reports respecting my relation to the affairs of the Trust Company of the Republic and the United States Shipbuilding Company, I was at Watkins, N. Y., resting, under the care of a physician, after the long strain I had been under, and had not intended in any way to go into the affairs of these two companies until after the matters of my firm had been completely adjusted along the lines arranged for. Under the instructions of my physician, all things pertaining to business have been kept from me until the last day or two, when my friends deemed it advisable to bring my attention to the reports appearing in the public press from day to day. I thereupon, despite the advice of my physician, immediately returned to New-York, and will, in due course, prepare a detailed statement of all matters relating to my connection with the United States Shipbuilding Company and the Trust Company of the Republic.

A COMPLETE REFUTATION.

I wish at this time to state that in no instance was anything done by me in my capacity as president of the Trust Company of the Republic which will not bear the fullest investigation. The statements which appeared in the papers that I decamped and have been hiding are absolutely untrue, and my presence in the city at the present time is a complete refutation of those charges. The allegation that my liabilities are larger than were stated at the time of my assignment is untrue. I also state that neither my sister, Mrs. John Nicholas Brown, nor my brother-in-law, George Vanderbilt, are in any manner, directly or indirectly, concerned in my transactions with the Trust Company of the Republic or the United States Shipbuilding Company. This has been frequently stated before, and I wish to emphasize it now. The statement made that the directors of the Trust Company of the Republic had requested me to attend their meeting to-day is without foundation. I conferred with some of them on this subject, and was informed that my presence was not required at that meeting. I have assured them, that if, at any time, they wish any information from me concerning my administration of the affairs of that company, I will, at all times, be at their disposal. At the proper time I shall be ready to answer any and all criticisms that have been made of my actions as president of the Trust Company of the Republic, and will also make public my entire connection with the United States Shipbuilding Company. My object has been, and still is, to have the affairs of my firm adjusted, upon the completion of which I will be in position to deal with the other matters in question.

DANIEL LEROY DRESSER.

TRUST COMPANY STOCKHOLDERS ACT.

At the meeting of the stockholders of the Trust Company of the Republic yesterday afternoon about 7,500 shares were represented. Of these, George C. Boldt represented 6,000 for the stockholders' committee. Two steps were taken at this meeting, both of which had been foreshadowed. First it was voted to reduce the directors from twenty-six to thirteen; second, it was agreed to leave to the executive committee, with power to act, the disposition of the securities of the United States Shipbuilding Company held by the trust company. The members of the executive committee made a report with reference to these securities, which are known to amount to about $3,100,000, in which they declared that they did not favor the proposition to ask for a receiver for the shipbuilding company, and did not regard this step as likely to be a wise one for the business of the shipbuilding company, and therefore not for their interests.

The board of directors of the trust company is made up at present as follows: George C. Boldt, Thomas Crimmins, Stuyvesant Fish, T. F. Goodrich, J. M. Parker, H. S. McKee, F. Y. Robertson, T. H. Harris, William E. Scarritt, James B. Dill, Archer Brown, Alvah Trowbridge and E. P. Allen.

A meeting will be held on June 27, at which the proposition to reduce the capital of the Trust Company of the Republic from $1,000,000 to $500,000 will be considered. A financial statement will be issued at that time.

At the meeting yesterday no reference was made to Mr. Dresser, and it was not until after the meeting adjourned that Mr. Dresser communicated his desire to meet the investigating committee, which consists of George C. Boldt, Stuyvesant Fish and James B. Dill. It was found that such a meeting could not be held yesterday, owing to the fact that two of the committee were leaving the city. It will probably take place in a day or two. Winthrop E. Scarritt, the president of the company, said after the meeting:

"The trust company holds certain securities of the shipbuilding company, which are claimed by various parties, and concerning the ownership of which there is a dispute, and it desires to have the Sheldon syndicate take over these securities, and take over with the securities the claims which exist against them."

The action of the trust company was believed by many yesterday to foreshadow a victory for the interests in the shipbuilding company opposed to the application for a receiver—that is, the Sheldon committee. Quite the opposite opinion was voiced by Samuel Untermyer, who is counsel for the security holders, who have applied for a receivership for the shipbuilding company.

"There can't be a reorganization, and there must be a receiver, so long as one shareholder desires that," said Mr. Untermyer. "We want a receiver and I am sure we are going to have one. The seizure by the Sheriff of the cruiser Chattanooga, over in the Crescent Works, shows just what is to be expected in all the yards, if the receiver proposition does not go through."

Argument on the application for the appointment of a receiver is to be held on Monday at Trenton.

TELEGRAPHIC NOTES.

Saratoga, N. Y., June 19.—Ex-Sheriff William W. Worden, who is a member of the Republican State Committee, has been recommended by Congressman Lucius N. Littauer as the successor of Postmaster Winser B. French of this place. General French was appointed over four years ago by President McKinley. The recommendation is in the hands of President Roosevelt.

Montreal, June 19.—A statement was given out by the Dominion Iron and Steel Company directors to-day to the effect that an issue of $1,500,000 of 5 per cent second mortgage bonds had been decided upon.

Ogdensburg, N. Y., June 19.—Twenty-five Chinamen, captured on the frontier while stealing across from Canada, were brought here to-night by immigration inspectors. United States Commissioner Gray committed them to the county jail for trial.

Plattsburg, N. Y., June 19.—James Graeff, the eleven-year-old son of Assemblyman James M. Graeff, of Westport, was drowned in Lake Champlain, near his home, this afternoon, by the upsetting of a rowboat. His two companions, unable to save him, swam ashore.

Rochester, June 19.—Burglars broke into the postoffice at Charlotte last night, realizing something more than $300 from their haul. Dynamite was used on the safe. The robbery was not known until this morning. The postoffice was almost completely wrecked.

Boston, June 19.—The body of August S. Spiegel, the missing restaurant man, was found in the Charles River to-day by Edward T. Barry, a truckman. It is supposed that Mr. Spiegel was mentally affected, and that he jumped or fell into the river. He had retired from active business on account of ill health. A reward of $1,000 was offered for finding the body.

FAST TRAINS TO THE WEST.

Improved service via Pennsylvania Railroad. The "Three Limiteds" leave daily for Chicago and St. Louis. Finely equipped trains; rapid schedule.—Advt.

EXCEPTIONAL WEATHER FOR TEN WEEKS.

A LONG PERIOD OF EXTREME DROUTH FOLLOWED BY PRETTY STEADY RAINFALL.

Rarely has the well known tendency of the weather to depart slightly from established standards been so conspicuous in the vicinity of the metropolis as for the last ten weeks. Records show that there is almost invariably a little less or a little more rain in the course of each month than was to be expected from the precipitation of corresponding periods in the past. But the eccentricities of scarcity and abundance have been highly exceptional since the middle of April. Up to that time the rainfall had been about normal, the record of normal conditions ending with rain on April 14, 15 and 16, when there was a total precipitation of 1.29 inches.

The period of drouth began on April 17, and lasted until June 7. During the last fourteen days of April there was no rain whatever. Neither was there during the first six days of June, reckoning each day as terminating at 8 p. m. On four days of May a "trace," or an amount too small to measure, was reported; on two days, the 7th and 28th, there was a solitary one-hundredth; and on three others (May 4, 20 and 22) the amounts officially reported were .14, .09 and .08, respectively. On only five days in fifty-one, therefore, was there enough rain to be detected by rain gauges. In that period the total amount received was .33 inch, whereas fully six inches was due. At this time of year .12 inch per day is about a fair average.

The change came late on the night of Saturday, June 6. Inasmuch as the first misty precipitation occurred after 8 p. m., the record of superabundance begins with June 7. From that time until Friday, June 19—thirteen days—there has been only one when Mr. Emory did not report rainfall. Normally, there should have fallen about one and one-half inches in that interval. As a matter of fact, there had been more than three and a half, as will appear from the following table:

Date.	Amount.	Date.	Amount.
June 7	.16	June 15	.40
June 8	.13	June 16	.10
June 9	.15	June 17	.02
June 10	.06	June 18	.19
June 11	.00	June 19	.15
June 12	1.93		
June 13	.10	Total	3.68
June 14	.29		

Remarkable as is the continuity of this rainfall for a fortnight, the figures afford no idea of the discomfort which has resulted from excessive humidity and the pasty conditions of the sidewalk. These consequences are out of all proportion to the amount of water which has fallen. Still, as in this part of the country there have yet been no floods worth mentioning, and as the rain has done a world of good, the public has occasion for forbearance, if not gratitude. For the present, at any rate, it will submit with patience.

LORENZ TO HIS CRITICS.

Never Claimed Originality for His Methods.

[BY TELEGRAPH TO THE TRIBUNE.]

Rochester, June 19.—Dr. Lorenz, of Vienna, who has been the guest of L. A. Weigel in this city for the last two days, left here last night for Montreal. Just before going Dr. Lorenz said in reply to those who have been attacking him on the ground that he has claimed for himself the honor of discovering the operative methods with which his name has been so illustriously connected:

I have never arrogated to myself such an absurd pretension. The method is as old as the race. Some cave mother may have used it in the cold, dark days of prehistoric Europe. It did not originate with me or with any other man. What little meed of satisfaction I do take to myself is the feeling that I have improved upon this method and have so resolved it that any physician or anatomist may make use of it without the employment of unusual physical strength or exertion. To spread the method through the world I considered my duty to mankind. That is the answer I make to those who would criticise me.

Dr. Lorenz will remain in Montreal for a few days visiting friends. He will then continue his trip to Quebec, thence to New-York, whence he will sail for home July 7. More than fifty children were examined free by him during his brief stay here.

Dr. Lorenz will begin a tour of the world in a few months, visiting every hospital of note, for the purpose of spreading his method of treatment. He hopes to spend a long time at the St. Louis Exposition on his way back to Vienna.

The last act of Dr. Lorenz before the steamer sailed was to return a large fee, with the request that the money be given to the hospital fund for cripples.

The casts on the first two children operated on by Dr. Lorenz while here last winter have been removed. Madeline Devereux, seven years old, operated on at the Hospital for Ruptured and Crippled, and Charles Solt, five and one-half years old, operated on at the Vanderbilt Clinic, both suffering from congenital dislocation of the hip, are those who have been relieved.

The surgeon found the bones in place, and the limb was lowered without difficulty. New casts were put on, which in several months will be removed and the limbs lowered still further, after which, it is assumed, they will be in normal condition. Both children are doing well, being able to walk and run about. The patients operated on at the Cornell, Bellevue, Post Graduate and other hospitals have still the original casts, but these will be removed next week.

ADVANCED MONEY ON FORGED NOTE.

Broker of This City Said to Have Been Taken In.

[BY TELEGRAPH TO THE TRIBUNE.]

Baltimore, June 19.—O. Hammond, president of the Hammond Ice Company, has written to C. F. Frothingham, a New-York broker, who is said to have advanced money on a note to which Mr. Hammond's name was forged, asking him to send the name of the man who presented the note. Mr. Frothingham's office is at No. 20 Broad-st., New-York, but at present he is at Narragansett Pier. In reply to Mr. Hammond's letter, the broker says that he will forward the information as soon as he returns to New-York.

The note to which Mr. Hammond's name was forged was for $7,084. It was presented to the Bank of North America, of New-York, by Mr. Frothingham, who is said to have advanced a few hundred dollars on it. The New-York bank forwarded the note to the Drovers and Mechanics' Bank, of this city, and it was presented to Mr. Hammond for collection on June 8. Mr. Hammond pronounced it a forgery. The note was dated January 31, and was drawn for four months. It contained no other name than that of Mr. Hammond and the cashier of the New-York bank.

THE NEGRO A SOUTHERN PROBLEM.

Edward M. Shepard Says He Is Impatient at the Treatment in the North.

[BY TELEGRAPH TO THE TRIBUNE.]

Montgomery, Ala., June 19.—The annual meeting of the Alabama Bar Association began here to-day. The principal feature was the address of Edward M. Shepard, of New-York. Speaking of the negro question, he said:

I listen with impatience and sometimes intolerance to the failure of some worthy men at the North to realize the difficulty of this problem. Its solution must rest with Southern men alone, free of the ignorant meddling of others. It is not possible for a sensible and fair observer from a distance to do otherwise than pay a debt of honor to the sympathetic widening and deepening of Southern sentiment about the matter. With your economic wisdom and your humanitarian and statesmanlike instinct, I believe the solution of this tremendous problem is safe, though inevitably it must be slow.

P. R. R. NOTICE TO WESTERN UNION.

Remove Poles and Wires in New-Jersey or They Will Be Cut Down.

[BY TELEGRAPH TO THE TRIBUNE.]

Philadelphia, June 19.—The Pennsylvania Railroad Company has given notice to the Western Union Telegraph Company that if it does not remove its wires and poles along the line of the United Railroad Companies of New-Jersey within a short time it is likely that the Pennsylvania company will take the same drastic measures as it did in this State. The railroad company does not want to destroy the property of the telegraph company, and every facility is to be given the latter to save its property.

There are between fifty and sixty miles of telegraph wires and poles in New-Jersey belonging to the Western Union which are to be removed.

THE IRVING NATIONAL BANK.

Keep your account with The Irving National Bank, corner Warren and Greenwich Streets. It is safe, conservative and progressive.—Advt.

MAY BE CLEW, POLICE SAY.

Woman Heard Negro Talk of Vendome Robbery.

When Robert Williamson, colored, of No. 340 West Thirty-eighth-st., attempted to get away from a pursuing crowd last night, he ran into the arms of Roundsman Gillespie and Patrolmen Forbes and Nillson, of the West Thirtieth-st. station. Mary Robstein, colored, of No. 225 West Twenty-seventh-st., charged him with assault and made a statement which led the police to believe he was implicated in hotel robberies and used drugs. She said that in the early part of the year Williamson had boarded with her, sharing his room with another colored man, whom she knew only as "Jack." One evening she overheard the two men talking about burglaries, chloroform, etc., and of "turning a trick at the Vendome," through which some thousands of dollars had been netted. She told them to leave the house. Williamson assaulted her. She obtained a warrant for his arrest at Jefferson Market court, but the police were never able to find him.

Early in the year two drygoods men from Boston were robbed of goods worth several thousand dollars and money in the Vendome. One of the men was awakened in the night and saw a colored man in the room. The Boston man drew a revolver and fired a shot, but the negro got away by means of the fire escape and was never caught. A little earlier in the year two Kentucky men had a somewhat similar experience at the Marlborough Hotel. They awoke in their room late one morning, half stupefied from the effects of some drug, and found that their grips had been robbed of a considerable sum.

BOSTON SLOWLY SINKING.

Subsidence Found To Be a Little More Than a Foot in a Century.

[BY TELEGRAPH TO THE TRIBUNE.]

Boston, June 19.—According to J. R. Freeman, the engineer and former member of the Metropolitan Water Board, Boston and the surrounding territory are slowly sinking down to the sea level. Mr. Freeman makes this statement in the course of his report upon the Charles River dam. This subsidence is at the rate of about one-eighth of an inch a year, or a little more than a foot in one hundred years.

The present datum plane used as a base by Boston engineers has sunk to 79 feet below mean low water, and throws out all survey calculations for the State. Various landmarks along Massachusetts Bay have sunk from one to two feet in ninety years.

RAILROADS SAID TO BE CUTTING.

New-Orleans Rate War Grows—The Mallory Line Reduces Fare from Mobile.

[BY TELEGRAPH TO THE TRIBUNE.]

New-Orleans, June 19.—The fight between the railroads and the steamship lines over passenger rates between this city and New-York promises to result in joy to the public. It was announced today that the Mallory Steamship Company had taken a hand in the trouble by making a round trip rate from Mobile to New-York which is $34 less than the railroad rate. The Mallory rate is even lower than the Southern Pacific Steamship rate. Passengers can go from here to Mobile by rail and take the Mallory Line to New-York and save money on the trip. It is said that the Queen and Crescent and the Louisville and Nashville railroads have begun to cut rates secretly, and there is no doubt that the other roads will follow suit, bringing about a general rate war.

The Southern Pacific people say that there is a great fuss being made over a very small matter, and that, as a matter of fact, the travel between these ports and New-York by their boats has always been large, especially in summer. They do not understand why, at this late date, railroad men should start on this crusade. It is pointed out by steamship men that if the all rail routes make a reduction in the passenger rate, the all water line has several cards to play yet. It can cut the figures considerably and still make money.

So far as could be learned here yesterday there is no pronounced rate war between the steamship line operated by the Southern Pacific Railroad between this port and New-Orleans, and the railroad line. The cost of a trip to New-Orleans by rail, the ticket agent of the Southern Pacific Railroad said yesterday, is $34. By the Southern Pacific Railroad Company's steamers it is $40. The round trip by the steamers is $60. This would mean a saving of $8 by steamship over rail for the round trip. The ticket agent said he knew of no rate war.

SEVERE HAILSTORM AT FREEHOLD, N. J.

[BY TELEGRAPH TO THE TRIBUNE.]

Freehold, N. J., June 19.—A hailstorm of great severity visited Freehold late this afternoon, lasting for about five minutes. The largest of the stones were as big as pigeons' eggs, and measured an inch in diameter. Fortunately there was no wind, or great damage would have resulted to crops. As it was only corn and tender garden stuff suffered. Horses which were caught on the road plunged as the hail struck them. The storm seems to have been local, as many nearby points got none of it.

EVERY MAN WANTS MAP OF MANCHURIA.

Greener, Commercial Agent of the United States at Vladivostock, says: "The best map of Manchuria is published by the New York Central." A copy will be mailed on receipt of five cents in stamps by G. H. Daniels, G. P. A., New York.—Advt.

J. EGAN IN CONTEMPT.

TAMMANY'S NEW GAME.

Absence of Lessee Believed To Be Part of Fight for Delay.

Joseph Egan, wanted by District Attorney Jerome in the John Doe proceeding that has been begun to inquire into the suspicious doings of the old Dock Board, did not obey the order of the court yesterday and present himself in Justice Mayer's court. Thomas C. O'Sullivan, his counsel, saw Assistant District Attorney Marshall B. Clarke and Justice Mayer. What his excuse was for the non-appearance of his client could not be learned last night. It is understood that a warrant will issue for the apprehension of Egan, who now is in contempt for not obeying the order of the court.

There is little doubt that it is the deliberate intention of Mr. O'Sullivan and the old Dock Board to stave off a judicial inquiry into the doings of the former commissioners. The Appellate Division adjourned yesterday. It is suggested by the friends of Charles F. Murphy that as soon as the warant in contempt proceedings is served on Joseph Egan Mr. O'Sullivan will ask for an order from a Supreme Court justice to stay the entire proceeding until an appeal can be taken to the Appellate Division, which will not sit again until October. This step will practically be a repetition of the action in the Lewisohn case, in which the Appellate Division, after considerable delay, held that a John Doe inquiry, such as has been instituted against Joseph Egan, was proper. Delay, however, is all that Charles F. Murphy is asking for.

The general impression created by the fight of the old Dock Commissioners for delay, is that they have weakened their case with the public by trying to stave off an investigation.

After waiting twenty days to file an answer to the complaint brought by the city to cancel the Joseph Egan lease, Mr. O'Sullivan called on Mr. Rives and said that as he was exceedingly busy it would be necessary for him to have more time. He asked for another twenty days. The request was granted, as Mr. Rives tries to show equal courtesy to all, but at the same time there is a feeling in Mr. Rives's office that Mr. O'Sullivan is not eager to vindicate his client, the mysterious Egan.

Meanwhile, the friends of Charles F. Murphy are industriously circulating the story that Charles F. Murphy was not at all to blame for the Egan leases.

"Mr. Murphy was sick pretty much all the time in 1901," said Alderman James E. Gaffney. "He was so ill at one time that it was feared he would die. The records of the office show that he was there but little of the time."

Peter F. Meyer's friends are fully aware of the disposition shown by the friends of Murphy and Cram to remove the responsibility for the record of the old board to other shoulders than their own. Mr. Meyer's friends say it will not be difficult to prove that everything important was taken to Mr. Murphy's house before final decision of the board.

It is likely that if Joseph and Michael Egan and Nicholas Cunningham are not on hand for the inquiry on Monday, contempt proceedings will be instituted against them.

Ex-Senator O'Sullivan has been slated to be the next Corporation Counsel if Tammany wins next fall.

PAYNE HAS NOT OFFERED TO RESIGN.

Rumor Declared at the White House To Be Unfounded.

[FROM THE TRIBUNE BUREAU.]

Washington, June 19.—The rumor that Postmaster General Payne offered to resign several weeks ago, and had urged the acceptance of his resignation to-day, but that the President declined to receive it, was declared at the White House this evening to be utterly without foundation.

HAS NOT ANNOUNCED CANDIDACY.

U. S. Grant Says That Roosevelt Can Carry the West Without a Western Man.

[BY TELEGRAPH TO THE TRIBUNE.]

San Diego, Cal., June 19.—"The Sun" publishes the following signed letter from U. S. Grant, 2d:

I have never announced nor authorized the announcement of myself as a candidate for the Vice-Presidental nomination, but have known that my friends entertained a feeling that the place ought to come to this coast, and that I was probably as available a candidate for it as any other citizen of the section.

Mr. Roosevelt can carry the great West without the assistance of a Western name, and I think he will favor some Eastern man.

A VICE-PRESIDENTIAL BOOM.

One Started for Judge Brentano, of Chicago on Invitation to Oyster Bay.

[BY TELEGRAPH TO THE TRIBUNE.]

Chicago, June 19.—Friends of Judge Theodore Brentano, who was recently re-elected judge of the Superior Court of Cook County, when they learned to-day that the judge had been invited by President Roosevelt to sepnd his vacation at Oyster Bay, immediately launched a Vice-Presidential boom for him. The Republican leaders here, without exception, are stanch friends of the judge, and think he would be an ideal running mate for Mr. Roosevelt. They say that Judge Brentano, as a representative German-American, who is popular with all factions of the party in Illinois, would be particularly available for the candidate for Vice-President. Besides, they think that Illinois should have the second place.

Judge Brentano is forty-nine years old and a native of Michigan.

ILLEGAL TO CALL WOMAN OLD MAID.

Magistrate Furlong Decides That It Is Disorderly Conduct.

"When one woman tells another that she is an old maid and is looking for a mah she is guilty of disorderly conduct." This was a decision handed down by Magistrate Furlong in the Gates-ave. court, Brooklyn, yesterday, in holding Lizzie Fitzgerald, of No. 722 Gates-ave., for Special Sessions. The complainant was Miss Mary L. Storey, of No. 278 Patchen-ave. The lawyer for the defendant pleaded that his client, in calling Miss Storey an old maid, had spoken the truth.

"But the truth should not always be spoken," declared the magistrate.

SCRANTON COUNCILMAN ARRESTED.

Charged with Soliciting Bribes—Seven Other Arrests Expected.

[BY TELEGRAPH TO THE TRIBUNE.]

Scranton, Penn., June 19.—Select Councilman David B. Evans, of this city, charged with soliciting bribes, has been arrested at the instance of the Municipal League, and has given bail for a hearing on Monday. Evans is a mine foreman. It is expected that seven other councilmen will be arrested on this charge.

YALE MEN RIDE ON COWCATCHER.

Boston, June 19 (Special).—Two Yale students, who gave their names as H. W. Russ and N. P. Nichols, paid a bet with two Harvard students on the result of the Harvard-Yale ball game by riding on the cowcatcher of the Haverhill express from Boston, leaving at 11:15. A party of Yale and Harvard men went along in the smoker to see that they paid the bet.

THE DRIGGS CASE ALIVE

NOT OUTLAWED BY TIME.

Many Witnesses Testify as to the Cashier Transaction.

Before the federal grand jury for the Eastern District of New-York, which resumed in Brooklyn yesterday an inquiry into postal scandals, went witnesses who could tell from beginning to the very end the business dealings of Edmund H. Driggs, ex-Congressman, with the Brandt-Dent company, dealers in the automatic cashiers with which the postal department was stocked. This testimony may result in the indictment of more than one person, and, at the least, it established definitely what the authorities in Washington already knew—that Driggs could not claim immunity under the statute of limitations.

It was learned yesterday that the $12,500 paid to Driggs for selling the Brandt machines was not cash, but a note for six months. On this note, payments of various amounts were made, so many that in recording them the entire back of the note was covered, and then the face of the note was used. These payments, it is asserted by government officers, coming pretty well down to date, establish a "continuous crime," for which, even though Mr. Driggs has pleaded ignorance of the law, the people at Washington say it will be hard to escape punishment.

SAYS HE ACTED HONORABLY.

Mr. Driggs would say nothing yesterday beyond admitting that there was a technical violation of the law, and declaring that the transactions were perfectly honorable in themselves. His lawyers, too, would say nothing.

One of the federal statutes violated is Section 1,781, which describes a misdemeanor, punishable with $10,000 fine and two years' imprisonment. It follows in part:

Every member of Congress or any officer or agent of the government who, directly or indirectly, takes, receives or agrees to receive any money, property or other valuable consideration whatever from any person for procuring, or aiding to procure, any contract, office or place from the government or any department thereof, or from any officer of the United States, for any person whatever, or for giving any such contract, office or place to any person whomsoever, and every person who, directly or indirectly, offers or agrees to give, or gives or bestows any money, property or other valuable consideration whatever, for the procuring or aiding to procure any such contract, office or place. . . . Any such contract or agreement may, at the option of the President, be declared absolutely null and void; and any member of Congress or officer convicted of a violation of this section shall, moreover, be disqualified from holding any office of honor, profit or trust under the government of the United States.

HEAVY PENALTY FOR THE OFFENCE.

Section 782 provides the same penalty for any "Senator, Delegate or Representative, after his election and during his continuance in office," who shall receive or agree to receive any compensation for a service rendered in relation to contract, while Section 1,783 provides a like penalty for any officer or agent of a corporation interested in a contract who is employed or acts as an officer of the United States.

The witnesses who testified yesterday were Edward J. Brandt and Robert Dent, manufacturers of the automatic cashier; F. E. Woodward, cashier of the Bank of Watertown, Wis., who testified, it was supposed, to the dates and amounts of the checks paid on account of the note; George F. Miller, the present agent of the Brandt-Dent company, in this city; Harold F. Hanson and Paul Armstrong, former agents; Omer C. Strawn, formerly the general agent of the company, and Winfield S. Strawn, also a former agent.

DOORKEEPER A WITNESS.

Another important witness was Bruce Correll, of Canton, Ohio, for eight years assistant doorkeeper of the House of Representatives. To the newspaper men Mr. Correll told rollicking stories of hens, calves and various other details of farm life. Inside the jury room, however, it was learned that he told another story, equally interesting. Some four or five years ago members of the Brandt concern went to him at Washington, and asked for introductions to influential members of the House. He complied, and among those "influential members" was Edmund H. Driggs. Some time later Mr. Correll asked for recompense. The Brandt people would give him none, so he instituted a suit for $700 for services rendered.

Last March George F. Miller, agent for this company, it was said, was discovered in a committee room by Correll, who ejected him bodily, flourishing his official staff, and threatening all kinds of damage.

Inspectors Oldfield and Little marshalled their witnesses in the corridor and rooms adjoining the jury room, and kept busy watching them. The jury adjourned at 5 o'clock, and will reconvene at 10 a. m. on Monday to hear more testimony.

No indictments, it was believed, were found yesterday.

It was reported that Fourth Assistant Postmaster General Bristow yesterday saw W. E. D. Stokes here about the mail chute case. Mr. Stokes would say nothing about this, but remarked about the chute: "It's not the mail chute I'm after. I'm putting in a device of my own, but I don't want to be told that unless I buy a mail chute I can't have any mailbox. Why, every big apartment house on the West Side has mailboxes, with collections every hour, because they have those mail chutes."

Things were extremely quiet in the New-York Postoffice yesterday. Out of the list of clerks made public on Thursday morning by Commissioner Procter, of the Civil Service Commission, as having been illegally removed from the unclassified service to positions under the classified service, were four clerks in the New-York office. They were Frank M. King, transferred from Palmyra, N. Y., to the registry department, May 4, 1900; Miss Harriett Smith, from Cranford, N. J., to the inquiry department, on June 1, 1900; George M. James, from Tonawanda, N. Y., to the money order department, May 1, 1900, and Alexander R. Reid, of Westminster, Md., to the New-York office on January 16, 1900. Mr. Ried died some time ago.

It was said yesterday that the clerks had been transferred to New-York on orders from the department in Washington.

AFTER PROMOTION RING.

Many Prosecutions Barred by Statute of Limitations.

[FROM THE TRIBUNE BUREAU.]

Washington, June 19.—All the evidence thus far secured by the postoffice inspectors in New-York, while clearly establishing the former existence of a promotion syndicate, has been found to apply to transactions which cannot be punished because of the statute of limitations. It is further learned that no official act of ex-First Assistant Postmaster General Heath can be made the basis of a prosecution for the same reason. The statute of limitations, No. 1,044, provides that "No person shall be prosecuted, tried or punished for any offence not capital . . . unless the indictment is found or the information is instituted within three years next after such offence shall have been committed."

The government is certain that it will be able to secure the indictment of ex-Representative

YALE-HARVARD BOAT RACE, AT NEW LONDON, JUNE 25TH, 1903.

Excursion tickets, including Parlor car seat on 8:00 a. m. train from Grand Central Station going and on special train returning, $7.00. Excursion tickets, good only in coaches, $4.15. On sale at Room No. 3, Grand Central Station, N. Y., N. H. & H. R. R.—Advt.