CANAL CASE PUZZLING.

TO GO TO THE COURTS?

Manner of Getting It There a Problem—A Suggestion.

[BY TELEGRAPH TO THE TRIBUNE.]

Albany, Feb. 12.—While the present week will hardly see a final determination by the Attorney General of the application made by certain anti-canal interests to carry the question of the constitutionality of the Barge Canal act to the Court of Appeals, the consensus of opinion here is that the question is already settled. Friends and foes of the canal alike are prepared for a decision which will permit the highest court of the State to settle, and settle beyond cavil, the entire problem of the constitutionality of the act. But the exact way in which this will be accomplished is still problematical and the process to be followed as yet unforeseen, since a grave doubt exists as to the wisdom of letting this case go before the court in the manner now contemplated by the petitioners.

The pith of the whole situation seems to be that while Attorney General Mayer, as a State officer, is perforce compelled to sustain the constitutionality of this act, still, the present condition offers the paradox that the law can only be finally sustained by some attack that carries it to the Court of Appeals for final determination. How, then, this attack is to be made in such a fashion as to be final and yet not even technically involving State officers in perplexing and intricate attitudes is the immediate problem for solution. That the manner now under consideration, namely an attack with the consent of the Attorney General, will not be followed is widely believed, and this belief is founded on legal opinions that will ultimately be called to Attorney General Mayer's attention.

The argument before the Attorney General last week developed the fact that there was a method of attack that could not be avoided. When Mr. Milburn, answering the assault of ex-Secretary Root on the law, was interrupted by the Attorney General with the question: "Could a taxpayer maintain an action resisting a tax levy by a county tax officer for an assessment to meet canal expenses?" he replied in the affirmative. What this meant definitely was that when the canal work has been begun, bonds sold, contracts let and money expended, then there must ultimately be a tax levy for canal expenses. This could only come after several years. When the local tax collector came to a taxpayer the latter could resist the levy. Then, in due course, the action would go to the Court of Appeals to be decided, and if the resistance was on one of the specific points where Mr. Root declared the law to be unconstitutional this question might be determined. But as five points were urged, it is clear that this process might be repeated as often as there were points raised.

COSTLY LITIGATION INEVITABLE.

Such an action would necessarily pass through the local courts first, and it is entirely within the possibilities of the situation that a county judge, in an anti-canal county, while affirming that it was his duty to declare the law constitutional, might write an opinion asserting that grave doubts had been cast on its legality. Of course, the result of this opinion on a sensitive market, where some bonds had been sold and more were to be sold, is entirely obvious. A campaign against the issue on this line would also be possible. If the Court of Appeals should then decide the law unconstitutional, millions would have been spent, the credit and honor of the State pledged, and endless and expensive litigation would be inevitable. Such a contingency the eminent counsel of the friends of the act admitted was entirely possible.

Further than this, when the taxpayer's action went to the Court of Appeals, that body might decide only on the merits of the particular case, in conformity with its usual practice; then the real difficulty would remain for new test and new depreciating influence on the bonds. All this reasoning is at present being advanced to show why the taxpayer's action, while possible, is not feasible, from the point of view of the State's interest, carrying as it does the certainty of long delay and endless litigation when speedy and final determination is desired.

On the other hand, the problem of getting the case to the Court of Appeals in the manner asked by Mr. Root and his associates last week is beset with many complications. Mr. Milburn made the point last week that the Attorney General could only consent to the bringing of the action asked for if he, as a matter of conscience, believed that the law was unconstitutional. Then his action, as Mr. Milburn pointed out, would in reality be directed against the fellow members of the administration to restrain them from doing something that he believed to be manifestly unconstitutional and clearly antagonistic to the best interests of the State. Such an action the Attorney General has taken in the recent Cornell land case, but only for the reasons cited. For, after all, the Attorney General, as a State official and as a member of the administration, is of necessity charged with the duty of maintaining existing statutes.

Moreover, it would be entirely possible that at some future date the Attorney General might be called on to defend some State official—the Controller, for example—in some case arising out of the canal law. This he could hardly do if he had previously, as in the pending matter, indicated his belief, even technically, that the law was unconstitutional. Thus, he would be fairly placed on both horns of the dilemma. Moreover, there is no present reason for concluding that the Attorney General will take the view that the canal act is unconstitutional. His questions at the hearing indicated that the only one of the points raised that seriously weighed with him was that regarding the abandonment of the portions of the present Erie Canal specified. It is entirely possible that he might find an answer to this objection entirely consonant with the legality of the act. This would naturally prevent his granting the request made to him by Mr. Root and his associates.

PROBLEM WOULD REMAIN FOR COURTS.

But the decision of the Attorney General that the act was constitutional would be neither final nor definitive. The whole problem would remain for the courts, to be brought there after delay and after litigation which would inevitably affect the value of the bonds, and which might end in the declaration that the law was unconstitutional after millions had been spent. For precisely this reason there is a growing belief that, following the advice of the friends of the act, and for the single purpose of placing the act beyond further attack, Attorney General Mayer will find a way for a speedy and final determination, but that way will not be the one now asked for by those attacking the law in the present instance.

Such a way has already been suggested; others may be. The present suggestion is this: Canal contracts have been let, the officials of the State may now proceed to condemn land immediately. This condemnation may be resisted by the owners of the property to be taken, and this offers the chance for a test case. It might be agreed between the various counsel who have appeared in the present and pending matter that the State officials should proceed forthwith to condemn a specified piece of land, that the owner should resist the condemnation for purposes of testing the law. It could then be further agreed between counsel that the test case should be based on all the objections raised to the law by Mr. Root and that Mr. Root should, with his associates, represent technically the land owner resisting; in reality, the interests questioning the law. This would of necessity bring the Attorney General into the case in defence of the act and of his associates in the administration, instead of fairly astride both horns of the dilemma, as in the proposed test.

For the rest, the process would be identical with that now suggested. The case could go to the Appellate Division as an "agreed case" under the provisions of the law passed last year enabling the Attorney General to consent to such expedition of important cases. The Court of Appeals would have the case before it in the briefest possible time, and its decision would be on all the questions submitted. The law would then either be placed beyond attack or demolished before the credit and honor of the State were pledged. Thus, with a minimum of delay, there would be a determination, consented to by the Attorney General, for the reason above mentioned, that no small share of the friends of the law believe that the attack would be the best way of finally sustaining the act. That some such process will be adopted is the current belief here, although nothing can be decided until the promised briefs are submitted on February 15.

The Liver
Is Seldom
Healthy
While Coffee is the daily drink.
DOCTORS RECOMMEND
POSTUM
There's a reason.

BANKING LAW CHANGES.

Recommended by Becker in German Bank Report.

Albany, Feb. 12.—Attorney General Mayer to-night made public the report of Tracey C. Becker, of Buffalo, who, as special deputy attorney general, investigated the insolvency of the German Bank, of that city, giving out at the same time his own letter transmitting the report to Superintendent F. D. Kilburn of the State Banking Department.

In indorsing the recommendations of Mr. Becker, the Attorney General, in his letter to Superintendent Kilburn, proposes four amendments to the banking law, designed to prevent the occurrence of such irregularities as are alleged to have led to the collapse of the German Bank. Three of these recommendations are already embodied in bills before the present legislature.

Mr. Becker reports at length on the events and conditions which he finds to have led up to the failure of the German Bank, and it appears from his report that it was he who drafted the bill introduced last Friday by Senator Stevens, chairman of the Senate Committee on Banks, which seeks to make it a misdemeanor for any bank officer or employe to accept any perquisite or gratuity in connection with a loan or overdraft of account.

In the course of his letter to Superintendent Kilburn, the Attorney General says that the investigation "leads to the inference that if all the directors, or a large majority of them, had been fully conversant with the conditions of the bank, the failure might have been prevented. It would seem that such a requirement of examination by the directors themselves would not improperly add to the labors of the directors of banks, while it would clearly afford an additional and reasonable safeguard to the stockholders and depositors."

The four recommendations of the Attorney General are as follows:

That a limit be placed on the amount which a banking institution may lend to any one borrower.

That a semi-annual examination of the affairs of a bank or trust company by its directors be required by law.

That the acceptance of any gratuity by any bank officer or employe in connection with any loan or overdraft of account be made a misdemeanor.

That no bank shall be allowed to hold as collateral more than 50 per cent of the stock of any other bank, nor shall it be permitted to lend on the stock of another bank beyond the book value of the accepted collateral.

He suggests further that the pending bill requiring the examination and report of the condition of a bank by its directors be amended so as to empower the Superintendent of Banks to require still further information as to the affairs of the bank whenever he deems it necessary. After reciting his proceedings in the affair and presenting a statement of alleged facts in regard to Arthur E. Appleyard, of Boston, getting control of the bank, Mr. Becker says:

Almost immediately after said Appleyard thus acquired control of said bank, and, through said Emory, its president, of its loans and discounts, he began to borrow money in large sums of said bank, and to "kite" checks and drafts on it and through it with the various other banks with which he was connected, until, when the bank was taken possession of by the Superintendent of Banks, and closed by him on December 5, 1904, said Appleyard and the various street railway companies with which he was connected were indebted to said bank in the large sum of $662,000 and upward. The loans, discounts and drafts of said Appleyard and his companies purported to be secured in part, and to a considerable amount, by the bonds of the several railway companies mentioned. These companies have since the failure of the German Bank nearly all of them been placed by the Ohio courts in the hands of receivers; and it appears that their bonds or other securities deposited by them as collateral are nearly all worthless, except certain bonds of the Chippewa Valley Railway Company, of Wisconsin, to the amount of about $50,000, which are said to be worth par and upward, and from the best information obtainable at the present time it would appear that the German Bank will realize not more than 25 per cent of its loans to said Appleyard and the companies in which he was interested.

During the year 1904 the discount committee of the German Bank did not pass upon or report upon any of its loans or discounts, and its attention was never called to nor did its members ever seek to learn anything about the excessive loans, discounts and drafts or other transactions of said Appleyard. The bank had on April 30, 1904, deposits aggregating upward of $6,000,000. It had for many years been paying interest on time deposits, or many of them, at the rate of 4 per cent a year, while the other banks in Buffalo were almost unanimous in not paying over 3 per cent or at the outside $3\frac{1}{2}$ per cent on such deposits.

In this way, because of the peculiar character and history of the bank, it had been for several years, and continued to be to the time of its failure, the depository of the savings and earnings of many thrifty German people of the city of Buffalo and of others who placed their savings and trust funds there in preference to depositing the same in savings banks. So that it is estimated and claimed by those in a position to know that such time deposits (which were practically savings bank deposits and not drawn upon except occasionally by the depositors) amounted to upward of $3,000,000.

Thus it will be seen that, by the simple process of acquiring fifty-one shares out of one hundred of the capital stock of said bank for the purchase price of about $382,400, said Appleyard had placed at his mercy and under his control all of the surplus and suspense account moneys of said bank and deposits to the amount of several millions of dollars, except in so far as the same had been loaned on the paper of other persons, firms and corporations, and the latter were subject to his call as the same matured.

EXCISE MASS MEETING.

Congressman-elect Bennet Expects Passage of Anti-Raines Law Bill.

In the Metropolitan Temple yesterday afternoon was held a mass meeting under the auspices of the Lincoln Legion to protest against the Raines law and advocate prohibition.

The Rev. Robert Bagnell, one of the pastors of the Temple, presided. He introduced Congressman-elect William S. Bennet as the first speaker. Mr. Bennet said in part:

If all signs don't fail we will get temperance legislation from Albany at this session. If a man owes you money you can sue him, but if a man places a saloon within 200 feet of a church you cannot sue him; you have got to go to the Commissioner of Excise at Albany, and even then you may be held up until the license runs out. We are going to repeal that law this year so that any citizen can bring suit to compel the saloonman to surrender the right given him by the State.

We are after local option hard, and I think we are going to get it this year. If in face of the testimony given by the man who handled the money last year the liquor dealers send up to Albany this year a representative he will get short shrift before the legislative committee. Common decency will look out for that, to say nothing of the laws of self-preservation.

We are going to get local option not only for New-York City, but for every city in the State, and then we are going for the Raines law. The bill against this law is drawn; it will be introduced right, and I think it will go through.

The Rev. Dr. R. S. MacArthur next spoke. He said:

We must not underestimate our foes. We are opposed by the saloon interests. There are, I suppose, ten thousand saloons in New-York, and I suppose that they control one hundred thousand votes. Then we have to deal with Tammany Hall. There is no help so efficacious to it as the saloon help. You wanted Tammany Hall, and you got it.

Superintendent Dunwoodie, of the Lincoln Legion at Washington, D. C., told of the work being done in Ohio in the cause of temperance.

OPPOSE PENSION BILL.

Canvass of Teachers to Learn Their Views on Measure.

Although a decided stand has been taken by the majority of the teachers of the city regarding the Pension bill, which President Lyman A. Best of the Interborough Council sent to the legislature a few days before it had been ratified, the teachers' associations are continuing the work of discovering the wishes of the majority, and will do all in their power to have the bill changed to suit the desires of the teachers and passed in this session.

Every teacher in Manhattan and The Bronx has received the following questions from his association:

Do you favor a 1 per cent deduction from all salaries? Do you favor the retirement of disabled teachers upon a graded pension after twenty years of service? Do you favor increasing the pensions of all members of the supervising staff whose salaries exceed $3,000, and of all teachers whose salaries exceed $2,000 by an unrestricted half pay amendment to the pension law?

The work of tabulating the replies will take some time.

The Women Principals' Association of Manhattan and The Bronx has decided to oppose pension legislation at this session. The proposed pension bill and half pay pensions were placed under the ban at a recent meeting. The women said that they were not represented fairly in the Interborough Council, and that the scheme to degrade them in rank and pay emanated from the same source as the determined effort to increase the men's pensions by taxing the women.

The Board of Education will oppose the Interborough council's pension bills, it is said. If the bill is passed, the board will lose its power to make rules governing absence and to compel retirements. A number of the commissioners have expressed their opposition and have announced their intention to request the Corporation Counsel to act in their behalf.

"The best interests of the schools demand that the board retain the right to retire such principals and teachers as it may see fit," said a commissioner yesterday. "If this bill is passed, the board will lose its right to retire, and will have no way to get superannuated employes out of the system.

"It would deprive the board of superintendents of the right to recommend retirements and would vest it in a board of retirement controlled by teachers, as it would be composed of four teachers, the City Superintendent of Schools and the chairman of the committee on elementary schools of the Board of Education."

A bill has also been introduced in the legislature which would give the local boards the power to excuse absences, under general rules made by the Board of Education. This measure could not produce good results, an associate superintendent said yesterday, as some local boards would be more lenient than others in the exercise of their discretionary powers. He also said that the breaking down of the absence restrictions would be a direct blow at the general school fund. When a teacher is absent her salary for school days goes to the pension fund, and the authorities are compelled to put a substitute in the absentee's place and pay him from the general school fund.

President Magnus Gross of the New-York Teachers' Association said yesterday that a decided majority of the board of delegates of his organization was opposed to increasing pensions, by providing that all should be retired on a half-pay basis. He believed that teachers on small salaries, who had little chance to lay aside money for the future, had the first claim to any increase in pensions.

NEW GRIEVANCE ON "L."

In a Year Interborough Company Will Take a Stand.

Warren S. Stone, grand chief of the Brotherhood of Locomotive Engineers, will try this week to have a conference with August Belmont, president of the Interborough Rapid Transit Company, regarding a new grievance which has been discovered apparently by the motormen. Mr. Stone came here, it was learned yesterday, on receipt of a letter from William L. Jenck, head of the division of the Brotherhood of Locomotive Engineers, representing the motormen. The new complaint is that the elevated railroad motormen must stand a physical examination before being employed in the subway. An order for this was issued eight months ago. The motormen say that the examination is unnecessary. Officials of the company declare that the recent accident caused by McMahon, the motorman who ran a train into another train at 149th-st., injuring more than forty persons, had made the company decide to carry out this rule.

Mr. Stone will ask also for an eight hour workday for the motormen, they say. This seems improbable, as the motormen made an agreement with the company last September, signed for three years, one of the provisions of which was a ten hour workday. The general belief of the officials of the company is that the motormen are simply trying to help the guards, conductors and others in their demands.

The company is getting tired of the constant "kicks," and it has been unofficially stated that in a year from now the company will take such a decided stand that there will be nothing left for the Interborough employes but to back down or go on strike. A representative of the company said yesterday:

After receiving many concessions and getting all that they ask for, the Interborough employes have begun to think that Mr. Belmont is a soft proposition and can be bluffed into anything. This is a mistake. The Interborough company has always observed its promises, and Mr. Belmont has made every reasonable concession. There is a limit to everything, and the Interborough employes have reached the limit in making demands. In a year from now there will be a different story to tell if the present complaints keep up.

WOMAN ESCAPES FROM ASYLUM.

Her Body May Be in East River, That Skirts Sanatorium Grounds.

Susan B. Wright, patient at the River Crest Sanatorium, at Astoria, escaped from that institution about 8 o'clock Saturday evening, and it is feared she was drowned in the East River, which skirts the grounds. She was slightly demented. Up to last night no trace of her could be obtained, and she had not reached any of her friends. She had exhibited no signs of suicidal mania, but it is thought possible she may have got into the river.

She was 5 feet 2 inches in height and weighed about 105 pounds. She had blue eyes and brown hair. Her upper front teeth are missing, and she has a noticeable ulcer on her mouth. She wore a long gray coat and a red jersey, a black skirt and a white woollen shawl, the latter apparently being substituted for headwear.

BROOKLYN ACTOR WEDS MAINE GIRL.

[BY TELEGRAPH TO THE TRIBUNE.]

Bath, Me., Feb. 12.—In spite of parental objections, Miss Louise Harding Twitchell was married last evening to Frederick Paul Bachler, of Brooklyn, an actor, whose stage name is William Hayward Claire. Mrs. Emma Twitchell, mother of the bride, had previously declared that the marriage should never take place, but, relenting yesterday morning, gave her consent.

CONTRIBUTIONS FOR HOSPITALS.

Charles Lanier, No. 59 Cedar-st., the treasurer of the Hospital Saturday and Sunday Association, reports the following additional contributions to the collection now in progress:

J. P. Morgan	$1,000	C. W. Maury & Co.	$100
Speyer & Co.	500	Prince & Whitely	100
Kuhn, Loeb & Co.	500	Strong, Sturgis & Co.	100
August Belmont & Co.	500	A. M. Kidder & Co.	100
Harvey Fisk & Sons	500	Henry De Coppet	100
Winslow, Lanier & Co.	500	Muller, Schall & Co.	100
Redmond & Co.	250	Mercantile Nat. Bank	100
Moore & Schley	250	National Park Bank	100
Lazard Freres	250	Simon Borg & Co.	100
Vermilye & Co.	250	Farmers' Loan & Trust Company	100
Morton Trust Company	250	John I. Waterbury	100
Fisk & Robinson	250	U. S. Mortgage & Trust Company	100
A. J. Cross	250	James Loeb	100
Walter P. Bliss	250	Nat. Bank of Commerce	100
Maitland, Coppell & Co.	250	John C. Tappin	100
L. Von Hoffman & Co.	250	Probst, Wetzlar & Co.	50
Spencer Trask & Co.	250	Charles Head & Co.	50
Kean, Van Cortlandt & Co.	250	Lyman J. Gage	50
E. C. Benedict & Co.	250	Kessler & Co.	50
J. & W. Seligman & Co.	250	Thos. L. Manson & Co.	25
James Stillman	250	Tower & Sherwood	25
Heidelbach, Ickelheimer & Co.	150	Boissevain & Co.	25
F. S. Smithers & Co.	150	Lee, Kretschmar & Co.	25
Plympton, Gardiner & Co.	150	Blair & Co.	25
Ladenburg, Thalmann & Co.	150	J. S. Bache & Co.	25
Hallgarten & Co.	150	Percival Kuhne	25
Asiel & Co.	100	Clarence S. Day	25
John Munroe & Co.	100	James Henry Smith	500
Importers & Traders' National Bank	100	William K. Vanderbilt	250
Post & Flagg	100	Arthur C. James	100
Hanover Nat'nal Bank	100	Samuel Keyser	100
American Exch'ge Nat. Bank	100	J. J. Goodwin	100
Colonial Trust Comp'y	100	Edward Cooper	100
Central Realty Bond & Trust Company	100	Percy Chubb	50
Laidlaw & Co.	100	Anson W. Hard	50
Liberty National Bank	100	Lyman J. Gage	50
Knickerbocker Trust Co.	100	E. J. De Coppet	50
Van Emburgh & Atterbury	100	Byam K. Stevens	25
		Frederick Keppell	25
		E. T. Holmes	25
		George Zabriskie	20
		John Lawrence	15
		Robert L. Gerry	15
		William Manice	15

BIG BLAZE IN MOBILE.

The Battle House Destroyed, and the Loss $1,000,000.

Mobile, Ala., Feb. 12.—Fire broke out at 11:30 p. m. to-night in the Battle House, one of the largest hotels in the South. Many of the guests were compelled to leave the hotel in their night clothes.

The Battle House was entirely destroyed and much of the adjoining property is burning. It is believed the loss will reach $1,000,000.

ARMY AND NAVY NEWS.

[FROM THE TRIBUNE BUREAU.]

Washington, February 12.

THE NAVAL APPROPRIATION BILL.—The Naval Appropriation bill is expected to come before the House on Monday. Naval officers fear that there will be scant chance of getting much more on the bill than is there now. It is expected there will be opposition to some of the provisions of the bill as reported from the House Naval Committee on account of the amount of the appropriations proposed. The obstruction may come from those Congressmen who are interested in the bills providing for public buildings and for river and harbor improvements. Most of the naval officers have given up looking for any legislation affecting the personnel of the service, although it is appreciated that something may be accomplished in the Senate. All officers are interested in getting the present law repealed, so as to do away with the 15 per cent reduction in the pay of officers on sea duty. It has been expected there would be no one to oppose this plan, but it now appears that certain officers are inclined to obstruct this legislation because they cannot get what they desire. Any evidence of opposition will be sufficient to postpone all personnel relief until the next session of Congress.

REVISING ARMY LISTS.—There will be veritable consternation among numerous officers of the army caused by the decision of the Secretary of War to revise the lineal list of second lieutenants of cavalry, artillery and infantry. Under a new construction of the law certain officers of the army of the junior grade will have credit for prior service as enlisted men, service which has hitherto not been regarded in the calculations determining relative place on the list. The result was announced to-day in a circular signed by General Chaffee, and the changes made, looking harmless enough in a list of seventeen officers of the three arms, are such as practically to revise the entire list of second lieutenants and affect several hundred officers. Some of the changes are radical, one officer jumping one hundred others who have been senior to him up to this time. The fight against the change will come in the Senate, when the new nominations are made to adjust the standing of the officers.

NAVAL ADVERTISING REFORMS.—Secretary Morton is conducting an investigation into the method of advertising for bids for naval supplies. Under the new system of bulking the items, so as to compress them into big schedules, the calls for bids contain a list of the articles for the information of intending bidders, that they may know just what is wanted. It has been found that these long calls for proposals constitute a substantial item of expense, and it is likely that they will be cut down, so as to state the needs of the government more briefly.

UNSATISFACTORY HEADQUARTERS.—The General Staff has not yet learned officially of the desire of officers in the Middle West to have transferred from Oklahoma City to St. Louis the headquarters of the military Southwestern division. There is a great desire on the part of the officers at the former place to have this change made, and it is likely they will try to accomplish it. No one fully understands why the headquarters of a military division were established at Oklahoma City. There is nothing to require that the headquarters should be kept there and, under the circumstances, it is found the location is awkward, requiring a side trip on a branch railroad and much delay in the transfer from one train to another. The proposition of establishing the headquarters at St. Louis would mean the adding of the State of Missouri to the Southwestern division and the transfer of the headquarters of the Northern division from St. Louis to Detroit. The War Department officials say that the change is hardly likely to take place, but it is believed that it will be one of the first changes made in the location of military headquarters.

RELIGIOUS CONFERENCE OPENS.

Bishop Lawrence and Professor Peabody Among Speakers at Boston.

Boston, Feb. 12.—A service of "devotion, spiritual fellowship and inspiration" opened the third annual convention of the Religious Education Association at the New Old South Church, Copley Square, to-night. The convention will continue five days, and three sessions will be held daily. Dr. Francis G. Peabody, of Harvard University, first vice-president of the association, presided. The speaking was informal.

In his opening address Professor Peabody said that religious education in America had been characterized by its provincialism. "The cause of religious education," said he, "should not be provincial, nor denominational, nor Protestant, nor Catholic."

L. Wilbur Messer, of Chicago, general secretary of the Young Men's Christian Association, was the next speaker. Mr. Messer was followed by Dr. Edward C. Moore, of the Harvard Divinity School, who said that it was high time that religion and education were associated. Professor George A. Coe, of Northwestern University, Evanston, Ill., the recording secretary of the association, defined the object of the Religious Education Association. "The tide of skepticism and unbelief," he said, "has turned, and the people are going back to God."

Bishop William Lawrence was the last speaker. After contrasting the methods of religious instruction half a century ago with the religious education of the present day, the Bishop said:

"It is most important that the religious education of the child should not be overlooked. The fibres of the intellectual and spiritual forces should be interwoven so closely that one becomes a part of the other. The home must work with the Church, and the Church must work with the school. If we have teachers who are religious we can no more keep the spirit of religion out of the schools than we can keep intelligence out of the home when the children return from school."

M'CARREN'S SMILE A BROAD ONE.

Enthusiastically in Favor of the Gardner Home Rule Bill.

Senator McCarren is enthusiastically in favor of the home rule bill for Brooklyn, which Senator Frank J. Gardner will introduce in the legislature to-day. "I will vote for the measure," he said yesterday, "and I believe every member of the legislature from Brooklyn will do so. It gives this borough control over its own affairs, something it has not had since consolidation. It will prevent our interests being discriminated against. The bill is a Republican measure, but I have promised to support it."

The bill will curtail the power of Tammany in Brooklyn and take away from it much of the patronage which it has been using in an attempt to overthrow the leadership of McCarren in Kings County. It will give to the Borough President the authority to appoint the heads of all the departments in Brooklyn, except in the Health and Tax departments.

Senator McCarren smiles whenever he thinks of it. He refuses to come out now with a declaration that he will not support Mayor McClellan for renomination, but the statement of Gottfried Westernacher that Brooklyn would not "stand for" the Mayor again is taken to indicate the sentiment of a majority of the leaders in Brooklyn.

TRY TO STOP "MIDDIES'" SMOKING.

Drastic Rules Put Into Effect at Annapolis After Dismissal of New-Yorker.

Annapolis, Md., Feb. 12.—Since the dismissal of Midshipman E. C. Weller, of New-York, from the third class at the Naval Academy, the old question of smoking, which caused his downfall, has been revived, and a crusade started against this breach of the academy regulations.

A special order was read at formation to-day and posted on the order boards in the midshipmen's quarters. The order states that any further use of tobacco by others than members of the first class will be met with immediate dismissal from the institution. Since Midshipman Weller's dismissal from the academy over a score of midshipmen have been caught in their first offence and sent to the prison ship Santee. A second offence by these youths or a further offence by any who have previously been punished for smoking will result in immediate dismissal.

INTERSETTLEMENT DEBATES.

The debates held on February 2 between bodies of the Intersettlement Debating League resulted as follows:

Gordon vs. Union, won by Gordon; Henry vs. Educational Alliance, won by Educational Alliance; University vs. Clark, won by Clark; Warren Goddard vs. Boys' Club, won by Boys' Club; Christ Church vs. Spring Street, won by Christ Church; Asakog vs. Christodora, won by Christodora by default.

PISTOL ENLIVENS TRIP.

Men Struggle on Umbria—Apology and Handshakes at Pier.

The Umbria reported an incident somewhat out of the usual when she reached her pier yesterday. It was an encounter between two passengers, in which a revolver figured.

About three days before the vessel reached port J. M. Lenihan, of Washington, started to take up a collection among the passengers for a woman. Lenihan says this woman, a dressmaker in Washington, informed him that she had only two and one-half cents in money. The woman denied that she had authorized any subscription, and it was found that she had a five-dollar bill. At this discovery the collector returned the money he had gathered.

This incident created feeling among the passengers and was the chief topic of talk while the ship was nearing port. Among those who gave money was William Wain, a Canadian.

At 1 o'clock yesterday Lenihan approached Wain and asked him to change a sovereign. Both were on deck, near a companionway. It is alleged by Lenihan that instead of producing the change, Wain produced a revolver. Lenihan jumped behind a pillar inside the companionway. Wain, in following him, fell. Lenihan then fell on top of him and wrenched the revolver away. The noise attracted the cabin stewards, and in a few moments the men were separated. They were then taken before Chief Officer Richardson and a close watch was kept over them until they reached port.

At an investigation on the pier the woman became hysterical, and declared repeatedly that she had not authorized the taking of any subscription. Lenihan agreed to accept an apology, and Wain said:

"Here is my hand. I am sorry. I wish you luck."

This, with a handshake all around, closed the incident.

DIES IN PASTOR'S STUDY.

Services Are Delayed While Body of J. H. Burnett Is Being Removed.

John H. Burnett, sixty years old, a hardware merchant, died suddenly yesterday morning from heart trouble in the pastor's study of the Second Presbyterian Church, Remsen and Clinton sts., Brooklyn. Mr. Burnett, who was an elder of the church, visited, according to custom, the study of the pastor, the Rev. Louis Van den Burg, before the services. He was talking with the pastor and Dr. L. D. Mason, of No. 171 Joralemon-st., when suddenly he fell over on the floor. Dr. Mason jumped to his side, but Mr. Burnett was dead. The congregation heard of his death and the services were delayed. The body was removed to the dead man's home, No. 306 Jay-st., Brooklyn. Mr. Burnett leaves a widow and a brother, S. O. Burnett, with whom he was associated in business.

CITY HOTEL FOR HOBOES.

Jail from Which Tramps Go Daily to Steal Beer Money.

The city maintains in Queens a hotel for tramps, where they do pretty much as they please, live in snug quarters, never have to worry where their meals are to come from, and have only to exercise themselves in two ways—to obtain money for beer and to "rush the growler" a distance of two blocks and back. The hotel at present shelters about thirty-five or forty, and that is the average all winter.

The building stands back of the Queens County jail, inside the jail yard, and officially is a part of the jail. It is a frame building, which Queens County formerly made use of as a contagious diseases hospital. It is heated by a big pot stove. The supply of coal is unlimited, and the "guests" delegate a feeder to the stove, whose duty it is to see that the glowing fire never fades. On cold days the hoboes sit about the stove in rings. There is a space in front of the door left vacant for the feeder, who is stirred to his duty by the man who always sits on the front bench, in the first seat to the right of the door. That is "Captain Mike," the most important man in the place, the "boss."

The city magistrates send the hoboes to the jail. The Sheriff does not want them in his nice clean cells in the main prison, so they are relegated to the old wooden building. The Sheriff, however, has to feed them. He has to supply the coal.

The tramps have beaten a path through the snow across open lots, covering two blocks, to a saloon. Each man has to take his turn making the trip, and carries three or four cans. Outside observers who have witnessed the steady journeying of the "growlers" estimate the consumption of beer at ten to fifteen gallons a day. Scores of men on their way home have been held up not far from the jail and have had to pass out beer money. When held up and money demanded nothing less than a dollar bill is accepted. If a man offers small change he is apt to lose all he has about him. Only a few days ago one of the "guests" was caught with 200 pounds of brass on him. It was rescued by the gang from the ruins of the County Courthouse. He was on his way to sell the booty. He was transferred to the main jail.

Petty thefts are common. One of the gang will put in a ton of coal for 50 cents, steal the shovel and anything else he can carry off. Steps are to be taken by residents of the neighborhood to have the hotel closed, with the inmates inside. Now they are allowed to wander at will, and while the place is locked nights, those who want to enter do so freely.

DIES WHEN OXYGEN IS BURNED UP.

Gas Stove in Hall Bedroom Robs Air of Life Giving Element.

Exhaustion of the life giving oxygen in the air in a hall bedroom by the burning of a gas stove there is held responsible for the death of William Allison, a clerk in the postoffice, yesterday. The clerk roomed at No. 29 Douglass-st., Brooklyn. When he went to bed on Saturday night he was feeling well and seemed to be in good spirits. He told a friend that he intended to keep his windows shut and keep the gas stove burning all night because he had suffered from cold on the previous night. In the morning he was found dead. The gas stove was still burning at full blast and the air in the room was stifling.

SEAS SMASH NEW-YORK'S BOATS.

The American Line steamship New-York, which arrived last evening, had a stormy passage from Southampton. Two of her boats were stove in and a section of her rail forward was bent and twisted. She was delayed about twenty-four hours by having to slow down at different times, so great was the fury of wind and wave. Heavy gales and high seas were encountered all the way across.

CAR KNOCKS ANOTHER FROM TRACK.

A Lexington-ave. car in 116th-st. last night ran into and knocked from the track a Madison-ave. car. All the windows in the latter were broken. Several persons were injured, some of them sufficiently to need the attention of Dr. Bell, of No. 75 East 116th-st. All declined the services of an ambulance surgeon.

MUSIC SCHOOL SETTLEMENT'S WORK.

Opportunity for Poor East Side Boys to Learn Music.

The current issue of "Charities" contains an article in which the recently opened buildings of the Music School Settlement are described. The institution affords thorough teaching. Many pupils come from the poorest families. There are two or three students whose talent is said by Settlement workers to be noteworthy. Mention is made by "Charities" of the Young Men's Symphony Orchestra, in which Alfred L. Seligman is deeply interested. About three years ago Mr. Seligman came to the conclusion that many young men employed in poor East Side orchestras could become competent musicians. An orchestra was organized, and now has sixty members. Once a year David Belasco opens his theatre to it on a Sunday afternoon, and it is said that considerable latent talent has been found among the boys. A number of the members have gone into leading professional orchestras in New-York, Philadelphia, Pittsburg and Washington.

NATIONAL BISCUIT COMPANY REPORT.

The annual report of the National Biscuit Company says the company has paid in the year regular quarterly dividends on its preferred stock at the rate of 7 per cent a year, as it has since its organization, and has also paid the regular quarterly dividends on its common stock at the rate of 4 per cent a year. The total number of stockholders of the company is now 7,373. Of this number 2,071 are employes.

SAY WOOD HAD NO MOTIVE

Officials Think Williams Was Shot by Accident.

Somerville, N. J., Feb. 12 (Special).—If George Wood had a motive in killing George Williams, the Watchung grocer, at a lonely spot in the mountain back of Plainfield, the Somerset County authorities, after ten days of hard work, have been unable to fathom it. The more the authorities look into Wood's record the deeper becomes their conviction that he did not kill Williams with the intention of robbing him. Wood was rigidly examined for more than an hour by County Prosecutor Griggs and County Detective Totten after his transfer from the Tombs in New-York to the county jail here last night, but the officials failed to get from him any information on which they could establish a motive for the killing of Williams. Wood sticks to his story that his mind was a blank on the day of the murder and for several days preceding it, and no amount of sharp questioning on the part of the officials could break down the carefully worded narrative which Wood has told so often, and which few believe.

All the evidence procured by County Prosecutor Griggs up to the present time proves that Wood, when he started out on the lonely ride over the mountain with Williams, had no knowledge whether the groceryman carried 50 cents or $50 on his person, and after the shooting he made no attempt to rob him. The authorities have also been unable to secure any proof of a quarrel between the two men or any evidence to refute the statement that they were total strangers to each other at the time they started to ride to the Pollock farm.

SWINDLER IS BIGAMIST.

Man in Newark Jail Is Identified by Second Wife's Brother.

S. V. Granger, otherwise known as S. V. Wood, is confined in the jail at Newark on serious charges, and it is said that he is a swindler with a record on two continents. He is also charged with bigamy, and the police declare that his bigamous operations are startling in their extent and character. Granger, or Wood, confesses that he was married at Wolverhampton, England, in 1889, and there is proof that in December, 1903, he married Blanche Ethel Morley, of No. 6 Derby Grove, at Nottingham, England.

Recently the second wife sued in the New-York courts to have the marriage annulled. Granger was married to her under the name of Seymour V. Wood. Granger was identified yesterday by her brother, George Morley, of No. 206 Floyd-st., Brooklyn, as "Wood." Miss Morley met Granger on the Lucania in December, 1903. Granger represented himself as being a son of a mythical "Attorney General Wood," of New-Jersey, and nephew of General Wood, of the United States Army, and that he had large law offices at No. 245 Broadway, Newark, a mythical address. In England he was the guest of the girl's relatives, and the couple were married, Granger settling a mythical $25,000 on his wife.

They returned to New-York, and Granger ostensibly ran over to Newark to visit his office there. As a result he informed his wife how on the previous night his office had been burned and all his papers and securities destroyed. The wife then decided to visit Newark on her own account, and she learned there that the representations made by Granger were utterly false. Thereupon she left Granger and went to her brother in Brooklyn. The suit brought by her for annulment of her marriage was decided against her early in January this year. When Granger got his decision he addressed a letter to Justice Dickey, signed "Seymour V. Granger," in which he thanked the Justice for his "just decision" on behalf of "Wood," whom he represented to be a "prominent business man" of Newark and "highly respected." The letter requested the address of Mrs. Beatrice E. Wood, as the purpose of the writer was to visit her and try to effect a reconciliation with "Wood."

TRIED TO HOLD UP COLORADO SALOON.

Two Robbers Wounded After Much Shooting—One Man Fatally Injured.

Independence, Col., Feb. 12.—Two men last night entered the Silver Bell Saloon and attempted to hold up the place. Both were masked, and, approaching the bar, ordered the crowd within, numbering fifteen to twenty men, to hold up their hands. At the same time the robbers commenced to shoot.

Nearly all the men at the bar drew revolvers and opened fire on the robbers, with the result that both were wounded before they could get out of the place. Of those in the saloon, three were wounded—Edward Fay, fatally; Henry Drach, shot in the leg and groin, and Frank Edmondton, very seriously injured. The robbers escaped.

CLERGY INVITED TO TWING FUNERAL.

The funeral of the Rev. Cornelius Leighton Twing, rector of Calvary Protestant Episcopal Church, will take place on Wednesday morning, at 11 o'clock, at Calvary Church, in Bedford-ave., Brooklyn. The clergy are invited to attend with vestments and white stole, also members of the Masonic fraternity, Royal Arcanum and Knights of Honor. The body may be viewed at his home, No. 938 Bushwick-ave., Brooklyn, to-morrow evening, from 7 till 9:30. The burial will be at Troy, N. Y.

TO REVISE ARBITRATION AGREEMENT.

A meeting of the general arbitration board of the Building Trades Employers' Association and representatives of the unions working under the arbitration agreement will be held to-morrow to arrange for a revision of the arbitration agreement. It was reported yesterday by the Housesmiths and Bridgemen's Union that it had signed an agreement for a year with the Iron League by which the wages of $4 50 a day would be paid.

DELAFIELD INTRUDER HELD FOR TRIAL.

Julius Reinhold, the man who declares he was impelled by hunger to attempt to hold up Arthur Wintaner, Lewis L. Delafield's butler, at the Delafield home, No. 278 West 71st-st., on Saturday night, was arraigned in the West Side court yesterday, waived examination and was held in $1,000 bail for trial. Reinhold says he is a German and has been in this country only a short time. He says that up to two weeks ago he was employed as an assistant in the kitchen of Pabst's 125th-st. restaurant. He had been without employment since then.

According to the police, Reinhold said he came originally from Hamburg, Germany, and in that city was known as a "bad man." In his pockets were found two pawn tickets and photographs of himself and a young woman, who, he said, was his sister. He said he had pawned his overcoat for a dollar for food, and one of the pawn tickets bore him out.

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And Advertising
Go Hand in Hand.
The sales of the Daily and Sunday Tribune for January, 1905, were
52% MORE
than for January, 1903.
Advertising for the month was
88,543 lines MORE
than in January, 1904.
A gain of 33%.