J. A. M'CALL TESTIFIES.

Continued from second page.

bedicent system was adopted and fitted to insurance by Henry B. Hyde, because, Mr. McCall thought, the Equitable, a new company, would have had hard work to compete with the older companies on their own schemes of dividing the surplus. The New-York Life had no pure tontines now, he went on; it had modified the system into the present "deferred dividend" policies. Said he:

The present plan of deferred dividend policies has no more relation, if you will, to the original Tontine plan than a whole life policy would have to a term insurance contract, for this reason, that the deferred dividend plan of to-day in the contract guaranteeing the payment of the money provides most liberal repayment. After—in fact, our own company, if I may speak of that—after one year's premium has been paid there is absolutely no forfeiture whatever relating to the contract itself, so that a man with a tontine policy to-day reads right in his contract how much he can borrow on it, how much he can get cash surrender value, if there is no loan provided, and all that he forfeits, if you will—he makes his contract with you that he will pay for twenty years, and you make a contract with him, which you cannot break, that at the end of that time there will be a certain division of profits. Now, he for some reason or other cares to stop an insurance contract, and he finds that he can go to that company after two payments and get a cash surrender value, paid up insurance, extended insurance, and, in fact, he is given much more in the way of compensation for the money paid in than any law in the United States provides as surrender value.

REPORTS FOR GERMANY.

In reports by the New-York Life to the German government Mr. McKeen found that the surplus amounts set aside each year for dividends were itemized. In the year immediately preceding the expiration of the period he found that the surplus set aside was much greater than for any other year in the period. Mr. McCall said that was because of the "adjustment from other years," he supposed, but confessed his inability to determine the figures. The actuary would have to do that, he added. Answering Mr. McKeen's question, he admitted that the present system permitted the rolling up of a large fund, which the company could use as it liked until the time for dividends came. Nevertheless, he said, in accordance with the law, every dolar of all the excess was apportioned to classes, reserve, liability or surplus.

Mr. McKeen then read a letter from a policyholder inquiring about a transfer of $17,000,000 from the surplus fund to the reserve fund. This, Mr. McCall explained, was to bring up the reserve fund above the amount required by this State to the highest amount required by any State. Mr. McCall declared that his company made no discriminations in favor of Germans in the military service, and had never been "so treasonable" as to insure Spaniards in the Spanish American War. Loans to policyholders were the regulation note affairs, explained Mr. McCall—the policyholder drew his note at 5 per cent interest, and deposited it with the company. If he defaulted his payments, the company sold out his policy, and after deducting the amount due, sent him the balance. The company loaned something like $36,000,000, he thought. The Practice was general among insurance companies, as usually it was a choice between the surrender value of the policy and the loan, where the loan continued the policy in effect, while the other method closed the transaction.

Mr. Weekes was called to explain about the large surplus shown by the reports to the Prussian government. Interim allotments and final allotments, he said, bore no relation to each other. Each year estimate was made of how much the minimum dividend should be. Deferred dividends were much better than annual dividends, Mr. Weekes thought. They were more attractive to the policyholder, and the agents could sell that form of policy much easier than any other. Still, he could not explain why the agents received more commission for this easy selling form of policy than for any other, save that the market conditions demanded it.

Mr. Hughes took a hand at the examination here. Mr. Weekes would not admit that new business resulted in borrowing from the surplus. Said he:

A.—I shouldn't put it that way. I should say we took it out of premiums to put up the reserve. That happens with every company when it takes a new policy.

Q.—Is there a time conceivable when this sort of thing would hurt the old policyholders? A.—Yes, it would depend on the expenses incurred in getting the new business.

Q.—In your report for the year ended December 31, 1903, you state that the total expense chargeable to the expenses of getting new business is $6,564,600 for commissions and $4,221,395 for other expenses. Without the receipts your new business costs $7,700,000, and you have not included the general expenses of the management, have you? A.—No, sir.

Q.—The old policyholders have level premiums and are going to pay them every year. You had $19,000,543 expenses in 1904, of which the direct expense of writing new business was $11,000,000. The other expense amounted to only $8,000,000. The man who is in and has got to pay premiums has got to pay that expense, and he is interested. Will the men that pay get even by other new men coming in? A.—No; if we stop now taking new business the loading on renewal premiums would make up the amount.

Q.—If you stopped taking new business to-day you would decrease your expenses from $19,000,000 to $11,000,000. You would keep receiving from your estimates about $19,000,000. The expense of getting new business comes out of money that would otherwise be distributed. If in a given year you don't increase your surplus there is nothing made that year which can go to feed the fund that will ultimately be distributed? A.—That is true, but it would not follow that nothing would be earned.

EXPLAINS THE DIVIDENDS.

After recess Mr. Weekes explained that, although there was a large increase in receipts in 1904 over 1903, the small increase in dividends was because of the method of declaring the deferred dividends. There was no consultation among the actuaries of the different companies as to the amount to be paid, he said. He couldn't say that he never had told Mr. Van Cise, of the Equitable, that it was desirable to make a substantial showing.

An apparent decrease in the surplus in 1904 was because $2,000,000 increase in the market value of securities over the book value had not been taken. The book value had been used. The actual loss on bonds in 1902 was $4,000,000, Mr. Weekes said.

Later Mr. McCall went on the stand, and under examination by Mr. Hughes said that the New-York Life did not believe in the annual dividend policies. The cost of getting business in the early years made dividends small and bred dissatisfied policyholders for the first three years, at least. There were many companies which wrote nothing but annual dividend business, went on Mr. McCall, and these companies paid 20 per cent more for their business than did the New-York Life. Mr. Hughes asked:

Q.—How do they get along if they pay so high and they are on an annual dividend basis? A.—They do that very thing that you were criticising by innuendo this morning, as to where you provide for your reserve in the first year. They take it out of the surplus that has been accumulated in the company and pay it.

Q.—Of course, that is the same thing that is done by the New-York Life, is it? A.—Yes; but it appears that we are the offenders.

Q.—Oh, there are others? A.—Yes, there are others.

Some significant testimony was given later by Mr. McCall, under examination by Mr. Hughes, regarding the great cost of getting insurance business.

Q.—Do you know what the returns have been to the policyholders by the old Equitable? A.—Yes, I think the last bonus, it was a five-year bonus—Mr. Weekes, can you tell me? I can give you that information, Mr. Hughes.

Q.—You mean a bonus to policyholders? A.—Yes, a bonus.

Q.—Is it a fact that they have paid very largely to policyholders? A.—Oh, very largely.

Q.—Despite the fact, they have increased their business very slightly? A.—Yes.

Q.—And that they only get a few policyholders a year? A.—Yes, sir.

Q.—They have been able to do that because they have not had a very large expense in getting business? A.—Yes, scarcely any.

Q.—Now, your business on your books at the end of last year is $1,928,000,000? A.—Yes, sir.

Q.—And you are increasing the business at the rate of $340,000,000 a year? A.—Not this year.

Q.—But the net increase has been about $180,000,000 or $200,000,000 a year? A.—Yes, sir.

Q.—Now, in your judgment as an insurance man, should they go on indefinitely? Is there no time when an insurance company should say it is better, all things considered, to call a halt? A.—I think there is a limit to human capacity.

Q.—And to capacity of human supervision? A.—Yes.

Q.—And to capacity to handle such gigantic accumulations? A.—Undoubtedly.

Q.—Have you thought about it enough to reach in your mind as to what that limit should be? A.—No. I think it is a very serious question. I think this committee could do a great deal of very good work in that respect, Mr. Hughes.

Q.—That is exactly what I had in my mind. Here you are rolling up what, of course, we all realize to be enormous sums and insuring a great many risks, and the question is whether there is any point at which an insurance company should stop writing business and limit itself to keeping up a complement of business which it may deem advisable, to properly distribute its risks and maintain its prestige. A.—To carry that out will require a very serious consideration, and I say to you frankly I think it is a subject that should be very seriously considered by this committee.

M'CALL WON'T RESIGN.

Declares N. Y. Life Will Fight Exclusion from Nevada.

When President McCall was asked yesterday if he purposed to resign as a result of the agitation started against him in several States—notably Nevada—he said:

"Life insurance men never resign—they die."

Asked what his company planned to do to meet the order of exclusion from Nevada, Mr. McCall said:

"We shall, of course, fight to the death, and we are convinced that it is an illegal order."

DON'T DOCTOR BY MAIL.

Druggists Warn Public Against Buying Injurious Medicines.

The second day's session yesterday of the convention of the National Wholesale Druggists' Association was given largely to a discussion of questions directly affecting the trade, particularly the relation of wholesale dealers to proprietary medicines, the mail order system and interstate traffic. John J. Carey, of Indianapolis, chairman of the committee on proprietary goods, called the attention of the body to reports concerning the probability of a reimposition of a stamp tax on all proprietary medicines at the next session of Congress.

The committee recommended that a resolution be passed and placed in the hands of the committee on legislation for immediate action in case such a measure be introduced in Congress. Mr. Carey, speaking of alleged bitter attacks by newspapers on certain proprietary medicines, said:

Our members have probably noticed the bitter attacks which have been made for some time past by certain newspapers on the proprietary medicine industry. The charges have been of a sensational character and your committee believes that it is a gross injustice to many worthy preparations which have been recognized as valuable remedies for years to brand all proprietary medicines as dangerous to the public health and welfare.

John C. Gallagher, of Jersey City, representing the National Association of Retail Druggists, read a communication asking the support of the wholesalers against what he termed the "vicious mail order business." "This," he said, "is a dangerous foe." He said that all over the country, especially in the rural districts, thousands of women are deceived by mail order houses, and in many cases injured physically for life by vicious and dangerous goods attractively advertised and sold through the mails.

Mr. Gallagher also urged the wholesalers to oppose the tax on proprietary medicines if it came up in the next Congress.

The day's session closed with a banquet at the Hotel Astor. The next convention will be held in Washington. The following officers were elected for the year: President, Lucien B. Hall, of Cleveland; first vice-president, William Jay Schieffelin, of New-York; second vice-president, J. B. Riley, of Macon, Ga.; third vice-president, Charles C. Goodwin, of Boston, fourth vice-president; L. D. Sale, of Los Angeles; fifth vice-president, W. T. Harper, jr., of Ottumwa, Iowa; secretary, Joseph E. Toms, of Indianapolis; treasurer, Samuel D. Strong, of Cleveland.

WILL NOT DEBAR N. Y. AND MUTUAL.

Colorado Auditor Denies Reported Plan to Attack Insurance Companies.

Alfred E. Bent, State Auditor of Insurance of Colorado, who is staying at the Manhattan, denied last night telegraphic reports from Denver that that State would debar the New-York Life and Mutual Life Insurance companies. The report reached here in the form of an interview with the Deputy Auditor, E. E. Rittenhouse, in which he said these companies would have to get out of the State.

"I do not believe my deputy made any such statements," Mr. Bent telephoned to The Tribune. "If he did, he did so without authority. Our department is conservative in matters of this kind, and will not pass judgment until the entire affair has been sifted."

AHEARN REJECTS PAVING BIDS.

Borough President States Belief That Contracting Companies Were in Collusion.

Borough President Ahearn rejected yesterday as unfair to the city, and indicative of collusion, all the bids submitted for paving with wood block lower Broadway and the side streets. There were four bidders, Eppinger & Russell, the Franklyn Contracting Company, the Republic Construction Company and the United States Wood Preserving Company.

The righest and lowest bids were, respectively, $3 04 and $3 03 a yard on West Broadway, where the traffic is very heavy; $2 90 and $2 85 on Broadway, and a like price for Cedar, Worth, Dey, Greenwich and Beekman sts., Battery Place and Old Slip.

All the bids were $6 80 for the concrete, on which the blocks are to be laid. The bids carry with them a guarantee of ten years' maintenance.

A month ago bids were invited for about $200,000 of wood paving. The work was divided among the same firms whose bids were rejected yesterday. The prices then asked were $6 a yard for the concreting, and an average of $2 41 for the wood blocks.

SAD ENDING TO HONEYMOON.

[By Telegraph to The Tribune.]

Johnstown, N. Y., Oct. 4.—John Gerald Dodwell, of New-York, married Miss Harriett Vandenpoel, one of the most estimable young women of this city, here four weeks ago. Miss Vandenpoel had known Dodwell for three years.

After the honeymoon the couple went to live at No. 242 West 25th-st., New-York, and at the beginning of the second week in her new home the deceived woman discovered the double life her supposed husband was leading.

Dodwell has always borne a good reputation in this city, where he had many friends, all of whom are surprised at his action in deceiving Miss Vandenpoel. The injured woman's family have retained legal counsel and will attempt to punish Dodwell.

FEDERAL EMPLOYE ARRESTED.

[By Telegraph to The Tribune.]

Boston, Oct. 4.—T. J. Swift, for fifteen years assistant custodian of the federal building in this city, is under arrest, charged with manipulating contracts coming under his control for various supplies for the building. He is held in $2,000 for a hearing on October 11.

Swift, who denies his guilt, is charged with secretly opening bids submitted to him, and advising firms with whom he had an arrangement, so that they could revise their bids and obtain the contracts, dividing profits with him. He is alleged to have made a small fortune this way.

SHOUTED UP

In England They Politely Refer to the Stomach as "Little Mary."

Little Mary.—"I say up there, won't you please quit sending down such a variety of unnatural things to me.

"Here this morning first came down some sticky, pasty material, all starchy and only partly cooked. It was wheat or oats and was decorated with milk and sugar.

"Between the unchewed mouthfuls came gulps of coffee, finally a good big drenching of it. Then some bread and a lot of grease, perhaps it was butter, then some fried eggs and fried meat and more coffee, and some fried cakes and syrup. You load things on me as if I could stand everything.

"I try faithfully, but there's no use, I can digest part of it and the balance sours and I simply have to push it along to the liver. He says he's badly overworked now and gets so weak he almost collapses, so he sends the sour mass on down into the intestines to raise gas and trouble of all kinds. We can't help it, and you must either select your food with better reason or stand more and more trouble down here. Suppose you try us on some cooked or raw fruit, a little Grape-Nuts and cream, 2 soft-boiled (not fried) eggs, some well-browned toast and a cup of Postum. Liver and I will guarantee to make you feel the keen joy of a hearty and well man if you will send those things down to us. There's a reason, but never mind that, try it first and when you find we know what we are talking about, you may be ready to hear the reason."

MAY TRY TO INDICT HYDE.

THE COMMITTEE'S PLANS.

Extradition Possible to Enforce Attendance as a Witness.

The legislative insurance committee may ask the grand jury to indict James Hazen Hyde and issue an extradition warrant for him in connection with recent Equitable disclosures if he persists in refusing to enter the State and to testify before the committee voluntarily and without conditions.

This was the information which reached The Tribune yesterday and caused a sensation in insurance circles last night.

That otherwise Mr. Hyde will exile himself from New-York State and place himself in a position analogous to that occupied by Reginald C. Vanderbilt in the Canfield case, if he persists in his offer to testify before the legislative insurance committee only on conditions which are banned, was the tenor of opinions gathered by a Tribune reporter earlier in the day. The Tribune's informants pointed out that the legislature is a continuous body, and that if Mr. Hyde persists in the attitude indicated by Samuel Untermyer, his counsel, it will not be sufficient for him to remain out of this State until the present legislative committee shall have adjourned, but that whenever discovered in this State the legislature can subpœna him to appear before it this year, next year or, for that matter, any year.

Mr. Untermyer's statement to Mr. Hughes holds that the Assembly has no power to direct an investigation to be held after its adjournment for the purpose of reporting to a future legislature, not yet elected. In view of the fact that the legislature is fully empowered to pass any measure, resolution, etc., provided only it does not violate the federal or State constitution, Mr. Untermyer's statement is construed as a virtual declaration that the resolution authorizing the investigation is unconstitutional. Another weak point in Mr. Untermyer's armor, it is argued, is the same fact that the legislature is a continuous body, however much its individual units may change.

The situation with regard to Mr. Hyde is this: While Mr. Hyde remains absent from this State the committee cannot serve him with a legislative subpœna. Mr. Hyde, however, expresses himself as willing to appear before the committee provided that (1) He to have the privilege of counsel at any hearing, and (2) That his examination shall exclude the subject matter of all suits pending against him. As to the first proviso it is pointed out that it would violate all precedents, and, as itself creating a precedent for other witnesses in the same position, would needlessly hamper and prolong the examination. Moreover, from Mr. Hyde's own point of view, any damaging testimony adduced, with the benefit of counsel to advise, would have a far darker aspect than testimony elicited without the cross-examination.

As to the second proviso, only those who have followed the course of insurance suits in the last few months can appreciate how small a ground for testimony would remain if the subject matter of all pending suits against Mr. Hyde were to be eliminated.

According to yesterday's indications the committee purposes that Mr. Hyde shall testify soon and without conditions, believes that he will do so, reiterates its belief that Mr. Untermyer's contention is without merit, and refuses to believe that it is designed for serious consideration.

MAY EXPEL HAZERS.

Faculty Likely to Discipline "Sophs" Who Rushed "Freshies."

It was announced at a meeting of the sophomore class of Columbia University yesterday that several sophomores who took part in the rush in 116th-st. on September 27, contrary to the rules governing students, and who were participants in the hazing of freshmen the next day, were likely to be disciplined by the university authorities. It is said that the guilty sophomores have been summoned before the faculty, and that some of them have been told to pay no tuition fees until the authorities have time to take action on the case.

A representative of the university said last night that the faculty had under consideration the names of twenty-five students who took part in the rush. The names were learned from the office of the superintendent of buildings and grounds. When the fight began hats and coats were thrown aside. Other students picked them up, and, not knowing to whom they belonged, turned them in at the superintendent's office, where the sophomores called for them.

The fight in which the students engaged was held in direct disobedience to the rules governing students. The freshmen were victorious, but the next day the "sophs" retaliated by catching fifteen freshmen and hazing them at a smoker.

BOY UNDER CAR; UNHURT.

Little Negro, Imprisoned Under Trolley Half Hour, Runs Home.

Although knocked down by an electric car, forced under the fender and pushed along for some distance, Gladstone Hines, a little negro three years old, remained a prisoner under the car for nearly half an hour last night, and when he was taken out it was found that he was not injured.

With other children of his age Gladstone was playing in West 10th-st. He failed to see an approaching westbound Christopher-st. car, and before the motorman could stop the boy was knocked down. He could be seen lying under the heavy framework of the car motionless, and every one thought him dead. A wrecking wagon was summoned and raised the car about three feet from the tracks. Gladstone crawled from bepeath the car and ran as fast as he could toward his home.

An ambulance was summoned from St. Vincent's Hospital, and Dr. Burke found that the boy was not hurt.

ASK OLESON'S HISTORY.

Pittsburg Police Convinced He Planned Attack on President.

[By Telegraph to The Tribune.]

Pittsburg, Oct. 4.—The authorities of New-York City, Paterson, N. J., and Cleveland and Youngstown, Ohio, have been asked for information regarding Anthony Oleson, the Swede who yesterday shot down Hugh Hamilton, a business man, on the streets of Pittsburg. Papers found on Oleson show that he was in communication with some anarchists at Paterson. On him were found also letters in Swedish written by Dr. A. T. Sanden, No. 1,155 Broadway, New-York City. He is known to have come here direct from Youngstown, Ohio, and he spent some time before that in Cleveland.

The police are fully satisfied that Oleson was on his way to make another attempt on the life of the President.

YELLOW FEVER DYING OUT.

Situation in New-Orleans no Longer Considered Alarming.

New-Orleans, Oct. 4.—The most encouraging feature of the yellow fever situation is the disposition of parishes and towns in Louisiana to raise quarantines about October 13. The fever situation has lost its alarming features. For the fifth day there has not been a single case reported from the originally infected region, and for several days no deaths have occurred in the emergency hospital, while the cases under treatment there have dropped to thirty-eight, and nearly all the patients are doing well.

The Louisiana State University, it is announced, will open on November 1. The various departments of Tulane University will open also at the same time. The public schools in many parts of Louisiana are already in operation.

There were twenty-two new cases to-day and four deaths from yellow fever in this city.

TO RATIFY PEACE TREATY.

BEFORE THE PRESIDENT.

Russia and Japan Resume Diplomatic Relations in Washington.

Washington, Oct. 4.—Ratifications of the treaty of Portsmouth will be exchanged at Washington between Baron Rosen, the Russian Ambassador, and Mr. Takahira, the Japanese Minister, as soon as these important documents are received from St. Petersburg and Tokio. The ratifications will contain the French and English texts of the treaty. This was decided at a conference to-day between Baron Rosen and Mr. Takahira, which began in the Russian Ambassador's apartments and ended at the State Department. Mr. Takahira called on Baron Rosen this morning to find out from him the usual form of the Russian ratification. In order that the Minister might inspect a copy they went to the State Department, where Mr. Adee, the Third Assistant Secretary, showed them the ratification of the Russian-American extradition treaty. Mr. Takahira will inform his government fully on the subject so that the ratifications may conform. The special plenary powers to be conferred on the two plenipotentiaries, enabling them to exchange ratifications, will be identic in scope.

The approval of the treaty by the Privy Council at Tokio in effect ratifies the convention, and it is expected that the formality of the Emperor's signature will follow shortly. As the treaty becomes effective as soon as ratified, the exchange of ratifications is only a formality. Japan will be ready to exchange as soon as the Emperor's signature is affixed, as the formal ratification can be prepared and delivered at the legation here. It is not believed that the Russian ratification will be long delayed.

Diplomatic relations between the belligerents have been practically resumed at Washington. Returning the courtesy paid him in New-York by Baron Rosen, who called several times on the Japanese plenipotentiaries, Mr. Takahira made his call this morning personal as well as official, and the two envoys have corresponded frequently since the treaty was signed.

No arrangements have been made for the ceremony of exchanging ratifications, but it probably will be even more simple than was the signing of the treaty at Portsmouth. The chief difference will be the presence of President Roosevelt, who will be invited by the envoys to witness the exchange. It is probable that the President will place the White House at the disposal of the envoys on this occasion.

Mr. Takahira expects to leave Washington about December 1 for Japan on a six months' leave of absence, the first he has taken in several years. In his absence, Mr. Hicki, first secretary, will be chargé d'affaires. Mr. Takahira was ill last spring as the result of an attack of appendicitis the preceding winter, and his participation in the peace conference was strongly against the advice of his physician, who urged him to take a long rest. Reports have been in circulation that Mr. Takahira would soon be transferred to St. Petersburg or some other European post, in recognition of his successful tour of duty at Washington. In diplomatic circles it is believed that imperial recognition will take the form of an order returning him to Washington as Japan's first Ambassador to the United States.

PEACE TERMS APPROVED.

Japanese Privy Council Passes Treaty—Ratification Near.

Tokio, Oct. 4.—The peace treaty passed the Privy Council to-day. It is said that it will be ratified at once.

An order abrogating martial law at Saseho, Nagasaki, Tsushima and Hakodate was passed by the Privy Council to-day.

NATIONS REPLY TO CZAR.

Favorable Answers to Peace Proposal—British Reservation.

St. Petersburg, Oct. 4.—The Russian government has received a number of replies to the peace conference invitations. All of them are favorable and contain no suggestions regarding the subjects for discussion. The announcement of the programme and the date for the meeting of the conference will be sent out as soon as all the replies are received. The time of the meeting will be fixed without greater delay than is necessary to permit all the delegates to reach The Hague.

London, Oct. 4.—The Foreign Secretary, Lord Lansdowne, to-day replied to the Russian invitation to Great Britain to be represented at a second peace conference at The Hague, accepting it in principle, but deferring final action until more fully informed regarding the questions to be discussed and the scope of the conference.

The Hague, Oct. 4.—Official circles here express doubt whether arrangements can be completed early enough for the second peace conference to be held in 1906.

MR. METCALF OBJECTS.

To Protest Against Change of Chinese Regulations.

Washington, Oct. 4.—A strong protest will be made by Secretary Metcalf of the Department of Commerce and Labor against any modification by the State Department of its circular of June 26, directing the American consuls in China to inquire personally into the truth of statements in Chinese certificates before viséing them. The instructions referred to have become known as "the President's circular," as it was issued by his direction, following the boycott established by China against the importation of American goods. It was the principal subject of discussion at yesterday's Cabinet meeting, which Secretary Metcalf was unable to attend on account of illness. He expressed great surprise to-day on learning that in his absence the Cabinet members present took the position that the regulations of the Department of Commerce and Labor were responsible for the strained relations between the two countries over the subject of the admission of the Chinese to a greater degree than the laws.

In commenting on the situation, Secretary Metcalf called attention to a provision of Section 6 of the act of July 5, 1884, bearing on the question of "consular visé." This clause reads:

And such diplomatic representative or consular representative whose indorsement is so required is hereby empowered, and it shall be his duty before indorsing such certificate as aforesaid, to examine into the truth of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements contained therein are untrue, it shall be his duty to refuse to indorse the same.

"The circular issued was based upon a provision of law, and not on the department regulations for the enforcement of the Exclusion act," said the Secretary. "The law requires that the consuls shall determine the correctness of the certificates presented to them for their indorsement. If immigration officers are to accept the consular officer's visé as prima facie evidence of the certificate holder's right to enter the United States, then it stands to reason that the United States consular officer in China must perform his part of the programme with the utmost care."

The Secretary's attention was directed to the letter of W. W. Rockhill, the American Minister at Peking, to the State Department, protesting that the President's circular placed a burden on the consuls which they found themselves unable to carry.

"That is a matter for Congress to deal with," Mr. Metcalf said. "If the State Department finds that it has not a sufficient number of consular representatives in China to carry out the provision of the law requiring an investigation of Chinese certificates of admission to the United States, then Congress should be asked for an additional appropriation with which to employ additional help."

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F. J. BISCHOFF MISSING.

Continued from first page.

tate. On March 18, 1904, I got $250. Then for two months I received $65 a month; another $65 we were told was being applied to my husband's debts. At this time we took some action in the courts to hasten an accounting and the settlement of the estate, and our income was suddenly cut off. After a prominent Episcopal clergyman appealed to the executor we again began to receive monthly sums ranging from $125 to $100. Since the first of last August we have received nothing, for at that time we made a new demand for an examination of the books.

My daughters and myself are practically destitute, and unless this matter is settled up shortly we will have to go into the street. We don't know where our next meal is coming from. It has been almost as bad getting money from the estate as it would be to beg for it.

I have no idea where my husband is at this time. I believe that he heard the commitment had been signed and that he escaped before they could take him. He told us not to worry and not to attempt to seek for him. If the estate was settled up and we got our share of the income he could soon pay off the debts that hang so heavily over the heads of all of us.

The attorneys in the case refuse to discuss it, in view of the early hearing before the referee. A Tribune reporter was unable to find Justice Bischoff last night. At his home, No. 180 West 59th-st., it was said that he had not returned there for dinner, and it was not known when he would be in.

TAMMANY YET AT SEA.

Uncertain About Indorsing Jerome—Executive Committee Meets.

Patrick F. McGowan is the latest Tammany candidate for president of the Board of Aldermen. Mr. McGowan was nominated by Commissioner Oakley, of the Water Department, and his name was under discussion at the meeting of the Democratic Executive Committee yesterday afternoon and by the Democratic City Committee last night.

Mr. McGowan is a member of the Board of Education, a director of the West Side Savings Bank, and prominent in St. Ann's Catholic Church. He lives at No. 224 East 12th-st. He stands only an outside chance.

Dock Commissioner Featherson at the meeting of the Democratic City Committee last night proposed the name of John T. McCall, Tammany leader of the Board of Aldermen, as a candidate for president of the Board of Aldermen. It was not taken seriously.

Charles F. Murphy, after the meeting at the Democratic Club last night, stated that the Democrats had no candidate for president of the Board of Aldermen. It was announced that Charles V. Fornes, president of the Board of Aldermen, will preside at the city convention. Ex-District Attorney Philbin will nominate Mayor McClellan, and the principal seconding speech will be made by Controller Grout. William H. Hughes, of Kings, will nominate Herman A. Metz for Controller.

The Tammany men are still at sea over the indorsement of Jerome. Mr. Murphy told his friends yesterday that the matter would not be decided until the first of next week.

"CITS" STILL IN THE GAME.

Wait Opportunity to Play a Lone Hand in Civic Politics.

Julius Henry Cohen, chairman of the Committee of Five on local nominations of the Citizens Union, issued a statement yesterday that the "Cits" still had something to say about State and local nominations. He says that this is the first time that the "Cits" have been free to play a lone hand, and that their voting power is sufficient to throw the balance of power one way or the other. He asks for information concerning each candidate proposed, that the committee may decide on the best man.

R. BAYARD CUTTING FOR ASSEMBLY.

It was announced last night at the Democratic Club that R. Bayard Cutting, son of R. Fulton Cutting, president of the Citizens Union, would be the Tammany candidate for Assemblyman in the 29th Assembly District. Mr. Cutting is an enrolled Democrat and a member of the Osceola Club. Thomas E. Rush, Tammany leader of the 19th District, has been making advances to the Citizens Union men recently, and many of them have joined the Osceola Club. It is his intention to name Mr. Cutting for Assemblyman, it was said last night, to have him in line for the nomination for Senator against Seantor Elsberg next fall. R. Bayard Cutting is associated with his father, whose offices are in the Mutual Life Building.

DEAD FROM KICKS.

Saloon Keeper Accused of Killing Man Who Stole Coat.

Charged with homicide, Bryan O'Donnell, a well known saloon keeper, of No. 623 Fulton-st., Brooklyn, was arrested yesterday. He is charged with kicking William Henry Durand, of No. 167 Bleecker-st., Manhattan, to death in the street.

O'Donnell went into his saloon yesterday afternoon to relieve the bartender. He removed his coat and hung it over the back of a chair. A moment later a customer told him that a man had taken his coat, and was running up the street with it. O'Donnell gave chase, and at the corner of Rockwell Place he tripped up the man with his coat. After he fell he kicked him several times, witnesses say. O'Donnell admitted that he kicked Durand, but denied that he kicked him hard enough to cause death.

ALLEGED BAIL JUMPER ARRESTED.

Wanted in New-York and St. Louis, the Police Say.

[By Telegraph to The Tribune.]

Pittsburg, Oct. 4.—George S. Sultzbach, alias G. L. Stern, who, the police say, is wanted in New-York and St. Louis for jumping his bail, was arrested in 5th-ave. late this evening as a fugitive from justice by Cecil G. Rice, of the Pittsburg bureau of detectives. Sultzbach hails from Philadelphia, where his father lives at No. 3,322 North 20th-st. He is known as a promoter, and as such, it is said, got into trouble in St. Louis as head of the Merchant Brokerage and Commission Company. It is said he jumped his bail there, and later was arrested in New-York, where he was placed under $2,000 bail. This was six months ago, and this bail he also jumped, it is alleged. He arrived in Pittsburg from Montreal two days ago.

BROOKLYN WATER GOOD TO DRINK.

Daniel D. Jackson, the chemist in charge of the Mount Prospect Laboratory, in a letter received yesterday by Deputy Water Commissioner T. R. Farrell, of Brooklyn, and by him transmitted to Commissioner John T. Oakley, declares that the water supplied to the citizens of Brooklyn is perfectly safe for drinking.

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