Louis; E. W. Robertson, Columbia, S. C.; Thomas Spratt, Ogdensburg, N. Y.; J. Edward Swanstrom, Brooklyn; Eben B. Thomas, New York; Daniel A. Tompkins, Charlotte, N. C.; George F. Vietor, New York; William Whitman, Boston, and Frank S. Witherbee, Port Henry, N. Y.

The amended charter provides for the election of twenty-eight directors by the policyholders at the annual meeting in December next, in four classes of seven each, whose terms shall expire in one, two, three and four years, and provision is made for electing directors as terms expire each year in future. Twenty-four directors are to be elected as in the past by the stockholders. The amended charter also says:

In case the number of the board of directors shall be reduced to twenty-eight, as hereinbefore provided, the number of directors to be elected by policyholders shall be sixteen, divided into four classes of four directors each, holding office, respectively, for one, two, three and four years, and the number of directors to be elected by the stockholders shall be twelve, divided into four classes of three directors each, holding office, respectively, for one, two, three and four years.

The annual election of directors shall be held on the first Wednesday in the month of December (except that in the year 1906 it shall be held on the third Wednesday in said month), at the principal office of the company, in the city of New York, and of which fourteen days' previous notice shall be given in two of the daily papers.

It was reported yesterday that Mr. Ryan had made sure of the dropping of the Lord suit by buying in the stock represented in the suit. Persons well acquainted with Equitable affairs said that Mr. Ryan's control of the Equitable, by owning a majority of the stock, would not necessarily cease with the election of a majority of the directors by the policyholders, since he would have twenty-four directors representing the stock and would need to obtain the support of only four of the policyholder-directors in order to be able to elect the officers of the society.

TELLS OF MUTUAL GIFT.

Legislative Agent Says Vice-President Granniss Sanctioned It.

Two witnesses were heard yesterday by the special grand jury in the investigation of the affairs of the Mutual Life Insurance Company. They were Julien T. Davies, former general solicitor for the company, and Walter T. Thummel, who was legislative agent for the Mutual outside of New York State. Robert A. Granniss, former vice-president of the company, who was before the grand jury on Tuesday, was in the Criminal Courts Building, but was not called to testify again.

It was reported in the Criminal Courts Building that Thummel had been called to tell what he knew about the payment of a political contribution of $2,500 by the authority of Mr. Granniss. It was recalled that before the Armstrong committee Thummel testified that he know of only one contribution of Mutual cash to a campaign fund, and that was the $2,500 paid to Chairman Babcock of the Republican National Congressional Committee. He testified that he was present at a conversation in which Mr. Babcock spoke of the danger of destructive legislation in case of a Democratic majority in the House of Representatives, and that Mr. Granniss authorized the payment of the amount in cash to Mr. Babcock as a campaign contribution by the Mutual. Thummel testified that he handed the money to Mr. Babcock, adding: "I got it from the cashier by authority of Mr. Granniss."

In the suits of the Mutual against Richard A. and Robert H. McCurdy, counsel for the McCurdys yesterday obtained an extension of time to June 11 in which to file answers, while counsel for the company obtained a delay until June 4 in filing additional complaints. Henry P. Velte, counsel for A. C. Fields, gave the Mutual's counsel until June 5 to file an amended complaint against Fields.

Justice Scott, in the Criminal Branch of the Supreme Court, yesterday granted a motion to permit counsel for William A. Brewer, jr., former president of the Washington Life Insurance Company, who is indicted for alleged falsification of reports and perjury, to examine the minutes of the grand jury. Justice Scott said:

I by no means subscribe to the doctrine that every person indicted for a crime is entitled to an inspection of the minutes of the grand jury merely because no preliminary examination was had before a magistrate. Under ordinary circumstances such persons can usually prepare a defence without the aid of an inspection. In the present case, however, the circumstances are extraordinary. The transactions involved in the alleged crime, and the evidence, must, in the nature of things, be largely drawn from papers and documents not now in the possession of the defendant, or under his control, and over which he has had no control for a long time. The ends of justice will not be best served by forcing him to go to trial unprepared to meet the charges against him, and I can readily see it will be very difficult for him to make proper preparation if the motion is denied. It is, therefore, granted.

THE CONFERENCE AT VIENNA.

Paris, May 23.—The association of French policyholders of the Equitable Life Assurance Society has decided to take part in the international conference to be held at Vienna with the object of making arrangements to protect the interests of policyholders. The date of the conference has not yet been fixed.

HARTFORD LIFE ISSUES DEFENCE.

Hartford, Conn., May 23.—The Hartford Life Insurance Company to-day issued a statement in answer to a public communication of Charles H. Dresser, of Hartford, and other policyholders of the company, who have organized for the alleged purpose of bringing a suit against the company and demanding an accounting of the "safety fund" department. The closing paragraph of the answer states:

The company has fulfilled every obligation in every contract issued by it during its entire history and will continue to do so. Every policy collected from the members of the safety fund department during the last twenty-seven years, amounting to millions of dollars, has been faithfully accounted for and approved by the Insurance Department.

REBATE CASE COMES UP.

Former Traffic Manager of Burlington Accused of Conspiracy.

Kansas City, Mo., May 23.—Taking of testimony in the first of the rebate cases to come to trial here began to-day in the United States District Court.

George H. Crosby, former traffic manager of the Burlington Railway, is accused of conspiring with George L. Thomas, freight broker of New York City, and L. B. Taggart, his chief clerk, to pay rebates to shippers or receivers of freight in Kansas City on shipments from New York, New Jersey and other Eastern points in 1904 and 1905. The cases against these three men have been combined for convenience.

The question of jurisdiction was raised and led to a long argument that stopped the introduction of testimony. Counsel for the defendants declared that if a crime had been committed it was committed in New York, and therefore the case was not in the jurisdiction of the court. Judge McPherson ruled that the question had not come before the court properly. The court decided also to allow the government to offer evidence tending to show conspiracy without reference to where the overt acts, if any, were committed.

The first witness, George A. Barton, partner in the Barton Brothers Shoe Company, produced two contracts between his firm and Thomas. By their terms the company agreed to pay Thomas 2½ cents a hundred pounds for all merchandise that he might send between New York and Kansas City, guaranteed Thomas not less than $700 a year and agreed to pay him $41 66 a month in advance.

The testimony was that various firms received large sums from mysterious sources after freight bills had been paid—sometimes in express packages and always from New York.

"Thomas was to look after our freight business and take care of our claims," said Mr. Freyschlag in his testimony, "and we were to receive rebates of 25 per cent on all freight destined to points west of the Mississippi River.

"The total amount in three years was about $7,500. We did not receive the rebates for 1906 shipments. We got about $1,700 in 1905 in rebates for goods shipped in 1904. The money came in currency mostly."

A Splendid Collection

of high-class fabrics imported for exclusive custom tailoring—embracing many handsome designs and colorings, all at such reasonable prices that they should be quickly snapped up.

Burnham & Phillips,

Custom Tailoring Only.

119 & 121 Nassau Street.

TO HAVE PRAYER BOOK.

ASSEMBLY TAKES ACTION.

Forms Not Authorized—Warring Presbyterian Factions Reconciled.

[By Telegraph to The Tribune.]

Des Moines, Iowa, May 23.—The Presbyterian Church is to have a prayer book at last, called "The Book of Common Worship." The General Assembly has not approved the book, nor has it authorized its publication, although it is to be printed by the Presbyterian Board of Publication. The title page suggested by Dr. Henry van Dyke's committee bore the words "Published by authority of the General Assembly of the Presbyterian Church in the United States of America for voluntary use in the churches." This has been changed to read "Prepared by the committee of the General Assembly of the Presbyterian Church in the United States of America, for voluntary use."

This was the decision reached to-day after a three-hour debate, in which Dr. Moffat, of Washington, Penn.; Dr. W. L. McEwan, of Pittsburg, and Dr. Van Dyke spoke. Dr. Van Dyke agreed heartily to the suggestion made by Dr. Moffat, of his committee, to cut from the report and from the book itself every reference to "authority," and said, with a smile: "We have done it as carefully and as successfully as a skilled surgeon could remove an appendix." He said that the committee had never insisted that the book should be authorized, but he did insist, in behalf of the committee, that the truth should be told concerning the preparation and publication of the book.

Dr. Van Dyke is not very tall nor is he unusually stocky. Dr. McCauley, of Cincinnati, his opponent in the discussion yesterday, is both tall and stout. As Dr. Moffat, the mediator, stood between the two contestants to-day with a resolution of harmony, a commissioner said to his neighbor, "The Mikado, the Czar and the President." Dr. Moffat, in his role as a peace maker, modified the resolutions of the committee slightly and changed also the title page and preface of the book.

Dr. McCauley wished to have his substitute, which caused the big debate yesterday, incorporated in Dr. Moffat's paper. Several of Dr. Van Dyke's friends came to his rescue in opposition to the suggestion, but they reckoned without their champion. With both hands extended toward Dr. McCauley, Dr. Van Dyke said, "I gladly accept your suggestion." Dr. McCauley's amendment, which Dr. Van Dyke accepted, was:

In order that there be no misunderstanding, the Assembly declares that, in view of the liberty which has always belonged to ministers and churches in the conduct of public worship, it is deemed inexpedient to make any recommendation in this matter, and it is directed that the following changes be made in the title page and the preface.

The new title page is given above. The changed sentence in the paragraph says that the book "is now published for the purpose contemplated by the General Assembly in 1905."

The Assembly adopted the modified resolutions with practical unanimity following this action, which was received with applause and waving of handkerchiefs. Dr. McLeod, of Scranton, withdrew his protest against the Cumberland Union action last week, thus making another sacrifice to peace.

Dr. van Dyke sought out Dr. McCauley as soon as the Assembly adjourned to tell him how much he appreciated his spirit throughout the debate. "It is no man's victory," he continued, as he grasped heartily the hand of his big opponent. "We have all done what we considered best for our beloved Church."

The General Assembly of the Cumberland Church, meeting in Decatur, Ill., telegraphed this afternoon that it had adopted the joint report of the committee on resolutions, and that it respectfully awaited some action on the part of the Presbyterian Assembly.

Dr. W. H. Roberts, the chairman of the committee, moved that the Cumberland matter should be taken up to-morrow morning, and this was ordered. Earlier in the day telegrams had been exchanged between the two assemblies expressing mutual good will. It is expected that the assembly will adopt the joint report on union to-morrow, when the way will be clear for the Cumberland body to adjourn and the two denominations join in the one meeting here.

The assembly this morning adopted a strong resolution on the question of polygamy, of which the following is the substance:

The Assembly records its gratification and satisfaction in the proposed submission to the legislatures of the several states of a new article, to be known as Article 16 of the Constitution, prohibiting polygamy and polygamous cohabitation within the United States, and reiterates its former counsel to all the members of our Church to exert their influence in their several localities to secure the ratification of such amendment of said joint resolution proposing said amendment be adopted by the Senate and House of Representatives. We recommend that a copy of this action be officially laid before the President of the United States and the presiding officers of the two houses of Congress as conveying the sentiment and desire of the Presbyterian Church in the United States of America.

For several years assemblies have been dealing with the adequate maintenance of aged and disabled ministers and the dependent families of deceased ministers. The Assembly to-day authorized the formation of a fund to be devoted to the support of aged and disabled ministers and widows and minor orphans of the same. Every minister of the Presbyterian Church who is under sixty years of age is eligible, and, upon reaching the age of seventy years, if he has served the church thirty years, and has complied with the requirements of the fund, he will receive during the rest of his life $500 annually. Proper provision is also made for the widows and minor orphans. The committee to administer the fund include Drs. Howard Duffield, A. E. Keigwin, Cleland B. McAfee and Robert MacKenzie, and Francis B. Griffin and Gilbert Colgate, of New York; Dr. Henry Elliott Mott, of Elizabeth, N. J.; W. H. Roberts and Thomas W. Synott, of Philadelphia, and L. R. Severance of Cleveland, Ohio.

Dr. John Dixon led a service this afternoon in the interests of the California sufferers. Dr. van Dyke, who was in California last year, gave an address on the Golden State. Dr. J. W. Dinsmore, of San José, gave a graphic description of the earthquake and fire and the harrowing experiences that followed. Dr. Moffat and Dr. Baker also spoke.

The boards of Foreign Missions and Publications and Sabbath School Work presented their reports to-day. Dr. Arthur J. Brown delivered an address in behalf of the Foreign Board, and Dr. Alexander Henry in behalf of the Sabbath School Board. Both boards report excellent work.

INJUNCTION AGAINST UNION DENIED.

Court Holds It Cannot Interfere in Ecclesiastical Matters.

Decatur, Ill., May 23.—The application for an injunction to restrain the union of the Presbyterian churches was denied to-day by Judge Johns, who said that the case has no parallel in the jurisprudence of the United States. He held that the Church was a voluntary organization, the acts of whose highest tribunal were binding on all members and should not be interfered with by the courts if the acts were fair and honest. He held that courts of equity would not pass on doctrinal matters, the decisions of ecclesiastical judiciaries being binding on civil courts as to matters of faith.

The decision sets forth the various acts of the Cumberland General Assembly, and says: "These actions of the Assembly must be held to a determination of its right and power." As to doctrine, the court held that "whether the doctrines of the Cumberland Presbyterian Church are widely variant from those of the Presbyterian Church is an ecclesiastical question solely, upon which, having been decided by an ecclesiastical judicatory, the civil court is powerless to inquire."

The decision adds: "No court has ever enjoined an ecclesiastical body from considering what action it should take. This application is without precedent."

The Cumberland Presbyterian General Assembly nearly completed its business to-night and was ready to adjourn.

Business was dispatched with great expedition, the anti-unionists showing no disposition to obstruct the proceedings. The latter declare their purpose to organize and appoint a duplicate set of Church boards and committees. It is said that these boards may institute suits against the existing boards.

UNITARIANS ELECT OFFICERS.

Boston, May 23.—The election of officers of the Unitarian Association was held to-day. The Rev. Dr. Samuel A. Eliot was re-elected president of the association and the vice-presidents include Horace Davis, of San Francisco; Frederic A. Delano, of Chicago; Bernard R. Greene, of Washington; Rockwood Hoar, of Worcester; John Harsen Rhoades, of New York, and Franklin A. Wilson, of Bangor. The Rev. Charles E. St. John, of Brookline, was chosen secretary and Franklin H. Lincoln, of Hingham, treasurer.

TWO PASTORS RESIGN.

The Rev. Dr. Minot J. Savage tendered his resignation yesterday as junior pastor of the Church of the Messiah, Park avenue and 34th street. Ill health was given as the cause of his retirement. The Rev. Dr. Abbott E. Kittredge, for twenty years pastor of the Madison Avenue Reformed Church, also resigned yesterday. Resolutions were adopted requesting Dr. Kittredge to remain with the church as pastor emeritus at a salary of $3,000 a year for five years. At the former church resolutions were passed expressing the regret of the congregation over the retirement of Dr. Savage.

HOLD MUCH COAL STOCK.

Continued from first page.

Madison Coal Company and that Mr. Patton had given him 100 shares.

Mr. Glasgow developed the fact that Mr. Purviance held 770 shares valued at $38,500, for which he paid no cash. The witness said that through Mr. Patton and Colonel Huff he acquired stock when the companies were organized by helping to promote them.

DEFENDS PROMOTING COMPANIES.

First Vice-President John P. Green disclaimed any interest in coal lands, coal companies or oil companies. He entered into a discussion with Mr. Glasgow as to the propriety of a railroad official promoting a coal company. Mr. Green held that there could be no impropriety in a railroad official connecting himself with a coal company on exactly the same basis as other stockholders. The railroad man, he said, committed himself to the same obligations as the others who acquired stock in a new company, and the whole transaction must be regarded as purely a business venture in which all of those interested took the same risk.

Mr. Green explained further that when the soft coal field was in process of early development, J. Edgar Thompson, then president of the railroad, advised the officials to take stock in the coal mining companies that were in process of formation. When it was pointed out that this policy might lead to abuses, the witness said Mr. Thompson asserted that the Pennsylvania Railroad would protect itself.

"Do you think it good policy for a public carrier like the Pennsylvania Railroad to permit its officials to own stock in these coal companies?" asked Mr. Glasgow.

"It is not our policy," replied Captain Green. "I might say here that our board of directors to-day referred the matter to a competent committee for investigation. Conditions have changed in recent years, and the practice of officials acquiring stock in coal companies might be regarded differently now than was the case twenty or thirty years ago."

"Twenty or thirty years ago," interpolated Commissioner Clements, "when there were no private cars the railroad was able to furnish all the cars that the comparatively few operations required, I suppose."

"That was probably so," responded Captain Green.

EXPLAINS HIS STOCK HOLDINGS.

Samuel Rea, third vice-president, followed Captain Green. He read a statement to the commission concerning his stock holdings. It was, in part, as follows:

My name having been mentioned in the proceedings before the Interstate Commerce Commission in connection with the stock of the Greenwich Coal and Coke Company, calls for an explanation.

In 1902 Colonel George F. Huff and associates optioned some fifteen thousand acres of coal lands near Cherry Tree, Penn., in which syndicate I committed myself to a $30,000 interest, agreeing that upon maturity of the options the syndicate would either pay for the lands and hold the same as an investment or part with them, as in the judgment of Colonel Huff was deemed best for the syndicate.

Of my commitment of $30,000, only $2,500 was called up, and was paid by me in June, 1902. The Greenwich Coal and Coke Company was at that time controlled by Pittsburg parties, and owned about thirty-eight hundred acres of coal lands, and Colonel Huff sold to it about thirteen thousand acres of said optioned lands, payment therefor being made in stock and bonds, the remainder of said lands being still held by the syndicate, and I received on account of my participation in said syndicate one thousand shares of Greenwich Coal and Coke Company stock, par value $50 a share, and still have an equity in the unsold lands.

Mr. Rea explained further that he owned seven hundred shares in other coal companies, for all of which he either paid his syndicate subscription down or committed himself for a participation subject to call. These holdings, he said, he had transferred to his son as a wedding present.

"I have always understood," he declared, "that as an individual, director or officer, I was not debarred from ownership in such properties."

Mr. Rea said also that he had stock in the Sewickly Coal Gas Company, which he exchanged for stock in the Keystone Coal and Coke Company. These shares he sold to R. K. Cassatt.

C. A. Buch, manager of the Columbia Coal Company, a selling company for the Henrietta, Latrobe-Connellsville, Alton and formerly the Alexanderia coal companies, testified to discrimination in car distribution. He said that owing to lack of cars the Columbia company was compelled to sell the Alexanderia company, and that it was almost driven out of business. He said it was the general belief in the region that the Berwind-White Company and the Keystone Coal and Coke Company were favored by the railroad in the distribution of cars. When his company was rated at thirty or forty cars, he declared, it was supplied with four. Mr. Glasgow read a telegram from General Superintendent Creighton to Division Superintendent Long, ordering a special assignment of cars to the Berwind-White Company and a further order of 225 cars to be kept in readiness for that company. The telegram was dated June 14, 1903.

"While those cars were being held for that company," said Mr. Buch, "we were begging for cars."

P. R. R. TAKES UP INQUIRY.

Minority Stockholders May Seek Legislative Investigation.

Philadelphia, May 23.—The board of directors of the Pennsylvania Railroad Company to-day decided to investigate the admissions made before the Interstate Commerce Commission, now sitting here, that certain officers and employes of the company hold stock in several coal companies along the lines of the Pennsylvania Railroad which was given them gratuitously.

First Vice-President John P. Green presided at to-day's meeitng. He laid before the board the notice issued by him on May 18, in which it was stated that "no ownership or practice calculated in any manner to affect the full and impartial discharge of the duty owed by the company, its officers and employes to the public would be tolerated."

The board unanimously approved the notice issued by Vice-President Green and adopted it as their action. The board also passed the following resolution:

The subjects referred to in the notice, namely, the acquisition and ownership by any officer or employe of the company of stock or other interest in any other company or association, the holding of which can in any manner affect the performance by such officers or employes of their duty to this company, or the performance by the company of its duty to the public, and also the acceptance of gratuities by employes are hereby referred to a special committee of five members of the board, and that committee is hereby instructed to thoroughly examine into and report the facts connected therewith and their conclusions thereon to the board, together with their recommendations as to the action which should be taken by the board in pursuance thereof.

The chairman appointed the following committee: C. Stuart Patterson, James McCrea, W. H. Barnes, Effingham B. Morris and T. Dewitt Cuyler.

As a result of the investigation minority stockholders of the Pennsylvania Railroad are said to be considering plans to bring about thorough inquiry through the state Legislature. Such an investigation would include an inquiry into all the details surrounding the contracts for steel rails, engines and other equipment made in the last five or six years. The present investigation is limited by the Tillman-Gillespie resolution to the relations of the railroads to the coal and oil industries.

The board to-day created the offices of assistant to the first vice-president and assistant to the third vice-president. Carroll Moore, now chief clerk to the first vice-president, was appointed to the position of assistant to the first vice-president.

Albert John County, now assistant and superintendent of the Employes' Saving Fund, was appointed assistant to the third vice-president. Lewis Neilson, secretary of the company, was appointed superintendent of the Employes' Saving Fund and will perform the duties of that office in addition to those of secretary. Charles W. Le Fevre, now chief clerk of the secretary's department, was appointed assistant to the secretary. All the appointments take effect June 1.

The retirement on June 1 of Robert Pitcairn, resident assistant to President Cassatt at Pittsburg, was announced.

MR. CASSATT GOES TO PARIS.

Rumor That Pennsylvania's President Will Return Here at Once.

London, May 23.—Alexander J. Cassatt, president of the Pennsylvania Railroad Company, left London to-day for Paris.

It was reported in Wall Street yesterday that Mr. Cassatt was about to return at once to the United States in consequence of the developments at the inquiry in progress before the Interstate Commerce Commission into the connection of Pennsylvania Railroad officials with coal companies.

EXPECT MORTGAGE RUSH

To Avoid Tax, Which Goes Into Effect July 1.

The Register's office would not be surprised if within the next forty days it is stormed by people with mortgages to file. The present mortgage tax law went into effect last July 1, and on the previous day there were about 4,000 mortgages filed in New York County, 2,660 in Kings and 600 in Westchester. Never in the history of the state was there witnessed such a rush to record mortgages, for on July 1 the state imposed a tax of one-half of 1 per cent on mortgages executed after June 30 and offered for filing.

On July 1 next the recording tax measure which was signed by Governor Higgins on Tuesday will be in effect. On all mortgages recorded on or after that date a tax of one-half of 1 per cent is to be collected only at the time the papers are filed and not one-half of 1 per cent every year as under the present law. Between now and July 1 only a small fraction of one-half of 1 per cent will be levied on any mortgage documents offered for recording, and each day nearer to July 1 this fraction will grow smaller. The present tax on mortgages is $5 a year on each $1,000, or about 42 cents a month. For a day it would be 1 2-5 cents. Thus, a tax on a $50,000 mortgage offered on June 30 would be 90 cents, and if filed on the following day $250.

In most cases borrowers have paid the present tax on mortgages. In view of this hundreds of builders have curbed their building operations, hoping for cheaper money. It is said that there are now at their demand millions of dollars which could not have been obtained for carrying out realty projects in the last year. The greater part of this vast sum will likely be borrowed by builders before July 1, and the loans recorded before that day so as to pay a much smaller tax than one-half of 1 per cent.

Register Gass, in speaking about the recording tax law, said yesterday:

The staff of this office will be able, I am sure, to maintain the present high standard of the office. When the present mortgage tax law went into effect the Register appointed, according to law, a special deputy register and a cashier and four clerks. Those offices will not be abolished under the recording tax law. Yes, it is true that this office may be besieged by people with mortgages to file before July 1, and it may take us some weeks to recover from the shock. I would not be surprised to see many old mortgages which have not been removed from strong boxes in years presented here for filing between now and July 1.

FACES HIS ACCUSERS.

Fire Insurance Man Charged with Causing Company's Wreck.

[By Telegraph to The Tribune.]

Chicago, May 23.—S. A. Rothermel, ex-secretary of the Traders' Insurance Company, of this city, which was forced into receivership by the directors on account of heavy losses sustained by the San Francisco fire, returned here to-day to face the accusations against him that he was responsible for the company's suspension through sending out telegrams announcing the company's shaky condition and through his failure to obey instructions.

Rothermel asserts that the petition for a receiver was agreed upon five days before it was filed in court. Rothermel hints that he will bring out facts against his accusers which will reveal the true story and put his enemies in a bad light, showing up how the plans were laid for the big stockholders to evade their obligations. He also asserts that his thirty years of faithful service with the company is sufficient to disprove the charges against him.

VETERANS IN COLLISION.

Seventy G. A. R. Members Hurt in Indiana Trolley Crash.

Lafayette, Ind., May 23.—One man was killed and nearly seventy old soldiers were injured, none fatally, in a collision between two cars on the Lafayette battle ground electric road to-day. Both cars were crowded with veterans attending the annual state encampment of the Grand Army of the Republic.

The collision occurred at a switch. One car was coming south to the city from the battleground and the other was outward bound. Charles Roudebush, motorman of the southbound car, was killed. M. O. Farner, the conductor of the same car, was slightly hurt. Both cars were demolished.

Twelve doctors were summoned and the injured were brought to the city in special cars and taken to St. Elizabeth's Hospital.

MAGISTRATE POOL RESIGNS.

Says Action Is Not Influenced by Suit of Ex-Police Captain Price.

City Magistrate Joseph Pool resigned from the bench yesterday, his resignation to take effect on June 1. Mr. Pool carried his letter of resignation to the City Hall shortly after 9 o'clock yesterday, and learning that the Mayor was not in left it with Detective Sergeant Kennel for delivery. Mayor McClellan had no comment to make on the resignation further than that he would wait till June 1 before announcing Judge Pool's successor. His letter to the Mayor said he wished to retire before his term expires next May to accept an offer from a corporation.

Mr. Pool says that the charges preferred against him to the Bar Association and the suit brought last week by ex-Police Captain James K. Price for damages in the sum of $25,000 for alleged defamation of character had nothing to do with his resignation, as he had, for some time, intended to retire from the bench. He said yesterday that he expected to remain on the bench till June 1, as Magistrate Crane was ill.

When Captain Price was told that Magistrate Pool had resigned he said: "That won't prevent me from prosecuting my suit against him. That man has accused me of an offence that will not be overlooked. I have sued him for $25,000 for slander. I don't want the money, but if $24,999 99 were offered me to drop the suit I would refuse. If I should meet this man Pool in heaven or hell I would say to him that he is a defamer of characters. He has accused me of crooked work while I was police captain. He cannot prove this. No man alive can. I will follow him to the grave."

COUNT'S SUIT DISMISSED.

The suit for separation brought by Count Gyula de Festetics against his wife, Elsie de Festetics, was dismissed by Justice Dickey in the Special Term of the Supreme Court, Brooklyn, yesterday. The Countess de Festetics was formerly Miss Elsie Haven, of New York.

NEW BOSTON POLICE COMMISSIONER.

[By Telegraph to The Tribune.]

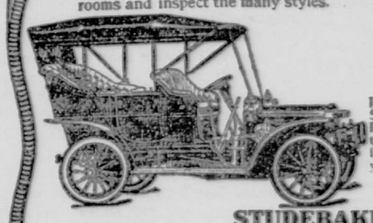
Boston, May 23.—Stephen O'Meara, former owner of "The Boston Journal," has been appointed Police Commissioner under the new single headed system.

Automobile Reputation

In the extreme accuracy and scientific painstaking in design and construction, the Automobiles produced by some of the more reputable and substantial builders may have much in common. If this similarity and common excellence among the few of the leading cars makes difficult the choice of the prospective customer, there is always one other point on which to fall back—*REPUTATION*—and when *REPUTATION* is considered

Studebaker

is the choice. What the name Studebaker is to the horse-drawn vehicle it is to the Automobile—a name with a reputation behind it. Is it not reasonable that the experience of fifty years in the construction of fine vehicles should make itself felt in the Studebaker Automobile? Behind reputation there is always responsibility, and behind that merit. Buy the Studebaker. Call at our warerooms and inspect the many styles.



Gasoline Touring Car

Model F.

Four cylinder. 28-32 h. p. Speed, 4 to 45 miles per hour. Rear wheels of the floating axle type. All wheels full ball bearing. A marvel of simplicity, yet complete in every detail.

Price $3000, without top.

STUDEBAKER

Broadway and 7th Ave., at 48th St., New York.

Our men's suit patterns certainly are 'hand picked.'

For instead of buying our woolens in the open market, as smaller houses must, most of our patterns are picked from each season's mill offerings before they are ever shown publicly.

Then none of the patterns we choose are sold elsewhere.

Spring suits of such careful selection.

$18 to $40.

ROGERS, PEET & COMPANY.

Three Broadway Stores.

258 at Warren st. | 842 at 13th st. | 1260 at 32nd st.

For country wear especially nothing so good as wash suits for boys' summer wear.

Always provided the wash suits wash well.

As ours do.

Sailor and Russian wash suits, sizes 2½ to 10; $1.75 to $5.50.

Norfolk wash suits, sizes 8 to 16; $4.50 to $6.50.

ROGERS, PEET & COMPANY.

Three Broadway Stores.

258 opposite City Hall. | 842 near Union Square. | 1260 opposite Greeley Square

B. Altman & Co.

FURS, FUR GARMENTS, RUGS AND DRAPERIES RECEIVED FOR STORAGE AND SAFE-KEEPING THROUGHOUT THE SUMMER MONTHS,

DURING WHICH PERIOD THE PLACING OF ORDERS FOR THE REPAIRING AND ALTERING OF FURS, AND THE CLEANING AND REPAIRING OF RUGS IS ESPECIALLY RECOMMENDED.

¶ LACE DRAPERIES, WHEN CLEANED, WILL BE STORED THROUGH THE SUMMER MONTHS WITHOUT ADDITIONAL COST.

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OBITUARY.

NATHANIEL WITHERELL.

[By Telegraph to The Tribune.]

Greenwich, Conn., May 23.—Nathaniel Witherell, of No. 35 East 38th street, New York, died at Nauheim, Germany, on Tuesday, in his sixty-fourth year. A wife survives him.

Mr. Witherell was born in Brooklyn, being a descendant of the Rev. William Witherell, who came here from Maidstone, Kent, England, in 1634, and settled at Scituate, Mass. His great-grandfather was a resident of Pembroke, Mass., where the old Witherell homestead now stands, one of the oldest in that state.

Mr. Witherell in 1889 organized the Kansas City Smelting and Refining Company, and was president of it, and also of the International Metal Company, until consolidation with the American Smelting Company, of which he was a director at the time of his death. A few years ago he retired from active business and came to Greenwich to reside, where he was largely interested in the development of Belle-Haven, Rock Ridge, Field Point Park and Edgewood Park. He was a member of the Tuxedo, Knickerbocker, Union League and New York Yacht clubs until recently, when, owing to poor health, he resigned.

COLONEL ROBERT S. MOORE.

Denver, May 23.—Colonel Robert S. Moore, a veteran of the Mexican and Civil wars, and a close friend of Generals Grant and Sheridan, died here to-day, aged seventy-nine years.

THE REV. WILLIAM T. OSMUN.

The Rev. William T. Osmun, a retired Methodist and Congregational missionary worker among the negroes, died on Tuesday at the Brooklyn Home for Aged Men. He was seventy-five years old. Mr. Osmun was ordained a Methodist minister, and for many years he was engaged in missionary work among the negroes in the West.

Later he became a Congregationalist, and moved to Brooklyn, where he continued his work among negroes, helping them in building churches and doing missionary work.

A year ago he made application for admission to the Brooklyn Home for Aged Men. His application blank was signed by the Rev. Dr. Bowdish, pastor of the Sixth Avenue Methodist Church, and the Dev. Dr. Lyman, pastor of the South Congregationalist Church. His three sons, two in Illinois and one in California, supplied the funds for his admission.

DR. WILLIAM J. GILFILLAN.

Dr. William J. Gilfillan, at one time an official in the Brooklyn Health Department, died at the home of his nephew, Dr. George G. Cochran, No. 1905 86th street, Brooklyn, yesterday. Dr. Gilfillan was born in Ireland sixty-seven years ago. He studied medicine at Columbia University and at Queens College, Dublin. He served as a surgeon in the federal navy during the Civil War. Dr. Gilfillan was at one time a surgeon in the Brooklyn Hospital. He practised medicine in Brooklyn for years, and was one of the best known physicians in the borough.

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DAMROSCH APPEAL DEFEATED.

Boton, May 23.—The principal business before the convention of the American Federation of Musicians in Fanuell Hall to-day was the hearing of a case of appeal of Walter Damrosch, the leader of the New York Symphony Orchestra, who had been fined $1,000 by the convention for the allegel importation of five foreign musicians into this country a year ago. Mr. Damrosch paid the fine under protest and appealed for a hearing before the convention.

When the case came up to-day Mr. Damrosch was present and gave his side of the matter. Joseph N. Weber, the president of the federation, responded for the organization, and the convention decided against Mr. Damrosch.

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