

PASS JAP SCHOOL BILL ACTION BY CALIFORNIA AROUSES PRESIDENT.

Immediately Protests to Governor Gillett—Two Other Measures Defeated.

Sacramento, Cal., Feb. 4.—Grove L. Johnson's bill compelling Japanese to attend separate public schools passed the Assembly this forenoon by a vote of 46 to 28, and Governor Gillett received the following telegram from President Roosevelt this afternoon: "I have just received your letter regarding the bill compelling Japanese to attend separate public schools. It is the most offensive bill of the kind, and in my judgment is clearly unconstitutional, and we should at once have taken it to the courts. Can it be stopped in the Legislature or by veto?"

"THEODORE ROOSEVELT." Governor Gillett immediately wrote a reply to the President and asked for an answer at once. He refused to discuss the nature of the message to Washington.

Mr. Johnson's other bills prohibiting aliens from being members of boards of directors and restricting them in residence districts, at the option of boards of supervisors, were defeated, the former by a vote of 54 to 15. The latter measure failed of passage because of a tie vote, the friends of the bill being unable to muster the required forty-one votes. Roll call finally stood 37 to 37, after a call of the House, and several changed from aye to no, and vice versa. Johnson changed his vote from aye to no, and moved to reconsider.

Walter Leeds, of Los Angeles, changed his vote from aye to no on the school bill, and moved to reconsider that also.

There was little support for the corporation measure, the votes for the bill falling thirteen short of the number cast for the Drew bill.

The principal debate was upon the residential segregation bill. Many who voted against the land and corporation measures announced that they favored segregation of undesirable aliens because that was effective and Japanese legislation. Beardslee, of Stockton, and Transue, Hanlon, Reich and Cattel, of Los Angeles, spoke against it, taking the ground that it was unconstitutional and would interfere with the friendly negotiations of the federal government with Japan to stop immigration.

Shortly after the disposal of the Johnson bills Mr. Drew moved that the vote by which his land bill was defeated be reconsidered. He offered to amend the measure by striking out a section which, it had been declared, violated the treaty rights of several nations. He declared that as the school bill had just been passed, and that was the one against which the President objected most strenuously two years ago, the Assembly should go a step further and pass the land bill also.

The motion was lost, the vote being 26 ayes and 25 noes. This showed a gain of ten votes for the proponents of the bill.

AIMED AT JAPANESE.

The bill passed to-day, which was one of three anti-Japanese measures introduced by Assemblyman Grove L. Johnson, places the Japanese in the same classification with other Asiatics, and inserts the word "Japanese" in the present state statute providing for the segregation in separate schools of "Mongolian" children.

By this action the lower house of the California Legislature has taken the step which the Board of Education of San Francisco intended to take two years ago, which was abandoned after the board and former Mayor Eugene E. Schmitt were called to Washington and had several conferences with President Roosevelt.

At that time it was contended by the Japanese that they were not "Mongolians," and they resented the efforts to place them in the same class with the Chinese, Koreans and other Asiatic races. The question was also raised whether under the law the segregation of Japanese school children could be enforced in the absence of specific mention of the word "Japanese."

Upon the return of the delegation from Washington the San Francisco School Board contented itself with the adoption of a rule limiting the age of pupils that would be permitted to attend the lower grades of the public schools, one of the principal objections to the Japanese being that adults were attending the primary grades and in daily association with white children of tender years.

PASSAGE WAS UNEXPECTED.

The passage of the Japanese school segregation bill to-day was unexpected, after the defeat yesterday of Drew's anti-alien land bill, which was generally believed to foreshadow the rejection of all of the measures aimed at the Japanese. The defeat to-day of two more anti-Japanese bills added to the surprise occasioned by the vote on the school segregation bill. Immediately upon learning of the Assembly's action, Governor Gillett called into conference Speaker Philip Stanton and the Republican leaders of both houses of the Legislature. The latter expressed the hope of still being able to defeat the measure in the Assembly upon reconsideration, and it was with this in view that Assemblyman Walter Leeds, of Los Angeles, after roll call changed his vote from "no" to "aye," and gave notice that to-morrow he would move to reconsider the vote by which the bill was passed.

It will require forty-one votes to carry Leeds's motion. In case it is adopted, it is freely predicted to-night that one of the fiercest battles ever waged in the California Legislature will result in the effort to kill the bill.

TEXT OF THE BILL.

Following is the full text of the school bill: Section 1662 of the political code is hereby amended so as to read as follows: "Every school, unless otherwise provided by law, must be open for the admission of all children between six and twenty-one years of age, residing in the district, and the board of trustees or city board of education have power to admit adults and children not residing in the district whenever good reasons exist therefor. Trustees shall have the power to exclude children of filthy or vicious habits or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Mongolian or Japanese or Chinese descent. When such separate schools are established, Indian, Chinese, Japanese or Mongolian children must be admitted into any other school; provided, that in cities and towns in which the kindergarten has been adopted or may hereafter be adopted as part of the public primary schools, children may be admitted to such kindergarten classes at the age of four years, and provided further, that in cities of school districts in which separate classes have been or may hereafter be established for the instruction of the

Continued on third page.

If a Krenzett One Piece Collar Button gets damaged from any cause, you get a new one free—no charge.

GAS REBATES FEB. 23.

U. S. Supreme Court Mandate Says Distribution Shall Begin Then.

Payment of the rebate funds to gas consumers will begin on February 23, if the plans of the gas companies are in accord with the order for the distribution of the \$12,000,000, to be issued by Judge Lacombe when he acts on the mandate received yesterday from the United States Supreme Court. An amendment to the original decree reserves the right to the United States Circuit Court to make a distribution of the funds in accordance with the offer of the Consolidated and the terms of the injunction.

William P. Burr, Assistant Corporation Counsel, will make a motion to-day to dismiss the injunction of the New Amsterdam Gas Company and ask that the money deposited by it since May 1, 1906, be distributed according to the provisions of the bill. This will be a test motion, which will apply to all the subsidiary companies. John A. Garver, of counsel for the gas companies, said yesterday that a formal protest would be made, but that there would be no contest. The mandate will be made public to-day.

SEVEN HOUR MOVEMENT.

Ultimate Purpose One Hour a Day if Necessary to Give Work to All.

Cleveland, Feb. 4.—Organized labor throughout the United States has started a move for the seven hour day in all lines of work.

Harry D. Thomas, secretary of the Cleveland United Trades and Labor Council and of the Ohio Federation of Labor, announced to-day that the agitation for an eight hour day was only the beginning of the large movement.

The ultimate purpose is to reduce the hours of labor until all men are employed, even if it is necessary to reduce the working time to one hour a day. Only in this way, Thomas says, can workingmen share with their employers in the benefits of time and labor saving machinery.

TWO DIE AFTER QUARREL.

Long Island Man Shoots Woman and Children, Then Hangs Himself.

Farmingdale, Long Island, Feb. 4.—Frederick Buckholt shot and killed Mrs. Elizabeth Rust this evening, wounding her two children with bullets that were meant for their mother, and then went to the attic of his home and hanged himself. His wife, who witnessed the tragedy, cared for the wounded woman and children.

Buckholt was a carpenter. He and his wife had no children, and the two Rust children had lived with them for several years. Their mother made her living by doing housework in the village. She paid the board of the children. Recently there was a dispute about the board. The boy is fourteen and the girl twelve years old, and it is said that Buckholt demanded more money for their board than their mother had agreed to pay when they went to live with Buckholt. Mrs. Rust found it impossible to pay more.

Mrs. Rust visited the children this evening, and the discussion about their board led to a quarrel. Buckholt flew into a passion and, getting his revolver, opened fire. Mrs. Rust was killed almost instantly. The boy was wounded in the neck and his sister was wounded in the back, neither seriously.

YOUNG WOMAN ABDUCTED.

Says She Was Taken from Home at Point of Pistol.

Providence, Feb. 4.—To the police who had responded to her appeals to-day for protection from a man whom she accused as her captor, Mrs. Maria Albre, nineteen years old, of Newmarket, N. H., told a tale of abduction at the point of a revolver.

She said that last Sunday a man came to her home in Newmarket, drove her husband out of the house with threats, and at the muzzle of a pistol compelled her to pack a valise and go with him to Norwich, Conn., where he kept her a prisoner. On their way to New Bedford she eluded him here, she said. The police are holding the woman and her companion, who denies his guilt.

SAVED IN GOWANUS BAY.

Republic Wreck Scenes Repeated for the Moving Picture Man.

The steamer J. L. Luckenbach doesn't look much like the White Star liner Republic, now resting peacefully in the locker of the late Mr. David Jones, some forty-five miles to the southward of the Nantucket Lightship. But what does that matter among friends? Any port in a storm is a good haven for the moving picture man, even if it is Gowanus Bay.

Strange visitors went down to the sea of Gowanus in automobiles yesterday. Women, robed in rare gowns from the shop of an Eighth avenue couturier, were helped to the pier by a dozen or two of gallant gentlemen whose throats were swathed in near-Persian lamb collars from the same establishment. Stage jewelry glistened from stately necks, while a man (who, when he got through with his makeup, believed he looked like Captain Sealby of the Republic), ordered the gay assemblage to go aboard and get ready for the shipwreck.

A little man, with a moving picture camera guaranteed to miss nothing on the high seas of Gowanus, took his place in the bow of the Luckenbach, and ordered the man who was to "turn 'em loose for the lifeboats."

The imitation Captain Sealby wore the coat of a United States army officer, instead of the regulation uniform of the White Star Line, and, unlike the real skipper, wielded a great megaphone instead of holding a cigar coolly between his thumb and forefinger.

Suddenly the little man in the bow shouted that the Florida had rammed the Republic. The crowd did not see it happen, but they believed it nevertheless, and assumed a real shipwrecked expression. "Get more excited," said the man in the bow. "Shout as loud as you can. Boys, rush for the lifeboats, and give the sailors and the captain a chance to kick you out."

That's fine. Some of you women shake down your hair and look as if you just got out. That is bully."

The captain swung his hands just like a real captain, and unintentionally his fist met the face of a disarrayed woman, and she went down and out on the deck. This untoward incident was not intended for publication on the films, but it added color, and everything went.

GAYNOR COURTS' CRITIC.

PILLORIES GAS REPORT AND JUDGES.

Justice, in Portia Club Address, Praises President's Expression of Opinion.

Speaking before the Portia Club at the Hotel Astor yesterday afternoon on the 80-cent gas law, Justice Gaynor said that in his opinion the country had reached a danger point, and he was exceedingly apprehensive when the decisions of the lower federal courts declaring the law unconstitutional were taken to the United States Supreme Court. "If the decisions of these lower courts, that the law was unconstitutional, had been allowed to go through," he said, "I believe the confidence of the people in our institutions would have been so impaired that the foundations of the country would have been shaken."

Proceeding on the hypothesis that the courts of the land were open to fair and honest criticism, Justice Gaynor, speaking in general terms on the issuance of an ex-parte injunction, such as was done in the 80-cent gas case, said that such injunctions were being issued all the time, and some of them by judges whose mental and legal attainments would not entitle them to membership in the Portia Club. He reviewed the history of public service corporations and the right conferred on them by the so-called franchise, which, he said, was simply a permit to use the public streets and do business for the people. Bringing up the decision of the special master in the gas case, that the company was entitled to a 6 per cent return on the value of the right granted by the state, he said:

"Why should we pay 6 per cent on this value? Why should we pay anything? They say this franchise—this permit—is valued at \$18,000,000, or something like that. As the city grows, it becomes more valuable, and they want us to pay more for it, in order to keep up the 6 per cent return. Is this thing going to last forever? No! The United States Supreme Court cut the valuation of the franchises in two. I am surprised that they did not cut them all out. Mark my word, the next time they will do it."

PRaises THE PRESIDENT. "We have heard a lot of silly nonsense about the sanctity of the courts," he continued, "which was brought out by President Roosevelt, who gave expression to an honest opinion that many desirable things in this country had been thwarted by certain court decisions. The gas question is allied to the railroad question. We ought to be thankful that the country at last got a President who fought this question of favoritism and discrimination in freight rates."

"A great many little people with heads the size of a pin, legally speaking, have been saying: 'Why this meddling with our business?' It is not private business; it is public business. The abuse that had grown up in the way of discrimination in freight rates was the greatest crime of our day and generation. "All blessings should be invoked on the President and others who have fought against it. Don't chime in with those who say that this man is unsafe, that he has 'lost a button.' They said that about Frederick the Great. I find that ordinary men always have thought every big man in history was crazy. That is because they cannot think the same way. "It got so bad that a few years ago we found that every staple article of life had passed into the hands of a trust because of the discrimination in favor of big interests. I have no hard feelings against the trusts, but against the government and those in the government who allowed the abuses to go on."

Having stated that all public service corporations did business under a permit of the state, which expressly reserved the right to regulate the rate at which the service should be furnished to the people, Justice Gaynor asked what right the United States courts had to interfere.

NO REDRESS FOR PUBLIC. "How did it happen," he asked, "that just as soon as the Legislature had fixed the rate of gas at 80 cents the company filed a suit in the United States Court and got an injunction which prevented an enforcement of the law? It was because of a provision in our constitution which says that property cannot be taken except by due process of law. They say that to fix the price of gas so low that the investor cannot get a fair return on his money is a confiscation of his property. But, on the other hand, if the corporations are declaring dividends beyond what they have a right to expect, they are taking our property without due process of law, are they not? Did you ever hear of a court coming out against this form of abuse? But the Legislature is attending to that for us."

Describing what happened after the passage of the 80-cent law, the speaker said: "The company filed its bill in equity. A respectable gentleman in plain clothes signed an ex-parte injunction—a very respectable gentleman—without having gone into the thing at all. The committee of the Legislature had made a most exhaustive investigation as to the price at which the company could afford to sell gas. Their work was all tied up by the stroke of a quill pen. Then they appointed a master to investigate. Did that investigation equal that of the legislative commission? Emphatically, no! The company began to pile up its property on the table of the master. On top of all they put what they called their franchise, and valued it at something like \$18,000,000. And the master handed down a report swallowing everything, hook, line and sinker. It all slid through in the courts here, but it all came tumbling down in the Supreme Court of the United States."

Justice Gaynor was introduced by Mrs. Frank H. Cotthen, president of the Portia Club, as one of the few men on the bench who "stood for the people and by the people and against the laws' delays, which made us the laughing stock of other nations."

FIRES COST U. S. \$500,000,000 A YEAR.

Government Ceramic Expert Favors Fireproof Buildings to Save Timber.

Rochester, Feb. 4.—The work of the Technologic Branch of the United States Geological Survey, particularly as it affects clay products and the wider knowledge and use of fire-proof construction material, was the subject of an address by A. V. Beilinger, government ceramic expert in charge of the clay testing laboratories of the Geological Survey at Pittsburgh, before the convention of the National Brick Manufacturers' Association held here to-night.

He said that fires in the United States cost more than a million and a quarter dollars every day, that each year new buildings and construction work cost a billion dollars, while fires cost about half a billion dollars.

The reason for this very alarming condition, Mr. Beilinger declared, was to be found chiefly in the unusual amount of timber used. The hope for the future was to be found in the use of fireproof buildings and the consequent saving of the rapidly disappearing timber supply, which would result, simply, in the opinion of Mr. Beilinger, of the work recently undertaken by the Technologic Branch of the United States Geological Survey in studying clays and clay products.

CANNOT REWARD SEALBY AND BINNS.

Barred from Carnegie Hero Medals Here—New British Commission May Act.

(By Telegraph to the Tribune.) Pittsburgh, Feb. 4.—Secretary Wilmet of the Carnegie Hero Commission, when asked to-day whether Captain Sealby of the steamer Republic and "Jack" Binns, the wireless operator, were entitled to Carnegie hero medals, said that the rules laid down by Andrew Carnegie rule out the cases of Sealby and Binns. Medals and rewards can only be granted to persons doing some deed of heroism in America. The steamer Republic was outside the three-mile limit when she foundered.

There has recently been a British Carnegie hero fund established, however, and if it can be construed that Sealby and Binns were on British soil when under the British flag, the British commission may have an opportunity to reward them.

OLD GRECIAN COIN SOLD FOR \$2,150.

London, Feb. 4.—At the sale at Sotheby's to-day of the coins collected by the late F. S. Benson, of Brooklyn, N. Y., a rare tetradrachm, a silver coin of ancient Greece, sold for \$2,150. The competition was keen, and a number of other coins brought from \$100 to \$1,000.

THE ADAMS MONUMENT.

A CASE OF ITS UNAUTHORIZED REPRODUCTION.

Saint-Gaudens's Masterpiece in Washington Copied and Set Up in a Baltimore Cemetery.

The erection in a cemetery at Baltimore of a copy in bronze of the Adams monument in Rock Creek Cemetery, at Washington, one of the most famous works of the late Augustus Saint-Gaudens, has raised a question of lively interest to American sculptors and to their patrons, inasmuch as it appears that this copy was produced without the knowledge of Saint-Gaudens or the representatives of his estate. His history, as related by a close friend of the sculptor's, personally conversant with the facts, makes an interesting contribution to the subject of artistic property.

The copy of the Adams monument is the property of General Felix Agnus, of Baltimore, the proprietor of "The American," published in that city. General Agnus has himself had some experience as a sculptor, having years ago spent some time in the establishment of Barbedienne, the noted French founder, whose name has been made familiar in this country more especially through its association with the bronzes of Barre, the sculptor of animals. In the autumn of 1906 he accepted a proposal to supply the copy in question made by John Salter & Son, whose monumental works are at Groton, Conn., opposite New London, having understood that this firm had purchased from Saint-Gaudens the right to make replicas of the bronze in question and sell them in each of the principal cities of the United States.

The copy of the monument purchased by General Agnus was put in place in his lot in the Druid Ridge Cemetery, some seven or eight miles from Baltimore, in October, 1907, about three or four months after the death of Saint-Gaudens. Nothing was known of the matter to the latter's family until the autumn of 1908, when a friend happened upon it, and reported the discovery to Mrs. Saint-Gaudens. She soon thereafter visited the cemetery, making a careful examination of the bronze and comparing it with photographs of the original. Following this examination, and discussion of the matter with General Agnus, an investigation was set on foot, with a view to ascertaining the mode in which the copy had been made. Being intensely desirous that her husband's name should never be in any way associated with a work not produced under his supervision or authorized by him, Mrs. Saint-Gaudens, with the concurrence of Mr. Adams, offered to substitute, at cost, for the bronze at present in Baltimore, a true replica of the monument in Rock Creek Cemetery, made under the powers assigned to her as executrix. The purpose of this offer was also to assure the destruction of the unauthorized copy.

The fact that the copy had been supplied by John Salter & Co., of Groton, had already been learned. This firm, however, had not itself cast the bronze—that work was done by Bureau Brothers, the well known founders, in Philadelphia. The model sent to them for the purpose was made, it seems, by Mr. Eduard L. A. Pausch, a "figure and architectural sculptor and designer," who has his studio in Buffalo. Inquiry made of him as to the manner in which he produced his model elicited the information that he had made drawings, sketches and measurements of the monument at Washington.

At the present stage of the proceedings General Agnus has declined to surrender the copy in his possession until a true replica is actually put in its place, so the Saint-Gaudens estate has withdrawn its offer regarding the true replica, and the creation of Mr. Pausch's skill and the enterprise of John Salter & Son remains in the Druid Ridge Cemetery.

Every Patriotic American will want a picture of Abraham Lincoln. A very handsome one FREE with next Sunday's Tribune.

NEW BLOW AT RACING.

California Passes Measure Similar to New York Law.

Sacramento, Cal., Feb. 4.—Racing in the State of California received a vital blow to-day, when the Senate, by a vote of 33 to 7, passed the Walker-Otis anti-racetrack gambling bill, which prohibits pool selling, bookmaking or gambling on horse races.

The bill has already passed the Assembly, and will now go to the Governor for his signature, after which it will become a law. Governor Gillett has signified his intention to sign the measure if passed by both houses, but it is believed that he will not take this action until thirty days past the expiration of his term, in which to close up their affairs, the present season of racing at the Emeryville and Santa Anita courses will not be disturbed.

The Walker-Otis anti-gambling bill is referred to as the "Hughes law of California," inasmuch as it follows closely the text of the bill which was passed by the last Legislature of New York, and the violation of the measure is made a felony, the punishment for which is imprisonment in the penitentiary and a heavy fine.

CHUMS GO TO OPERATING TABLE.

Neither Knew the Other Was Ill Until After Appendices Had Been Removed.

Minneapolis, Long Island, Feb. 4 (Special).—John Conklin, son of John E. Conklin, and Harry Smith, son of Mrs. Martha Smith, Roslyn boys, who have been friends for years, were taken ill on Sunday. Dr. Bogart diagnosed each case as appendicitis. Smith reached the hospital first, and was taken at once to the operating room. Shortly afterward his chum arrived. It was not until Conklin had been separated from his verminiferous appendix was comfortable in bed that he turned over and saw his friend's pale face regarding him from a nearby cot.

CANNON REWARD SEALBY AND BINNS.

Barred from Carnegie Hero Medals Here—New British Commission May Act.

(By Telegraph to the Tribune.) Pittsburgh, Feb. 4.—Secretary Wilmet of the Carnegie Hero Commission, when asked to-day whether Captain Sealby of the steamer Republic and "Jack" Binns, the wireless operator, were entitled to Carnegie hero medals, said that the rules laid down by Andrew Carnegie rule out the cases of Sealby and Binns. Medals and rewards can only be granted to persons doing some deed of heroism in America. The steamer Republic was outside the three-mile limit when she foundered.

There has recently been a British Carnegie hero fund established, however, and if it can be construed that Sealby and Binns were on British soil when under the British flag, the British commission may have an opportunity to reward them.

OLD GRECIAN COIN SOLD FOR \$2,150. London, Feb. 4.—At the sale at Sotheby's to-day of the coins collected by the late F. S. Benson, of Brooklyn, N. Y., a rare tetradrachm, a silver coin of ancient Greece, sold for \$2,150. The competition was keen, and a number of other coins brought from \$100 to \$1,000.

GOW JURY DISAGREES.

Eight for Acquittal in Borough Bank Grand Larceny Case.

The jury that heard the case of William Gow, charged with grand larceny in connection with the theft of \$145,000 from the Borough Bank, Brooklyn, reported to Justice Crane, in the Supreme Court, Brooklyn, at 2:15 o'clock this morning that it could not agree on a verdict. It was said the jury stood eight for acquittal to four for conviction. Gow's bail of \$27,000 was renewed.

Yesterday was devoted to the summing up by both sides, Martin W. Littleton, attorney for the defence, addressing the jury in the morning, and Assistant District Attorney Elder making the closing argument for the prosecution at the afternoon session. Two hours were given up to each address, and Justice Crane delivered his charge in little less than an hour.

Mr. Littleton contended that his client thought the \$145,000 was to come out of the fund credited to Howard Maxwell, the Borough Bank president, who committed suicide, and not from the McGuire account. The attorney assumed that it was Mr. Maxwell and not Mr. Gow who ordered the check for that amount. He insisted that the transfer of the funds was due to the "habitual criminality" of Arthur B. Campbell, the cashier, who turned state's evidence.

Justice Crane charged that the restoration of money stolen would not affect the charge of grand larceny. He told the jury that a conviction could not be obtained on the unsupported testimony of an accomplice and that a verdict of guilty could not be found on the evidence of Mr. Campbell, the cashier.

TO LOSE BOTH FEET.

Earl of Suffolk's Brother Suffering from Gangrene.

James Knyvett Estcourt Howard, brother of the Earl of Suffolk, who is lying at the Waldorf with his hands and feet badly frostbitten, must suffer the amputation of both feet. The general condition of Mr. Howard yesterday was more satisfactory than it was on Wednesday, when he arrived in this city from a hunting expedition in the frozen wilderness of British Columbia.

Gangrene has set in, and while at first it was thought necessary to amputate only one foot, Mr. Howard's physician, Dr. J. S. Nagle, has decided that the amputation of both feet is imperative. This operation will be performed in about a week. While Mr. Howard suffers intensely, there is no immediate fear for his life. The physicians say that they will be able to save his hands.

Mr. Howard, who is the only brother of the Earl of Suffolk, whose wife was Miss Daisy Leiter, is twenty-two years old. He came here about two months ago from Europe with Baron Schaffer. They joined several friends for a moose and bear hunting trip in British Columbia. The party consisted of twenty-five. After travelling on horseback in zero weather, all but Mr. Howard and Baron Schaffer turned back. The two men plodded on. A blizzard swept down on them. Fatigued and weak, they lay down on bearskins in the snow. Hours later a relief party found them unconscious. When the rescuers got the frostbitten men to Banff physicians who were called despaired of saving their lives. Mr. Howard was rushed to this city for treatment and Baron Schaffer remained at Banff.

BUYS TISSOT PICTURES.

"Public Spirited Citizen" to Keep Old Testament Water Colors Here.

Prospective bidders for the 371 water color illustrations of the Old Testament by J. James Tissot were surprised last night when James P. Silo announced to them in the Fifth Avenue Art Galleries that the auction sale could not be held, as the entire collection had been purchased by "a public spirited citizen," and that it was to remain here, as the artist wished it "to become a precious possession of the public."

"To the credit of this great and beautiful city for me to say that she has a citizen so public spirited that, feeling the tremendous educational value of the great collection, he has purchased it entire, to remain as an educational factor of unrivaled interest for all time."

The purchase was made yesterday afternoon, and Mr. Silo said the collection would not go outside the limit of one mile from the galleries. Many assumed from this statement that the purchaser, who for the present insists that his name be not made public, was J. Pierpont Morgan, William K. Vanderbilt or John D. Rockefeller. The upset price for the paintings had been placed at \$40,000.

Every Patriotic American will want a picture of Abraham Lincoln. A very handsome one FREE with next Sunday's Tribune.

S. M. BRICE, JR., FINED.

Had "Arrested" Two Young Women, Displaying Fire Badge.

Stewart M. Brice, Jr., the eighteen-year-old adopted son of Stewart M. Brice, former Tammany Councilman and soldier, who was declared insane on December 4, 1908, by a Sheriff's jury, was fined \$10 for disorderly conduct by Magistrate Breen, in the night court, about midnight last night, for attempting to "arrest" two young women, he said, accosted him in the street, by displaying a fire badge. Thinking at first that young Brice was a policeman, the women threw the Tenderloin police station with him. There they said they were Rose Anderson and Violet Le Counte, and told Lieutenant Day, who was on the desk, that they did not believe young Brice was an officer.

Brice and the two women were then taken to the night court. The women were discharged, and Magistrate Breen, after severely reprimanding Brice, fined him \$10 for disorderly conduct. At this juncture Mrs. Brice, the boy's mother, came into the courtroom, paid his fine and took him home in a taxicab.

Stewart M. Brice, the son of the late Calvin S. Brice, former United States Senator from Ohio, married Mrs. Henry Clay Mount on November 13, 1906. He adopted her son by her first marriage. The Brices live on No. 200 West 107th street.

STEARNS MUNIN REPORTED SAFE.

Funch, Ede & Co., New York agents of the Norwegian steamer Munin, which sailed from New York on January 25 for Darin, Ga., received a message late yesterday from Darin saying that a steamer was missing in by Sapelo Island was supposed to be the Munin. It was feared that the Munin was the vessel that foundered off Diamond Shoals on January 20.

OLD GRECIAN COIN SOLD FOR \$2,150.

London, Feb. 4.—At the sale at Sotheby's to-day of the coins collected by the late F. S. Benson, of Brooklyn, N. Y., a rare tetradrachm, a silver coin of ancient Greece, sold for \$2,150. The competition was keen, and a number of other coins brought from \$100 to \$1,000.

METZ HAS BOMB READY.

WOULD HALT FURTHER CATSKILL EXPENDITURES.

Expected to Introduce Resolution to That Effect Before Board of Estimate To-day.

Controller Metz, at the meeting of the Board of Estimate and Apportionment to-day, unless he has an attack of "cold feet," following premature publicity of his plan, will hurl a political bombshell into the session by introducing a resolution which practically means halting further expenditures on the Catskill water system.

His resolution provides that the Board of Water Supply shall not have more money without the "further approval" of the Board of Estimate and Apportionment.

Politicians interpret it as a bid for support for the Metz majority boom from all who are opposed to going to the Catskills for more water. If the Controller introduces his resolution it will cause a line-up, probably throwing Metz, Coier, Ahearn and Haffen together, while the Mayor, President McGowan and Borough Presidents Gresser and Cromwell will be on the other side. If it turns out this way there will be eight votes on a side, and the resolution will fall of passage. The proposed resolution is as follows:

Resolved by the Board of Estimate and Apportionment, That the Board of Water Supply of the city of New York is hereby directed until further notice not to incur any new or additional indebtedness payable from funds provided by the issue of corporate stock heretofore authorized without the further approval of the Board of Estimate and Apportionment.

The Board of Water Supply now has before the Board of Estimate and Apportionment a requisition for \$42,000,000 in corporate stock to cover contract work already under way and new work to be undertaken within the next two or three years. If the authorization is not made, it means that much of the work on the contracts under way will be shut down, before the