THE REJECTION OF KEILEY.

ALL OF THE CORRESPONDENCE SUBMITTED TO THE SENATE.

Austria Refused to Receive him Because his Wife was a Jewess—Secretary Bayard Indignantly Protests Against Such a Reason as Untenable and as an Infringement of the Principle of Religious Liberty.

WASHINGTON, Dec. 14.—The President today, in response to a resolution adopted Dec. 9, transmitted to the Senate all the papers and correspondence on file in the Department of State relating to the appointment of Mr. A. M. Keiley as Minister to Italy and his subsequent appointment as Minister to Austria.

The correspondence begins with a letter to Secretary Bayard from Baron Fava, the Italian Minister Resident, dated April 13, 1885, in which he calls attention to an editorial article in the *New York Herald* referring to alleged utterances of Mr. Keiley in regard to the Government of Italy, and says if the newspaper statement is true it is a most urgent and regrettable one.

Secretary Bayard answers Baron Fava under the same date, making an appointment to see him on April 15. The Secretary says that the department cannot make the editorials of a newspaper in relation to alleged utterances, confessedly made unofficially some fourteen years ago, of a gentleman selected to represent the Government in a foreign country, the basis of discussion with the Minister of that country here. Mr. Bayard continues:

In selecting Mr. Keiley as Minister to Italy this Government has sought to fulfil its honorable and amicable duty toward the Government you (Baron Fava) represent, and cannot enter into discussion in respect of its action. It is unnecessary for me to suggest that, having performed our full duty in proffering a gentleman of the highest personal character and intelligence, and one who entertains no other sentiments toward your Government than those of entire respect and friendship, to represent the Government of the United States in Italy, nothing further devolves on this Government, and believing that Mr. Keiley will prove in all respects agreeable and acceptable as *persona grata* to the Government of Italy, we must leave that Government to the exercise of its own and sole discretion in receiving him in the same spirit of friendship and respect in which he is sent forth.

Under date of April 18, Mr. Keiley, in a letter to Secretary Bayard, describes the circumstances under which he made the utterances in relation to the occupation of Rome, and the consequent dethronement of the Pope as a civil sovereign, at a public meeting in Richmond in January, 1871. He says that in common with the Catholics in America generally at that time he regarded the action of the Italian Government as an unwarranted invasion, and so expressed himself at the meeting. He was Chairman of the Committee on Resolutions, and accepts full responsibility for them. Mr. Keiley adds that he does not pretend to be indifferent to the settlement of the matter, but wants it distinctly understood that he is absolutely at the disposal of the Secretary of State until the President.

Baron Fava, under date of April 20, forwards to Secretary Bayard a copy of the telegram received by him from Mancini, the Italian Minister of Foreign Affairs, saying in part:

Whatever Mr. Keiley's sentiments may be, and without doubting by any means his high respectability, it is impossible if his former conduct (a reality they are remembered by the American newspapers) that he might be *persona grata* to our King, and he might find himself in an unpleasant position, painful to us who have full feelings have been hurt by his utterances in the year 1871. It is, therefore, in behalf of the common interest we beg that this representative of the United States here (Rome) should be so situated as to be able to effectively and successfully exert himself in strengthening the excellent relations existing between the two countries, and we might merely state the impossibility we should experience in making Mr. Keiley's selection acceptable to our Majesty, and that we address a warm appeal to the friendship of the American Government in order that it might oblige us by appointing another candidate to Rome. The change of Mr. Keiley's destination would save us the painful necessity to insist with the Washington Cabinet upon a thing which indeed ought to render such a nomination unadvisable.

Mr. Keiley, in a letter to the President under date of April 28, says:

From the evidence which you have brought to my notice that the present Italian Government holds such prejudices concerning my alleged utterances expressed and entertained by me in respect of certain public transactions now historic in that country as render it impossible that my presence in Italy would be either agreeable to that Government or to me as representing my Government, I recognize the impropriety of retaining the commission with which you have honored me, and, with thanks for the confidence expressed in tendering it, I beg leave hereby to resign it.

Secretary Bayard, in a letter (April 30) to Baron Fava acknowledging the receipt of a copy of the cablegram from the Italian Minister of Foreign Affairs, says he recognizes the full and independent right of the King of Italy to decide the question of personal acceptability to him of an envoy of this Government, and adds:

The feeling of your Government on the subject has caused an arrestation of Mr. Keiley's movements, and he has returned to the President the commission as Minister to Italy, and the object of Señor Mancini's communication to you is therefore accomplished.

AUSTRIA'S OBJECTION TO KEILY.

On May 4 Secretary Bayard informed Baron Schaeffer, the Austrian Minister at Washington, that the President had appointed Mr. Keiley to succeed Mr. Francis as Minister at Vienna. On May 9 Baron Schaeffer handed to Mr. Bayard the following translation of a telegram from Count Kalnoky to himself:

We regret the nomination of Mr. Keiley as Minister Plenipotentiary and Envoy Extraordinary to the imperial court and his sudden departure from America as here, too, like in Rome, grave scruples against his choice. Please direct, in the most friendly way, the attention of the American Government to the generally existing diplomatic practice to ask previously to any nomination of a foreign Minister, the agreement (assent) of the Government to which he is accredited. You are therefore requested to earnestly entreat them that the new nominee, nominated Minister, may not reach before our confidential consent to his nomination has taken place. The position of a foreign Envoy wedded to a Jewess is, in civil society, a strange one, unbearable, and even impossible, in Vienna.

In a communication to Baron Schaeffer, dated May 18, Secretary Bayard quotes the foregoing telegram, and says that Mr. Keiley had sailed for Europe on the day previous to its date, and therefore could not be informed of its purport until his arrival out. He calls attention to the only reason stated in Count Kalnoky's telegram, and subsequently repeated verbatim by the Baron, for objecting to Mr. Keiley, that his wife was "a Jewess," and that his marriage to one of that faith would render his position, in the words of the telegram, "untenable, and even impossible, in Vienna." The Secretary also calls attention to another communication, dated May 16, in which Baron Schaeffer notified Mr. Bayard that Count Kalnoky, on learning that Mr. Keiley would not be stopped en route, had instructed the Baron to say that "this nomination will doubtless be attended with great difficulties, and that the new Minister will find himself placed in a most painful situation upon his arrival in Vienna." Secretary Bayard then says:

The question thus raised by your Government involves principles of the greatest importance, and has no precedent as yet discovered in the diplomatic usage and intercourse between friendly nations; and, having submitted the matter to the consideration of the President, I am instructed by him to inform your Government, through you, that the ground upon which it is announced, that the usual ceremonial courtesy and formal respect are to be withheld from this Envoy of the United States because his wife is alleged or supposed by your Government to entertain a certain religious faith, and to be a member of a sect religious worship, cannot be assented to by the Executive of the Government of the American people, but is and must be emphatically denied. The supreme law of this land expressly declares that "no religious test shall ever be required as a qualification to any office or public trust under the United States," and by the same authority it is declared that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

This is a Government of laws, and an authority exercised must find its measure and warrant thereunder. It is not within the power of the President nor of any officer of any judicial tribunal in the United States to take or even hear testimony, or in any mode to inquire into or decide upon the religious belief of any official, and the proposition to allow this to be done by any foreign Government is necessarily and a *fortiori* inadmissible. To suffer an infraction of this essential principle would lead to a disfranchisement of our citizens because of their religious belief, and this impair or destroy the most important end which our Constitution of government was in render to secure. Religious liberty is one of the corner stones of the American system of government, and provisions for its security are embedded in the written charter and inter-woven in the moral fabric of its laws. Anything that tends to invade a right so essential and sacred must be carefully guarded against, and I am satisfied that my country men, ever mindful of the suffering and sacrifices necessary to secure it, will never consent to its impairment for any reason or under any pretext whatsoever. In harmony with this essential law is the almost equally potential law of American society that a wide respect and delicate consideration is due to the women of the United States, and exacts deference in the treatment, at home and abroad, of the mothers, wives, and daughters of the Republic.

The case we are now considering is that of an envoy of the United States unquestionably fitted morally and intellectually, and who has been duly accredited to a friendly Government, toward which he is thoroughly well affected, who, in accordance with the laws of this country, has long since contracted and has maintained an honorable marriage, and whose presence near the foreign Government in question is objected to by its agents on the sole ground that his wedded wife is alleged to entertain a religious belief which is held by very many of the most honored and valued citizens of the United States. It is not believed by the President that a doctrine and practice so destructive of religious liberty and freedom of conscience, so void of catholicity, and so opposed to the spirit of the age in which we live, can for a moment be accepted by the great people of this Republic as the basis of our control their diplomatic intercourse. Certain it is, it will, by our belief, be accepted by the people of the United States, nor by any Administration which represents their sentiments.

Permit me, therefore, being animated only by the sincerest desire to strengthen the ties of friendship and mutual respect which happily now subsist between the two Governments, of which I have the honor to respectively represent, most earnestly and respectfully to crave careful consideration of this note, and to request your Government to reconsider the views you have communicated to me in respect of the proper reception of Mr. Keiley on the mission of amity and mutual advantage, which, in the simplest good faith, he was selected by the President to perform.

Mr. Bayard, in conclusion, says:

The President fully recognizes the highly important and undoubted right of every sovereign State to decide for itself whether the individual presented as the envoy of another state is or is not an acceptable person, and in the exercise of the most high and friendly discretion to receive or not the person so presented. This right, so freely accorded to the United States to all other nations, its Government would assert upon should an occasion deemed to be proper arise.

Baron Schaeffer replied on May 19 that he did not feel authorized to discuss Mr. Bayard's arguments, but had transmitted them to his Government, and he repeated his former verbal request "that Mr. Keiley might not reach Vienna before the confidential agreement to his acceptance."

On May 20 Mr. Bayard wrote to Baron Schaeffer and presented the views of this Government with respect to a point which had been advanced by Count Kalnoky, that it is the general existing diplomatic practice to ask, previously to any nomination of a Minister abroad, the consent of the Government to which he is to be accredited. Mr. Bayard says that careful search of the annals of this Government discloses no case in which the acceptability of an envoy from the United States was inquired about or ascertained in advance of his appointment. He says that while such practice may prevail among European States, there are important reasons why, in this country, it should never have been adopted, and why its adoption would not be practicable or wise. He calls attention to the fact that he had at the earliest opportunity given notice of Mr. Keiley's appointment, and concludes with the hope that the Emperor of Austria will find in the appointment of Mr. Keiley no sufficient ground to reject him in his official character because his Majesty's sanction had not previously been asked.

Mr. John M. Francis, then United States Minister at Vienna, on June 17 wrote to Mr. Bayard that the alleged fact that Mr. Keiley's wife was a Jewess did not influence the judgment of the Austrian Government, and on June 24 he wrote that the main reason of the Austrian Government in objecting to Mr. Keiley was not only the action of Italy, but also Mr. Keiley's public utterances, which were of a character to aggravate offence. Mr. Francis said that in conversation with Count Kalnoky upon the subject, the latter had expressed regret that the fact that Austria had objected had not been sufficient, without making the reasons for such objection a matter for discussion before the world. Speaking the Count said, would have been the course of Austria under similar circumstances.

Mr. Bayard, on July 1, transmitted to Mr. Francis copies of the foregoing correspondence, expressed the opinion that some influence other than appeared therein had caused the action of the Austrian Government, and said that the objections raised to Mr. Keiley could not be regarded as tenable. He instructed Mr. Francis to again present the request that the objections be withdrawn, and then present his letters of recall, and turn over the Legation to his Secretary if no reply had been received.

On Aug. 6 Mr. James Fenner Lee, Secretary of Legation at Vienna, telegraphed Secretary Bayard that the Austrian Government could not receive Mr. Keiley, and had asked the United States to appoint another Minister. In a letter to Mr. Bayard on the same date Mr. Lee communicated the substance of an interview held with Count Kalnoky, in which the Count held that the refusal to receive Mr. Keiley does not involve any question of liberty of conscience, and said that the Italian Ambassador had not approached him about Mr. Keiley.

On Aug. 31 Mr. Bayard, in a long communication to Mr. Lee reviewing the case in detail, writes:

By no act of mine, nor with my consent, can the Government of the United States be placed in an attitude of supplication for favor, or become a petitioner for recognition of its envoy. Such terms as petitioner for recognition in this expression meets the full approval of the Executive. There is, therefore, and can be no suggestion of a postulation or protest by us against the unprecedented action of the Government of Austria-Hungary. All that has been said and written by us has been designed to make it clear that, as between the revocation of Mr. Keiley's appointment at this Government's request and his revocation as an envoy by that of his imperial and royal Majesty, the responsibility of the final decision must rest with the latter, which, having now signified its determination and accomplished its purpose, we accept the result. While this Government concedes as freely as it exercises the right to refuse to receive an envoy, yet when that right is so exercised as to imply a stigma, or to become a critical claim of the function of selection, as well as rejection, we must demur.

Mr. Bayard says that on the face of Count Kalnoky's telegram to Baron Schaeffer, and the communications, both written and verbal, made to Mr. Francis, there, with Mr. Francis's reports of his interviews with Mr. Szoszoryi of the Austrian Foreign Office, and in Count Kalnoky's statements in an interview with Mr. Lee, two facts appear:

First, that the alleged race and religious faith of the wedded wife of an envoy of the United States is held a cause of his rejection; and, further, that objections by a third party—"a friendly power"—are necessary to be removed in order to allow a proper reception to be extended. These conditions are simply intolerable, and are, in the case of the United States, not only inhibited by the plain letter and undying spirit of our constitution of government, but are inconsistent with that decent self-respect which forbids a nation of 60,000,000 freemen to accept the position of a diplomatic dependency of the "friendly power" whose behests appear to have been acknowledged in and carried out by Austria-Hungary in the present instance.

Mr. Bayard informs Mr. Lee that the issues thus raised are grave and will be submitted to Congress at the next meeting.

On Sept. 7, Mr. Keiley wrote to the Secretary of State from New York, saying that on May 2 he received notice of his appointment as Minister to Austria, and on the 7th he sailed for his post, arriving in Paris on the 18th. In the railway station there he was handed the telegram from Secretary Bayard directing him not to proceed to Vienna until he heard further. On Aug. 7 he received a letter from Col. J. F. Lee, Secretary of Legation at Vienna, and on the same day a cablegram from the Secretary of State announcing that the Austrian Government had refused to receive him. He at once returned to the United States. On arriving in Washington he was advised that it was not the design of the Government to recall him, but to leave him free to pursue such course as his own judgment might indicate. "I cannot consent to accept the compensation of an office without discharging its duties," he wrote, "and therefore hereby return to the President the commission with which he was pleased to honor me."

On Sept. 15 Secretary Bayard writes to Mr. Keiley acknowledging the receipt of his letter of resignation as Minister to Austria, and saying that the reasons he assigns for such action are consonant with his own dignity and personal character as an upright citizen and honest public servant. He adds:

The President and his Cabinet are completely satisfied with your attitude and action throughout this remarkable episode, for all concerned. Rather, and all deeply regret that the country has been prevented by unprecedented and intolerable action of the Austria Hungarian Government from having the advantage of your personal presence at Vienna. I will not believe that the people of the United States will ever consent to the creation or enforcement of such tests as have been invoked upon by the Governments of Austria-Hungary. Such action must naturally awaken widespread amazement, coupled with indignation and resentment. When the history of the case is made public, I cannot believe that these sentiments will be confined to our own country, but that wherever religious liberty is valued and respected a common judgment will be formed. While the immediate cause for your voluntary act of severance is to be regretted, I comfort myself that your name is honorable associated with the maintenance and vindication of principles which constitute the very soul of personal liberty, and which lie at the foundation of our Government. To be allied with such principles is honor at all times, with success as a certain duality.

MLLE. CENI ARRESTED AGAIN.

Still Advertising for a Susceptible Advance Agent with a Little Money.

John Hogan of 472 Seventh avenue has not lived there long, but is from the country. He saw an advertisement for an advance agent for a travelling show, and lost no time in applying as directed at 228 East Twenty-seventh street. There he met a dashing and attractive woman, who seemed to him to be a good enough leading lady for the proposed company. She introduced herself as Delia Watson. She is also known as Miss Cecil. Hogan also met the heavy man, Frank D. Decker, who was to be the business manager as well.

At the first meeting Mr. Hogan was flattered by the assurance from the seemingly critical pair that he would do, as well as by the proposal from the woman that if he would furnish a photograph of himself they would send it to the printers and give his portrait a place on the bills beside hers. At the next visit he was persuaded that it was the regular thing for the advance agent to leave a deposit of $250 as security for the faithful discharge of his duty.

After paying it the deposit Mr. Hogan no longer found it easy to have interviews with the principals in the dramatic project, and at last he told his story to Inspector Byrnes, intimating that he would die if he didn't get his $250 back.

Decker and Miss Watson were arrested yesterday and locked up at Police Headquarters. The woman was arrested about five weeks ago for the same game. A man was arrested then with her, but it was not Decker. They escaped conviction by the failure of the complainant to prosecute.

Did the Boys Go Fishing in the Gale?

Daniel W. McGee of 591 East 135th street, an engineer on the New Haven Railroad, reported at Police Headquarters last evening that two of his sons, George L., aged 17, and Walter C., aged 15, are missing. He fears that they are drowned. On Sunday afternoon they and a younger brother were starred off to Sunday school. On the way the older boys decided to go fishing instead, and told the little fellow to run along to school. They have not been seen since. Mr McGee's house, which he kept at the foot of the street, is missing. The day was wild and stormy.

Cardinal McCloskey's Will Proved.

The will of Cardinal McCloskey was admitted to probate yesterday. The will conveys all the property of the testator to Archbishop Corrigan, Bishop Loughlin of Brooklyn, and Bishop McNeirny of Albany, to hold as joint tenants. All three are named in the will as executors, and it is understood that this bequest conveys the property for the use of the Church. The same clergymen were appointed executors, and qualified as such.

Mistletoe for Kissing Purposes.

No English lady considers her home decorations for Christmas complete until a little sprig of mistletoe, no matter how small, is hung over one of the doors on the inside of the house. Upon this day, "if a gentleman discovers a lady standing under the mistletoe he has a right to kiss her."

If this ancient and honored custom becomes as popular in America as it has been for centuries in England, it will be largely due to the *Empire (Fla.) Gazette*, which, by the way, is published in Volusia county, Florida, which is famous for its summers, winters and orange groves; for this journal has prepared packages of mistletoe in private and a native of Florida, which it will send to any address upon receipt of five 2-cent stamps to cover postage, &c. *The Gazette* has published a "Florida Catechism" that gives full and accurate information upon all subjects of interest to tourists or settlers, which it will mail to any applicant, with a sample copy of its paper, upon receipt of two 2-cent stamps.—*Adv.*

Women with pale, colorless faces, who feel weak and disouraged, will receive both mental and bodily vigor by using Carter's Iron Pills.—*Adv.*

THE FORTY-NINTH CONGRESS

MR. HOAR INTRODUCES HIS PRESIDENTIAL SUCCESSION BILL.

Amended so as to Continue the Successor in Office Until the Next General Election—A Bill to Suspend Silver Coinage.

WASHINGTON, Dec. 14.—The Chair laid before the Senate a joint resolution of the Legislature of Connecticut urging Congress to pass, without unnecessary delay, a bill to provide for the Presidential count.

Mr. Platt (Rep., Conn.) briefly called attention to the importance of the subject, saying that the people of his State felt much interest in it, and the Governor of the State had requested him to bring the subject to the attention of the Senate.

Mr. Hoar (Rep., Mass.) was rather of the opinion that Mr. Platt's State was responsible for the failure in the House of the bill already three times passed in the Senate to meet the difficulty. At least a distinguished Representative of that State had been Chairman of the House conference committee on the bill in the last Congress, and the conference report was not made in the House until so late in the session that, in the pressure of other business, nothing was done by the House.

The Chair also laid before the Senate a memorial from the Executive Committee appointed by a Constitutional Convention of the Territory of Dakota praying for the admission of Southern Dakota as a State of the Union, and transmitting a draft of a Constitution for the approval of Congress.

Mr. Harrison (Rep., Ind.) gave notice that he would introduce a bill providing for the admission of the rest of the Territory named at an early opportunity.

Mr. Hoar, from the Committee on Privileges and Elections, reported favorably an original bill providing for the performance of the duties of President in case of the death, resignation, or inability of both the President and Vice-President. He said it was substantially the same bill that had been acted on last year by the Senate. The only addition of importance is a provision for the repeal of sections numbered from 147 to 150, inclusive, of the Revised Statutes. These provide for special elections in case of vacancies in the offices of President and Vice-President. The effect of their repeal is to continue the successors to the Presidency in office until the next general election.

Mr. Hoar gave notice that he would call the bill up to-morrow for consideration.

Mr. Edmunds (Rep., Vt.) expressed the hope that its consideration might be delayed for a day, that he might have opportunity to attach to it, as an amendment, the bill already introduced by him regulating the count of the Presidential vote. The bills, he said, related to one subject, and, if they could be combined, would deal with the subject as a whole.

Mr. Hoar was willing that his bill should lie over one day, after he had submitted some remarks on it. This was satisfactory to Mr. Edmunds, and the bill was placed on the calendar.

On motion of Mr. Allison (Rep., Iowa) it was resolved that until the expiration of the Forty-ninth Congress the Committee on Appropriations, consisting of ten members, and the Chair appointed Mr. Logan as the additional member.

Mr. Sewall (Rep., N. J.), at his own request, was relieved of the Chairmanship of the Committee on Military Affairs, and Mr. Logan was by unanimous consent appointed to that position. Mr. Sewall was then appointed Chairman of the Committee on the Library and a member of the Committee on Privileges and Elections.

Mr. Evarts presented the petition of the New York Chamber of Commerce, praying that Congress may pass a law providing for the suspension of the silver dollar. Referred to the Committee on Finance.

Mr. Hoar, from the Committee on Judiciary, reported favorably the bill fixing the salary of United States District Judges at $5,000. Placed on the calendar.

The following bills were introduced and referred to the appropriate committees:

By Mr. McPherson (Dem., N. J.)—To suspend the coinage of the standard silver dollar. It provides that so much of the act of Feb. 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal tender character," as authorizes and directs the Secretary of the Treasury to purchase from time to time silver bullion at the market price thereof not less than $2,000,000 nor more than two millions three hundred and fifty thousand dollars per month, and cause the same to be coined into such dollars monthly as fast as purchased, shall be repealed.

By Mr. Mahone (Rep., Va.)—To allow a drawback on imported materials used in the manufacture of tobacco and cigars that are exported. It allows as a drawback such amount of duties as have been paid on the imported material entering into the manufacture of the exported article.

By Mr. Logan (Rep., Ill.)—To authorize the Secretary of the Treasury to sell and convey to the Chicago and Great Western Railroad Company for terminal purposes the old Bridewell property on the corner of Fifth avenue and Polk street, Chicago, now owned by the United States. If the Secretary of the Treasury and the railroad company cannot agree on the price, the United States may then proceed in condemnation proceedings, and the company take steps for condemnation within one year.

By Mr. Dawes (Rep., Mass.)—Providing that the rate on second-class publications deposited in letter-carrier offices for delivery by carrier shall be uniform at the rate of one cent a pound.

Mr. Frye (Rep., Me.) reported favorably a joint resolution providing a code of joint rules for the two Houses, which was placed on the calendar. Mr. Frye gave notice that he would call it up to-morrow. It is identical with the code reported last session by Mr. Frye, except that the proposed joint rule 13, relating to intoxicating liquors, is struck out.

At 1:45 P. M. the Senate went into executive session. When the doors were reopened a message was received from the President transmitting the Keiley correspondence, which was ordered printed and to lie on the table.

On motion of Mr. Logan the membership of the Military Committee of the Senate was increased from nine to ten, and the Chair appointed Mr. Manderson to the new place.

House of Representatives.

Mr. Morrison (Dem., Ill.), from the Committe on Rules, submitted the report of that committee on the proposed revision of the rules, and it was ordered printed and laid over until to-morrow, permission being given Mr. Randall (Dem., Pa.) to submit a minority report.

Mr. Weaver (Greenback, Ia.) offered a resolution providing for a call of States to-day for the introduction of bills.

Considerable antagonism was made to this proposition, and discussion was cut short by a motion to adjourn, which was lost.

CABLE RAILWAY PROJECTS.

Another Scheme Before the Aldermen—The Chambers Street Junction.

Although the cable railway scheme gridironing the city with seventy-four miles of cable railways has been twice killed in the Board of Aldermen recently, there is another cable railway scheme pending which is likely to create another furor in the Board before the close of the term of the present members. This scheme proposes an ordinary surface road through many streets and the Chambers street junction. If it goes through the hearing and determination are pushed through the Board at great speed, there will not be time enough to get the signatures of the property owners to Mayor Grace's veto, which is taken for granted. It is said, however, that the majority of the present Board intend to oppose the scheme.

The Cable Railway Company's injunction and restraining the Chambers street and Grand street Ferry Railroad Company from constructing or operating a horse railroad on Chambers street was argued at length before Judge Donohue in Supreme Court Chambers yesterday. Robert Sewell and Everett P. Wheeler presented the case for the plaintiff, and C. C. Duell and Luke F. Cozans appeared for the defendant. Judge Donohue reserved his decision, but intimated that the injunction must be dissolved because the cable company had not perfected its right to lay down its tracks. The horse railroad was in its favor. It would not be changed by the building of defendant's road, for the tracks could be removed and its own road constructed without added expense.

Baldwin's Corner.

When a conductor on the Broadway road is asked to stop his car at Baldwin's corner he knows at once that the corner of Broadway and Canal street is meant. Here it was that Baldwin, the clothier, carried on for so many years the great business that has made his name a household word throughout the land.

Messrs. Carhart, Hackett & Co. the present proprietors of this immense establishment, are not only sustaining the reputation it acquired under the name of Baldwin, but are adding to it.

They intend to take the lead in the clothing business for style, fit, and quality, and for carrying out this intention they have employed the best designer in the city. Knowing that their efforts in this direction could be fully appreciated by the public, they have already made many alterations and improvements in their store, and are now contemplating plans for a further extension of their business.

It is needless to say that this firm deals only in the highest grades of goods, and clothing, for this is too well known to need reiteration.

It is enough to say of this firm that it was the first to begin the great retail ready-made clothing business upon a scale of magnitude, and has assumed such gigantic proportions throughout the country.

Court Calendars This Day.

SUPREME COURT—CHAMBERS.—Nos. 19, 24, 43, 72, 90, 102, 103, 107, 116, 117, 132, 148, 150, 157, 185, 267, 274, 275, 282, 284, 311, 318, 320, 322, 323.

SPECIAL TERM—Part I.—Clear. Nos. 81, 195, 453, 123, 413, 526, 339, 131, 158, 298, 332. Part II.—Clear. Nos. 374, 381, 381. CIRCUIT—Part I.—Case on. Hovey and Dodge vs. Pall et al. Motion for an injunction. Nos. 882, 928, 926, 941, 621, 913, 968, 430, 944, 1164, 903, 860, 1030, 2232, 421, 1301. Part III.—Clear. Nos. 1077, 134, 672, 1088, 1065, 1061, 1117, 936, 971, 1108, 827, 1072, 1105, 1140, 1162, 1079, 2340, 2306, 673, 889, 2 vs. 4, 1063, 7313, 1182. Part IV.—Clear. Nos. 928, 1180, 1200, 1303, 1271, 1271, 1345, 1365, 1356, 1027, 2246, 1090, 1367, 1394, 1029, 1401, 1402, 2508, 1281, 1197, 337, 1441, 1360, 1398, 931.

SUBROGATE'S COURT—Will of Isaac Marcus and estate of Nathan Lyman, 11 A. M.

SUPERIOR COURT—SPECIAL TERM—Clear. Nos. 262, 263, 264, 353, 334, 336, 338, 339, 340, 341, 342, 343, 344. Part I.—Case on. Mack and Davidson. Part II.—Case on motion. Nos. 1231, 1231, 1231, 1245, 1219, 1278, 1296, 1524, 1284, 1098, 1024, 470, 884, 982, 630. Part III.—Case on. Bailey and Morrison. Part IV.—Case on. Published. Nos. 1233, 1146, 827, 828, 631, 1269, 1056, 575, 1278, 1328, 938, 576, 1262, 1266, 1268.

COMMON PLEAS—SPECIAL TERM.—No. 4. EQUITY TERM.—Clear. Nos. 22, 31, 74. Part II.—Clear. Nos. 1346, 1354, 1378, 1448, 1288, 1472, 1407, 1409, 1262, 1312, 1366, 1374, 1288, 1293, 1339, 1310, 1319, 1323, 1440, 1448, 1379, 1294, 793.

COURT OF APPEALS—Part I.—Nos. 4948, 4444, 14, 4987, 4529, 4889, 4328, 4023, 4932, 4900, 4140, 4935, 4940, 3541, 3865, 4560, 3605, 4355, 5030, 4897, 6232. Part II.—Nos. 3650, 4745, 4781, 4348, 570, 4900, 4889, 4691, 4892, 4893, 4904, 5033, 5042, 5045, 5407, 5408, 5040. Part III.—Nos. 4872, 4886, 4245, 4965, 4924, 4925, 4952, 5152, 2217, 3880, 6151, 6052, 4977, 4241, 4961, 4192.

SHE WON THE DIVORCE SUIT.

Mrs. Smith Triumphs Over her Husband's Charges of Unfaithfulness.

MONTREAL, Dec. 14.—Justice Doherty today decided the celebrated case of Melvin Smith against his wife for infidelity and her suit against him on a similar charge. In July, 1875, Smith married Mrs. Wheeler, a Vermont woman, by whom he has four children. There was no community of property, but Smith gave his wife an allowance of $1,500 a year. In June, 1884, she went to reside with her children at Lachine, and her husband charged that she was guilty of many indiscretions with Thomas Murren, their coachman. In September, 1884, Smith brought suit against his wife for a separation on this ground. She received notification on Sept. 4, and immediately left for her mother's home in the United States, where she wrote several letters to her husband. These letters he imagined contained a confession of guilt.

In the mean time the coachman went to Boston, where he was followed by Smith, who eventually induced him to come to Montreal and give testimony in regard to the relations he had had with Mrs. Smith. Mrs. Smith was advised to institute proceedings against her husband, and she commenced action in November, 1884, for entire separation on the grounds of scandal and immoral conduct. These two suits were joined. During the trial a number of witnesses, chiefly disreputable women, were examined to show Smith's character and conduct. His principal witness in support of his charge against his wife was Mrs. Hilton, wife of the organist of the Church of the Messiah, who said that she had seen the coachman Murren during his five visits to Lachine, and that improper relations existed between him and Mrs. Smith. The Judge ignored Murren's testimony, and concluded that Mrs. Hilton's testimony, instead of strengthening, only weakened Murren's evidence. He dismissed the case, holding that Smith had failed to establish his allegation, and that being so, Mrs. Smith was entitled to a verdict in her favor in the action she had brought for separation.

By the judgment Mrs. Smith receives a separation from her husband, sole control of her four children, and alimony allowance in proportion to her husband's income. The husband's petitions are in every particular set aside, the costs in each case going against him. During the day Mrs. Smith's case is at present in this city, was the recipient of warm congratulations from her friends.

PRISONER M'CABE'S TWO LETTERS.

"Mamie B." Hires a Boy for a Son, and Says She is McCabe's Wife.

The man whose arrest Mrs. Elizabeth Peters caused in Jersey City on Sunday night for snatching her pocketbook, and who said his name was Frank Hilton, was identified yesterday at Police Headquarters in that city as Patrick McCabe of West Houston street, in this city. When McCabe snatched the pocketbook there was a woman with him. She made her escape to this city. Yesterday afternoon a tall, stylishly dressed young woman, who said she was Mrs. Mary Hilton, the prisoner's wife, called at Police Headquarters and asked to see him. She had a little boy with her who, she said, was her son. Chief of Police Murphy learned from the boy in a private interview that he was not the woman's son. She had brought him from this city, he said, with instructions to notify some friends of hers in case she also was arrested. Mrs. Peters identified the woman as the one who was with Hilton on Sunday night. She said that both she and Hilton had called on her. The boy said he was James Hart of 275 Elizabeth street. A prisoner who had occupied a cell with Hilton handed Chief Murphy last evening two letters which he said had been given him by Hilton to deliver. They were addressed to "Mamie B.," and were signed "F. H." One read:

See the complainant in my case. Tell her a good story. Say that you are my wife, that I am a hard-working, honest man, and have four children. If that does not fetch her over to your scheme, my gold watch and chain, and $10. By all means, get her not to prosecute me.

This is the other letter:

See Joe Morton, Joe Welling, and the rest of the gang on the Bowery, and make them hand up $5 each for a lawyer.

FINANCIAL AND COMMERCIAL.

New York Stock Exchange—Sales Dec. 14

UNITED STATES AND STATE BONDS (IN $1,000).

10 U. S. 3s, r.	100½	2 Ala., cl. 4-5 c.	104
10 U. S. 4s, r.	122½	1 Mo. 6s, 1889-90	100
11 U. S. 4s, c.	123½	25 Va. 6s, deferred	5½
10 U. S. 4½s, c.	112½		

RAILROAD AND OTHER BONDS (IN $1,000).

71 Atl. & Pac.	22	30 Mob. & O. 1st	63½
10 Atl. & Pac. 1st	103	1 Mich. Cen. 7s	128½
10 Atl. & Sus. con. 6s	117½	38 Mo. P. con.	106½
5 Am. Dock & Imp.	80	10 Mo. K. & T. 2d	104½
1 Ark. L. R. 1st	90	10 Mo. K. & T. 4s	79½
11 Bel. & West.	120½	19 Nor. P. 1st c.	113
1 Bel. & Hudson	96	58 Nor. P. 2d	91½
1 Denv. & R. G.	17½	10 Nor. P. 3d	63½
1 Erie	23½	6 O. & M. P. 1st	54
1 Erie 2d	86½	11 N. Y. & Sup. 2d	94
1 Kan. & Texas	29½	11 N. Y. & L. 2d	104½
1 Lou. & Nash.	49½	4 N. J. Central 1st	103
1 Lake Shore	83½	6 N. Central con.	104
1 Mich. Cent.	73	104 N. Y. Ch. & St. L. 1st	106½
1 Missouri Pac.	104½	24 N. Y. Ch. & St. L. 2d	77½
1 Northwestern	106½	10 N. W. c.	120
1 Nor. Pac. com.	27½	5 N. W. deb. 5s	103
1 Nor. Pac. pf.	67½	6 Ohio So. inc.	37½
1 N. Y. Central	102½	10 Ohio So. 1st	90
1 Ontario	37½	37 Or. & U. C. 1st	93½
1 Pacific Mail	33½	8 Peo. D. & E. 1st	70
1 Pitts. Ft. W. & C.	140	4 Rich. & A. 1st	90
1 Rich. & W. P.	36½	10 Ro. W. & O. 1st	111
1 Rome W. & O.	111	8 Rock Island ex 5s	103
1 St. L. & S. F.	75½	10 Rh. & Dan. deb.	80
1 St. P. M. & M.	135	1 St. L. & I. M. 1st	103½
4 St. P. & Am.	115	4 St. P. & Am. 1st	105
5 St. L. & S. F. 2d	104½	1 St. L. & S. F. 2d	103
1 St. L. & S. F. 3d	104	1 Tol. & W.	103½
4 Rec. W. & O. 1st	111	2 St. P. Term.	102
10 Rh. & Dan. deb.	80	15 St. P. 1st C. & P.	119
1 Rock Island ex 5s	103	1 W. & L.	103½
10 Rh. & Dan. deb.	80	2 St. P. 1st W. & M.	105
1 St. L. & I. M. 1st	103½	5s	103
4 St. P. & Am. 1st	105	3 So. P. of Ariz. 1st	104½
1 St. L. & S. F. 2d	103	1 Tex. Pac. 1st	70
1 Tol. & W. 1st	103½	510 Tex. 1st G. & H.	5
2 St. P. Term.	102	coupon off	47½
15 St. P. 1st C. & P.	119	2 Tex. Pac. Terminal	42
1 W. & L.	103½	3 Ga. Pac. 1st	98½
2 St. P. 1st W. & M.	105	202 West Shore 1st gu.	106½
5s	103		

RAILROAD AND OTHER SHARES.

Railroads.		110 Nor. P.	10
100 Atl. & Pac.	38	1,900 Nor. P. pf.	28½
8 Atl. & Pac.	38½	6475 Nor. Pac.	27½
20 Bur., C. R. & N.	80	400 Nor. Pac. pf.	67½
400 Can. Iowa	29½	32,200 N. W.	107½
300 Can. South	50½	3,000 N. W. pf.	137
435 Can. South 3d	48	25440 N. Y. Cent.	109½
3,500 Cent. N. J.	42½	2025 N. Y. Chic. & St. L.	10½
1877 Cent. Pac.	37½	1 do 1st pf.	90½
236 C. F. A. Minn.	14½	3210 N. Y. Ch. & St. L. 2d	77½
1500 C. B. & Q.	136½	120 N. Y. L. E. & W.	30½
200 Col. Coal & I.	17½	4800 N. Y. & New Eng.	37½
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