THE LAW INTERPRETED.

IMPORTANT RULING OF THE INTER-STATE COMMERCE COMMISSION.

The Extent of Its Jurisdiction and Powers—Warning to Railroad Companies which Make Use of the Law to Impose Burdens on Commerce and the People.

WASHINGTON, April 18.—The Inter-State Commerce Commission, in reply to petitions from the Order of Railway Conductors and the Traders' and Travellers' Union, has made a ruling of interest to almost every branch of trade or commerce, and at the same time has given interpretations of the Inter-State Commerce law, and defined the powers of the Commission under it. The conductors in substance ask whether they can have free passes as heretofore, and the traders and travellers desire to be informed whether free transportation for 150 pounds of baggage will be allowed them as was done last year. These two petitions, the Commissioners say, are only representatives of a large number of similar ones which have been made to the Commission, and have been selected simply because they indicate the general character of all, and enable the Commission to announce certain conclusions to which it has arrived respecting its jurisdiction and powers.

"It is obvious, from the tenor of the applications received by every mail," the Commission says, "that the impression is generally prevalent that this Commission has power to construe, interpret, and apply the law by preliminary judgment. A careful reading of the act under which this Commission is organized will show that no jurisdiction has been given us to answer questions like those under consideration, and an expression of our opinion at this time would carry with it no judicial efficacy or sanction; in fact, would be no more useful to the public or the carriers than the opinion of other men upon the same point." The Commission then goes on to define its powers and to interpret the law, as follows:

Two sections of the law confer power upon the Commission to entertain and decide applications and petitions.

Section 4 empowers us, upon application by a common carrier, to authorize such common carrier to charge less for longer than shorter distances over the same line, and also to prescribe the extent of relief from the operation of the former part of the same section where a designated common carrier may charge more for the same service. The powers of the Commission are entirely adequate to cope with such conduct, the existence of which is not affirmed, although it has been somewhat publicly suggested. The same statute which enacts that charges for like service shall be uniform to all, also provides that charges in every case and for every kind and class of service shall be reasonable and just.

As the law is practically applied it is said to contain many elements of advantage to the economical and profitable management of the business of the carriers, which they have not been slow to apprehend and take the benefit of. The Commission ventures to express the hope that with this explanation respecting the duties and functions of the carriers and the Commissioners in carrying the law into effect according to its true intent and meaning, there will be no lack of good faith and active co-operation in continuing the normal activity of every kind of reputable industry and traffic throughout the land, under favorable, fair, and reasonable terms, conducing frankly to the people all the rights, benefits, advantages, and equal privileges which the "Act to Regulate Commerce" is intended to secure.

The following reply in substance has been sent to several railroad companies which have applied for relief from the short haul provision of the law, without making, in the opinion of the Commission, a satisfactory showing of facts to warrant the issuance of a temporary order:

The law under which we are acting lays down a general rule which is presumptively just, and which must be applied in all cases, unless facts are shown which make a particular case clearly exceptional. These should be shown by the petition which is presented for relief, and the Commission, before it can grant the relief, must satisfy itself from investigation that the facts are as stated and that they render the ordinary operation of the law oppressive to an extent that warrants an exception being made in petitioner's favor. We do not think you make such a case by your petition. It's statements are very brief, general, and are quite as much expressions of opinion as statements of fact.

In reply to Hishop Knickerbocker of Indianapolis, who inquired as to the right of a railroad to transport missionaries at special reduced rates, Judge Cooley writes that the Commission has no power in the premises. "There is no doubt," he adds, "of the right of the railroads to grant special privileges to religious teachers, and in deciding in good faith what they will do they can scarcely be said to incur risk or penalties. Penalties are for wilful violations of law, and not for errors of judgment." Replies of similar purport have been made to inquiries with respect to transporting persons as acts of charity.

In the matter of the Iowa Barb Steel Wire Company of Marshalltown, Iowa, which asked authority for the railroads to continue certain "equalized rates" of transportation, the Commission says:

If the grievance is one which the railroad companies cannot grant without certainly becoming liable to the condemnation of the law, neither can the Commission give authority to grant it. The case is not one of the exceptional cases for which the law provides. The Commission is therefore powerless to make any order upon it. Under such circumstances it is proper and in accord with its usual practice to withhold any expression of opinion.

In reply to a communication from the Secretary of the Interior asking whether Indian goods can be transported from place of purchase to ultimate destination at special rates for and on behalf of an individual with whom a contract may be made by the department Judge Cooley says:

The Commission directs me to say that in its view the statement made by you of the facts constitutes of itself a complete answer. The supplies, as you show, are delivered to the Government at points designated, and they are then transported at the cost of the Government to points where they are to be made use of. The transportation is, therefore, "for the United States," in the words of the Inter-State Commerce law, and it is immaterial that it is done by contractors when the Government receives the benefit of the free or reduced rates, as it must be presumed to do when the bids are made in reliance upon the expectation that such rates will be granted.

AMUSEMENTS.

Mme. Patti's Performance of Carmen in the Metropolitan Opera House.

The prevailing belief that Mme. Adelina Patti is about to bid farewell to the operatic stage—at least in respect of future appearances in the United States—found expression once more in the presence of a large and brilliant audience gathered at the Metropolitan yesterday evening. Those persons that came to hear and see Mme. Patti, whether for the first and only time or, presumably, for the last, no doubt departed with a feeling of perfect contentment. They had, in truth, looked upon Mme. Patti's small and trim figure, and their ears had been ravished with the music of a voice of rare sweetness and evenness, and with vocal execution of almost matchless smoothness and facility, and of unimpeachable accuracy and good taste. It would be mere flattery, nevertheless, to concede that they had heard in Bizet's "Carmen" the librettists' text and the notes of Bizet's score were indeed gone through with, but from Mme. Patti down to the least conspicuous of the Remendado's associates, no one on the stage caught an atom of the spirit of the book or of the composer's work. It must be recorded that no glaring instances of inefficiency disturbed the spectators' tranquility. The subsidiary roles were in competent hands and the chorus and band were in decent form. "Carmen," however, is rather a music drama than an old-fashioned opera; its impressiveness does not depend solely upon ball a dozen incumbents, and the dramatistic story and the musician's measures are so closely bound to each other that neither must be slighted in the least. Mme. Patti, whose girlish coquetry and pretty ways are admirably suited to the lighter roles of the operatic repertoire, and whose wide training and experience have been directed to a mastery of the sensuously lovely but not particularly significant music assigned to heroines of whom *Amini* and *Rosina* are the best-known types, imparts to *Carmen* neither the dramatic nor the tonal accent the character requires. Be singing is, of course, well nigh flawless. Unfortunately, so strong a lyric drama as "Carmen" calls for something more than beauty of tone and fluent vocalization, and when one hears *Carmen's* bantering strains in the first act, and her gloomy forebodings in the third, it is observed with little beyond such conventional difference between them as a clever novice can be coached into denoting, there is cause for disappointment.

Mme. Patti, in brief, was charming in looks, winning in manner, and fascinating in song; she never once forgot that she was Mme. Patti or reminded the applauding auditors that she was *Carmen*. Her fellow artists, with the possible exception of Signor Vicini, carried on the representation much as the prima donna did. The word perfunctory sounds harsh in connection with proceedings in which no one concerned was literally neglectful of his or her duties, and yet the impression wrought was nearly as cheerless as would have been produced by general indifference. Perhaps there have been too many striking renderings of "Carmen," enjoyed in the past for a critical throng to care nowadays for aught but an ideal performance. Signor Vicini, as *José* just a girt, Signor Del Puente as *Escamillo*, and Miss Griswold *Micaela*. The tenor's voice met its possessor's occasionally exacting demands without mishap, and the baritone's scena in act 3 was redemanded. Miss Griswold managed with skill and judgment a small voice, and sang her air in the third act with feeling and art, but it was quite impossible to catch one word of her lines.

A New Play Put Into an Old One.

Mr. Dion Boucicault acted at the Star Theatre last evening in a new work of his own called "Fin MacCool." His character was *Fin*, very similar to the familiar *Conn*, but transported to America, where his first adventure was unwittingly to enlist as a Union soldier while supposing that he was merely hiring out as a domestic servant. This was at Newport in 1861. He went to the war willingly, however, because he hoped to find his sweetheart, who had gone South. When he discovered her she was disguised with burnt cork as a negress; and he was woebegone, for he believed that her change of color was due to climate and association. He bargained funnily for a bottom to whiten her, got seriously wounded in a fight, and became jocularly heir to his employer. All his doings had a flavor of genuine Irish humor, in the writing and speaking of which Mr. Boucicault is unbeaten; and although there was not much novelty in him he was a taking sort of fellow, and an agreeable impersonation.

This "Fin MacCool" occupied only about a quarter of the drama, which for the rest was composed of "Belle Lamar," the war play produced by Mr. Boucicault years ago. Except for the insertion of *Fin* and his exploits, there was no great alteration in the material. The motive was still the antagonistic sympathies of a husband and a wife respectively for the North and the South. He went into the war a Colonel in the Union army, while she became a rebel spy, to be captured by him, and hence a stress of conflicting loyalties in love and patriotism, with a calm and in reunion and forgiveness. The work failed to take a strong hold upon the audience, and was received with only the mildest interest. There were two acts' climaxes—one, the arrest of the wife by her husband, and the other the death of a marplot by a bullet intended for another—which were cleverly devised and spiritedly presented, and yet they agitated the assemblage only moderately. The destructive fault seemed to be an absence of sympathetic quality. The story was indirect, the motives indefinite, and the action indecisive, except in several incidents, which, though well told and well done. The cast included Miss Georgia Cayvan and Miss Marian Elmore, Mr. W. Ferguson and several others of good artistic repute; but their efforts had not sufficient saving power to make excellent entertainment of "Fin MacCool."

The short and exquisite play, "Kerry," was also given, with Mr. Boucicault in his delightful impersonation of the faithful, tender old Irish servant.

"Cordelia's Aspirations" Revived.

There was no better sketch in all the *Mulligan* series than "Cordelia's Aspirations." At the Comique, three years ago, Ned Harrigan and his audiences alike profited by it for several months. It was revived at the Park last night, and it was greeted with substantial favor by a house that would have been big if the weather had favored playgoing.

Perhaps the truest touch of pathos Harrigan has ever penned is revealed in "Cordelia's Aspirations." Its pictures of domesticity in Mulligan alley are eminently moving because natural, and its satire of social conditions is always keenly pointed and cleverly direct. It does not matter much that some of its characters bear no accurately defined relation to the plot; they are boldly drawn, they are always skillfully portrayed—a tribute to the acting excellence of Mr. Harrigan's people—and they never fail to assist prominently in the ensembles.

Last night's business was genuine pleasure to Mr. Harrigan's *Dan Mulligan* had lost little of his old-time humor and quiet drollery; that Mr. Wild's *Primrose* was as comically sad as ever, and that Mrs. Yeamans's *Cordelia* retained the full flavor of its former rich comicality. There were competent players, too, in the roles requiring new representatives. Of these, Amy Lee, Dan Collyer, Joseph Sparr, Peter Goldrich, and Nellie Wetherill were the most prominent. All the old songs were given with spirit, some of the dialogue was new and timely, the staging was good, and the general performance was full of life. The revival, indeed, has been altogether prosperous, and it should bring to a happy close Mr. Harrigan's well-rewarded season of admirable work.

Wedded in the Cathedral.

In the cathedral yesterday, Archbishop Corrigan married Miss Emily Noel, the second daughter of August Noel of the firm of Noel & Son, glass importers, and Mr. Henri Gourd of the firm of Gourd & Tournade, wine importers. The bridesmaids, like the bride, were dressed in pure white. They were Miss Noel, Miss Josephine Noel, Miss Lulu Noel, and Miss La Montagne. The groom's man was Roland Kneisler. The ushers were Leon Noe, Sewell Tappan, Henri Werlemann, Albert La Montagne, George Renault, Morgan Brugiere, and Alfred de Rongé. A wedding breakfast was given in the home of the bride's parents, at 138 Waverley place.

A Sawdust Man Dead.

Edward P. Fearn, a member of the Johnston gang of sawdust swindlers who was arrested at his flat last Monday night at 1,152 Third avenue, died yesterday in his room, a victim of consumption. When the flat was raided by the Post Office inspectors and James McVicker was taken in charge, Fearn was sick in bed and could not be removed. He was an inveterate opium smoker.

To Consider Murderer Dieque's Case.

Gov. Green of New Jersey has ordered the Court of Pardons to convene on April 30 for the special purpose of considering the case of George H. Dieque who has been sentenced to be hanged in Jersey City on June 1 for the murder of his wife.

THE RACQUET CLUB BILLIARD MATCH.

Dr. Knapp Passes Mr. Morton by 79 Points on the Third Night's Play.

Club men crowded all the spectators' seats in the court of the Racquet Club last night when Alexander Morten and Dr. G. Lee Knapp crossed cues for the third time in their five-night amateur match for $3,000. The contest is exceptional in billiards, because of the unusual interest it has awakened in club circles. It is reported that at the Racquet, Union, and Manhattan Clubs alone $50,000 had been wagered on the result. The match grew out of the tournament at the club last winter, in which Dr. Knapp defeated Mr. Morten in the decisive game for the club championship. Mr. Morten bet $1,500 that Dr. Knapp couldn't defeat him again, and went into practice for the match with Frank Barton; Dr. Knapp practised at the Union Club with J. Randolph Heiser to teach him. The game is the regular three-ball French carroms.

When Mr. Knapp opened play last night his score was 597 to Mr. Morten's 600. He took off his dress coat, chalked his jointed ivory-tipped cue, and regained a big lead right off.

Mr. Morten played with the same kind of Schaefer cue that Dr. Knapp used, but he didn't play so well. Dr. Knapp had piled up 105 carroms on his score before Mr. Morten rolled up his first double figure run of 22. This made his evening's score 68, 87 behind Dr. Knapp's. When Mr. Morten retired Dr. Knapp rattled off 46 cleverly on the rail.

Ill fortune clung to Mr. Morten persistently, while his adversary was thus jauntily widening the gap in the scores. Finally the balls were changed for a better set, and then Mr. Morten began to roll up some fine billiards with them. Several daring masse strokes made two runs of 19 and 24 ornate, and lifted Mr. Morten's score up to 177, only 21 behind his opponent's. A little flatter he turned his second string, with 201 to Mr. Knapp's 221.

Then Mr. Knapp woke up and made such a big gap in the scores that Mr. Morton couldn't catch up before his adversary had made his requisite 303. Dr. Knapp closed the evening's play with a lead of 72 points. This was the score:

Knapp—13, 17, 2, 0, 1, 4, 0, 28, 0, 5, 3, 2, 0, 1, 0, 11, 2, 5, 1, 0, 0, 0, 0, 8, 1, 0, 0, 0, 5, 2, 1, 0, 2, 5, 4, 0, 1, 2, 3, 0, 2, 0, 11, 4, 2, 0, 0, 0, 0, 0, 12, 1, 0, 24, 2, 24, 4, 1, 3, 1—308+597=905.

Morten—8, 2, 0, 1, 1, 0, 1, 0, 1, 4, 7, 10, 0, 1, 7, 2, 22, 2, 0, 4, 0, 2, 2, 0, 0, 0, 0, 0