SUNDRY CIVIL EXPENSES.

THE HOUSE WRESTLING WITH THE BIG APPROPRIATION BILL.

Holman's Proviso, Admitting Free of Duty Articles Used by the Lighthouse Establishment, Stricken Out on a Point of Order — Tom Reed Lectures the Democrats in a Facetious Vein, and Mr. Holman Replies by Calling for a Vote—A Motion Pending to Strike Out the Appropriation for the Rock Creek Park.

WASHINGTON, May 12.—The House to-day continued the consideration of the Sundry Civil Appropriation bill in Committee of the Whole. When the proviso (added to the lighthouse section by the Committee on Appropriations) which provides that all articles imported for the use of that establishment shall be admitted free of duty was reached, Mr. Burrows (Rep., Mich.) moved to strike it out, on the ground that it was not germane to the subject matter of the bill, having relation to the revenues of the Government, a subject of which the Committee on Appropriations has no jurisdiction. It was, it seemed to him, an effort to revise the tariff law on appropriation bills.

Mr. Holman (Dem., Ind.), Chairman of the committee, defended the proviso on the ground that it would reduce expenditures, inasmuch as certain articles used by the lighthouse establishment can be purchased only in France, and if the duty is not remitted the United States must pay 45 per cent. additional therefor. Prior to the passage of the McKinley law, Mr. Holman said, the tariff act contained a general provision for the free importation of all articles used by the Government, and this simply reenacted that provision for the benefit of the lighthouse service. He quoted from the Fortifications bill of last year to show that it contained a provision authorizing free importation of material to be used for fortifications.

Mr. Burrows argued that, aside from the fact that the proviso was not germane, it did not reduce expenditures in the manner prescribed, so as to bring it within the rule, and it also changed existing law. To make the proviso come within the rule, he said, the Chairman must rule that the removal of duties imposed by the Tariff act on a number of articles is germane to the Sundry Civil bill.

Mr. Breckenridge (Dem., Ky.) said the proviso was germane. It did not change existing law, and did reduce expenditures. It was practically an appropriation of the amount of the duty to the amount appropriated in gross for the articles.

Mr. Burrows insisted that if this proviso is allowed to stand, the way is open by amendments to appropriation bills for an entire revision of the tariff.

Chairman Lester ruled that the proviso was repugnant to the rules of the House upon all three points raised against it—that it was not germane, that it changed existing law, and did not reduce expenditures as required by the rule in order to admit it. The point of order was therefore sustained.

Mr. Breckenridge said he would not appeal from the decision of the Chair, but desired to inform the committee that if the proviso were omitted, the amount carried by the item ($370,000) would not be sufficient for the purposes of the lighthouse establishment.

Mr. Reed (Rep., Me.) moved to increase the appropriation from $370,000 to $408,000, the amount that would be required to meet the demands of the establishment. He urged the House to support the recommendation of the Appropriation Committee, sanctioned by the Chairman thereof.

Mr. Holman said that even with the proviso stricken out of the bill, the amount of the appropriation ($370,000) was amply sufficient, and he hoped the House would refuse to increase it.

Mr. Reed's amendment was lost—yeas, 16; nays, 151.

In the section covering the expenditures of the Smithsonian Institution, there was a proviso for the admission of articles imported for the use of the National Museum free of duty, but it was stricken out on a point of order made by Mr. Cogswell (Rep., Mass.). Mr. Cogswell endeavored to increase the appropriation, but the House refused.

On the motion to increase from $9,000 to $15,000 the improvement of the Zoological Park grounds, a rising vote showed, yeas 37, nays 151. A count by tellers was ordered, and the vote resulted—yeas 4, nays 163.

Mr. Bailey (Dem., Texas) moved to strike out all the section relating to the park. He said he did not believe it was the business of the Government to engage in purveying amusements for the people. But he made the motion at this time because of the oft-repeated declaration on the floor of Congress that a deficit will occur in the Treasury this year. The present situation, he said, presented the necessity of either increasing the present taxes or the amount of the interest-bearing debt. To meet the difficulty Mr. Bailey said he had prepared an amendment which he sent to the Clerk's desk and had read. It authorized the Secretary of the Treasury to issue an amount of legal tender Treasury notes equal to the sum carried by the bill, with which the Secretary of the Treasury shall pay all expenditures authorized by the bill.

Pending a vote Mr. Butler (Dem., Iowa) referring to Mr. Cogswell's statement that the Republicans had no desire to obstruct the consideration of the bill, but did desire to have explanations from the majority of the committee as to why the great reductions proposed were made, said that of course that statement implied that the Republican members intended to obey the rules of the House and vote on all questions. He desired to call the attention of the country to the fact that the last vote showed only three Republican members in the House attending to their business.

Mr. Reed—Now that is a very touching statement. [Laughter.] I think my friend from Massachusetts (Mr. Cogswell) is not at all right in the position which he has taken, and that the gentleman from Indiana (Mr. Holman) should afford an explanation to this House for his action. He hasn't any. [Laughter.] That is the reason why he is silent. The only explanation that can really be given is a simple one, and he does not like to present it; but I am going to suggest to the House precisely what it is. I am going to do it simply because I have had experience, and have seen this thing time and again. If we could only attract in some way or other the attention of the people of this country to performances like this vote, we would get rid of them; but, unfortunately, if there is anything that this country does not care about, it is the House of Representatives and the Senate. [Laughter.] You can see that by the hands they have recently put the House in. [Laughter.] Now, I have seen this performance at least ten times, a great many times under the leadership of a very great man, whose tactics to-day are being imitated by the present Chairman of the Committee on Appropriations. Having no reason to give except the reason of brute force, he gives that. Three to one—that is the argument in favor of these appropriations.

Mr. Butler.—It counts just the same.

Mr. Reed—There are three of you to one of us. There is no other reason on the face of the earth except that. Now, what is the purpose demonstrated here? The purpose is to deceive the people of the United States as to the action of the Democratic party. It is an attempt to obtain the good will of the American people upon their economic side without actually benefiting them in the least. Nobody knows better than the Chairman of the Committee on Appropriations at this minute that all these appropriations that we are going through now have to be revised and have got to be added to by the Senate of the United States in accordance with their official duty, which they will have to perform. He knows that the Government will not be starved, because the Senate will put on the amendments, and after a decent little performance, with a natural coyness, he will accept many of them—almost all of them. Then he will go to the country and say: "Look! See what a virtuous House we had, and see what a profligate Senate." [Great laughter.] This is the tenth repetition within my recollection of this kind of business. Is it not too bad for grown men to be doing this? [Renewed laughter.] These appropriations came in here with the approval of the Committee on Appropriations. A portion of one of them was stricken out under the rules of the House, and they declined to adopt the amendment necessary in order to bring it up to the standard they set up for themselves. They stand condemned out of their own mouths, and yet here they are. What is the object of it? The object of it is to go to the country with a false token; to charge the Senate of the United States and the political party which it represents with extravagance that these men themselves have justified by their own votes and hands? And you are all going to follow him. This exposition of it would not make any difference, nor have I the slightest hope that I shall attract the attention of the country to it.

Mr. Wise (Dem., Va.)—You have never said anything more truthful than that.

Mr. Reed—I have never said anything more truthful, and I have said a great many truthful things in this House, as the gentleman from Virginia knows. Now, Mr. Chairman, I think we had better go into particulars. I sincerely hope that the gentleman from Indiana will attempt something for decency sake that looks like an explanation.

Mr. Holman—Mr. Chairman, I hope we will have a vote. [Great laughter on the Democratic side.]

The motion of Mr. Bailey to strike out was defeated.

Mr. Dickerson (Dem., Ky.) offered an amendment providing for the repeal of the law establishing the National Park on Rock Creek, but it was ruled out on the point of order that it was not germane.

At 5:35 the committee rose and the House adjourned until to-morrow.

THE CENSUS INVESTIGATION.

Loose Manner in Which the Philadelphia Census Was Taken.

WASHINGTON, May 12.—The sub-committee of the House Committee on the Eleventh Census appointed to investigate the charges contained in the resolution of Representative Alderson of West Virginia, in substance that the Census Bureau had been wrongfully conducted under the management of Superintendent Porter, began its sessions to-day.

Representative J. D. Taylor, a member of the committee, offered a resolution providing that "all charges which are to be investigated by this committee shall, with the specifications relating thereto, be presented in writing, signed by some reliable person, and a copy of the same shall in all cases be given to the person against whom the charges are made."

In support of the resolution Mr. Taylor discussed certain charges in the resolution of inquiry, one being that the bureau had been wrongfully conducted in the State of New York. This, he said, was too general, too wide.

Representative Fithian said that the authority of the committee was set forth by the House, and if the charges were not specific enough it was the fault of the House and not that of the committee. He thought the charges were specific enough, and he wanted to have a fair and impartial investigation.

Mr. Taylor's resolution was lost by a vote of 2 to 3.

Representative Reyburn related facts in regard to the loose manner in which the Philadelphia census was accomplished. In regard to the manufacturing statistics there was an entire lack of system, and when he asked the department for an investigation there was no disposition to allow it or to act as sensible and practical men should. Mr. Reyburn then told of the manner in which the man (Thompson) in charge of manufacturing statistics was appointed. He had a talk with Superintendent Porter about a person for the place, and several persons were named, but for various reasons were not accepted, and Thompson was appointed. Mr. Reyburn said that he afterward found that the man at the head of this work in Philadelphia was to be a figurehead, and the department was to have the work done under its direct supervision by sending a man from Washington to do it. His name, he thought, was Kaiser. When the department found that Thompson was going at the work in earnest they raised a wind. Mr. Reyburn did not think the department wanted a thorough or exhaustive census of Philadelphia, and he had not one particle of confidence in the census. He said the department spent a lot of money in using its special agents to try and learn something crooked about poor devils without any friends. He cited a case of an enumerator who died in a Philadelphia almshouse of pneumonia, and his wife died the next day, the department withholding a pittance due him, which would probably have helped the man in saving his life. Mr. Reyburn concluded by saying that Mr. Thompson would appear before the committee. The committee adjourned until Saturday.

COLORED BAPTISTS DISAGREE.

Does the Colored Race Prefer to be in a Subordinate Condition?

WASHINGTON, May 12.—The colored Baptist Convention to-day adopted a resolution condemning the utterances of the Southern Colored Baptist Convention of last year, that "nothing is plainer to any one who knows this race than its perfect willingness to accept a subordinate place; that this is the condition it prefers above all others, and this is the condition in which it attains the highest development of every attribute of manhood."

One speaker, while asserting his purpose to vote for the resolution, said that the colored race in America was to-day occupying a subordinate position. "Those," he said, "who have money, position, and influence, and who place virtue and honesty above all other things, will always hold those who do not so believe in subordination; but the elements of right-doing and greatness were in the colored race, and it needed but their bringing out and cultivation to attain the greatness and power held by the white race. Until that was done the colored race would remain an insubordinate one. The line followed by the white race should be followed by the colored race, and God should be unceasingly implored for aid and guidance."

IRVING SUED FOR SLANDER.

He Says Mrs. Werl is Merely Trying to Get What Money He May Have.

Philip H. Irving, said to be a theatrical manager, and living at 52 West Twenty-eighth street, was arrested in an action in the Superior Court brought by Charlotte Werl to recover $10,000 for defamation of character and held in default of $1,000 bail. Judge Gildersleeve subsequently granted an order to show cause why bail should not be reduced, and paroled him meanwhile. Yesterday Judge McAdam fixed bail at $100, which he gave and was released.

The alleged slander consisted of statements in derogation of the character of Mrs. Werl as a married woman. Irving introduced her as his sister to some of his friends, it is said, and said he met her while she was acting as a model in an artist's studio.

Irving says in his affidavit for a reduction of bail that he met her a year ago last October, and that they have since had intimate relations. She said she was a married woman who had for years lived apart from her husband, whom she believed to be dead. She had his sympathies, and he believes the action is brought to fleece him, as he thinks, she has the impression that he has money.

Cohoes Assessors Indicted.

TROY, May 12.—The Albany county Grand Jury has indicted Assessors Greely and Hambrook of Cohoes for alleged partiality in assessing property, and this morning on a bench warrant issued by County Judge Clute Assessor Hambrook was arrested and locked up in the Cohoes police station. Greely left town on a morning train for the north and his whereabouts are unknown. The cause leading up to the arrest of the assessors was the recent election contest in Cohoes between the Hill and Cleveland factions, when the Republican candidate won the three-cornered fight. The assessors were Hill men, and the county officers are Herrick or Cleveland men. About sixty residents of Cohoes gave testimony against the assessors, and it is announced that District Attorney Eaton of Albany county, who is a Herrick man, will push the case against them.

Formal Announcement of the Lottery's Defeat.

NEW ORLEANS, May 12.—The Secretary of State announces to-day that of the three constitutional amendments voted for at the late election, two were defeated and one carried. The first amendment, by which Louisiana was to renew the charter of the Louisiana Lottery for twenty-five years for $1,250,000 a year, was defeated by 150,000 majority, and received only a few hundred votes. The second amendment, authorizing the parish to levy an increased tax for school purposes, was also defeated. The third amendment, called the New Orleans debt amendment, was carried. It authorized the city to retire the $6,000,000 of bonds which fall due in the next two or three years, and which bear five, six, seven, and eight per cent., and to issue in their stead bonds at four per cent., and will in this way reduce the interest charge of the city $250,000.

Waiting Six Years to Try a Policeman.

Policeman Edward F. Flood was called to the bar of the General Sessions yesterday upon two indictments for assault, found in October, 1886. They had slumbered for nearly six years in the pigeonholes of the District Attorney's office. The complainants against Flood were Elina Lagomarsino and Rosie Cresci, who charged that Flood, while drunk, struck them with his fist and threatened to assault them with his club. Flood was in full uniform when he appeared at the bar. Assistant District Attorney Bedford said that he could not imagine why the indictments had not been disposed of before, and moved that they be dismissed. Judge Cowing granted the motion, and Flood was discharged.

Punished for Poaching.

PORT TOWNSEND, Wash., May 12.—The Captain and ten of the crew of the schooner Challenge, which was seized in January last at Ounalaska for illegal sealing, were tried at the May term of the United States Court at Sitka and found guilty. The Captain was sentenced to ninety days' imprisonment and each of the crew to thirty days.

VICTORIA, B. C., May 12.—The British Behring Sea patrol will leave about June 1 with orders to seize all vessels found sealing, whether they had been notified or not. The patrol consists of the Melpomene, Nymphe, and Daphne.

LIVE WASHINGTON TOPICS.

PROPOSED INVESTIGATION OF THE PINKERTON FORCE.

An Animated Debate in the House Over the Resolution, Which Was Finally Adopted—A Bill Granting American Registry to a Pacific Mail Steamship—Senator Hill to Sound the Alarm in the Senate Against Extravagant Expenditures.

WASHINGTON, May 12.—In the House to-day Mr. Oates (Dem., Ala.) made a privileged report from the Committee on the Judiciary submitting a substitute for the resolution introduced by Mr. Watson of Georgia looking to an investigation of the Pinkerton force. The substitute authorizes the committee to institute the investigation (limited to a cost of $2,000), and to report by bill or otherwise, as may be deemed necessary.

Mr. Watson (P. P., Ga.) said he introduced the resolution because he believed the existence of such a force as the Pinkertons was a menace to good order and the welfare of society. It was a force that could be employed and had been employed by corporations to shoot down (as at Albany) inoffensive and innocent men, women, and children. Before the court investigating the Albany incident the railroad authorities refused to answer what instructions had been given the Pinkertons when they were sent out with Winchesters. He was no more in favor of labor having a standing army than capitalists. He stood by the law, and wanted these parties to do the same. His idea of having an investigation was that the United States could control the running of its mail trains and the trains engaged in inter-State commerce. In these domains the States are powerless, and because there is no legislation by Congress the irresponsible army of Pinkertons escape punishment because they are irresponsible.

Messrs. E. B. Taylor (Rep., Ohio) and Bynum (Dem., Ind.), members of the Committee on the Judiciary, opposed the resolution on the ground that it related to a matter over which the Federal Government has no jurisdiction, and that all such investigations have resulted merely in the depletion of the contingent fund of the House, in which a deficit now exists.

Mr. Hemphill (Dem., S. C.) said he should vote against the resolution because it tends to aggravate the curse under which the country now rests, that of calling upon Congress to do everything which the people in their municipal capacities or the States should do for themselves.

Mr. Simpson (P. P., Kan.) said that some members of the House, when the working people of the country asked any action for the protection of their lives and interests, shielded themselves behind the Constitution and the laws, and found there reasons why they should not do what the people wanted.

Mr. Butler (Dem., Iowa) said that if there was plenty of authority for the appropriation of money to improve any creek in the United States there certainly was as much, or should be, to investigate offences against the lives and liberties of the people.

Mr. E. B. Taylor asked Mr. Butler if, in his opinion, the lynchings of negroes in the South was such an offence against the lives and liberties of the people as should be investigated by Congress. His friend on his right (Mr. Cheatham of North Carolina) had a resolution for an investigation in that direction, and he (Taylor) had told him that that was a matter for the State.

The question precipitated quite a noisy time, many members being on their feet to answer Mr. Taylor. None of them could be distinguished, and the uproar was ended by putting the motion on the resolution. It was agreed to without a division.

The Senate to-day disposed of the Naval Appropriation bill up to the point where the increase of the navy and the proposed new battle ships come in. Discussion of these disputed matters was postponed until to-morrow. Among the committee amendments adopted was one appropriating $50,000 as a starter for the Columbian naval rendezvous and review, and $20,000 for the League Island Navy Yard, Philadelphia.

S. F. Leake of Philadelphia yesterday sent to Chairman Henderson of the Post Offices and Post Roads Committee a letter saying that he should hold himself in readiness to supply the committee, upon its investigation of charges against Postmaster-General Wanamaker regarding pneumatic mail transportation in Philadelphia, with whatever information and proof he has in his possession, and to attend personally at any time designated, and asking for an early opportunity to place facts in the matter before the committee.

In the Senate to-day Mr. Dawes introduced a joint resolution directing the President to issue a proclamation recommending to the people the observance in all their localities of the 400th anniversary of the discovery of America, on Oct. 12, 1892, "by such demonstrations and by suitable exercises in their schools and other places of assembly, which may impress them anew with the intellectual, moral, and social developments made possible by the act of Columbus."

The *Post* this morning says: "It is said that Senator Hill intends, as soon as the opportunity offers, to sound the alarm in the Senate against the present proneness of the Democratic party to come as near as possible to the record of the Republicans in the matter of expenditures of the public funds. The attacks of the press on the Democratic party for its attitude in this matter of economy, in view of its pledges to the country, have begun to create alarm in the ranks of the party, and those who have paid little heed to the appropriations carried by the bills that have passed have had their eyes opened to facts that have staggered them. Mr. Holman, who has for years passed as the watchdog of the Treasury, and his able assistants, Messrs. Dockery, Sayres, and McMillin, have taken up the cudgels on the side that has been setting against them, and it is said that a movement has been put on foot to have a larger and a more powerful leader to read the riot act to the Democrats and notify them that this kind of work must cease at once."

Dr. J. W. Little, a member of the Board of Surgeons of the Pension Office, was before the pension investigating committee to-day. He was asked whether, at the time of his appointment or after, he endorsed a note or paper in favor of Green B. Raum, Jr., or gave him a note for any amount of money. Dr. Little evaded a direct answer. He afterward said that Raum, Jr., asked him to endorse a note, which he did not do. He was then asked whether he ever endorsed Raum's note, but he declined to answer on the ground that it was a private matter. He made trifling answers to all questions propounded as to whether he loaned Green B. Raum, Jr., any money while both were in office. He persisted in declining to give the committee any information on this point.

M. G. Seckendorf, correspondent of the *New York Tribune*, was the next witness. He did not know of any correspondence between Russell Harrison and Whitelaw Reid looking to the suppression of attacks on the Pension Office by the *Tribune*, and declined to give any information on the subject on the ground that it would open up a line of investigation that would disclose the policy of the *Tribune*. He also declined to answer Mr. Enloe's question whether or not Private Secretary Halford had requested that the attacks on the Pension Office be stopped.

John P. Kelly, a principal examiner in the Pension Office, admitted that he borrowed different sums of money from Donahue at 10 per cent., but said that the latter perjured himself when he said that he (Kelly) had subscribed for stock in any company in which Commissioner Raum was interested. Kelly gave his answers in a frank and open manner, which impelled Chairman Wheeler to thank him. In reply he said that he had nothing to conceal, "not even his poverty."

Dr. Ingraham, a medical examiner in the Pension Office, testified that there was no evidence to show that W. W. Dudley had been examined prior to the increase of his pension. He said that it was usual in cases where claimants applied for an increase of pension that a medical examination should be made. In Dudley's case the amputation was practically at the knee joint, and came within the meaning of the act of Congress regulating such cases. Dr. Ingraham gave the committee much valuable information in cases similar to Dudley's, after which the committee adjourned until to-morrow.

Senator Hiscock to-day offered a bill, which was referred to the Committee on Commerce, granting an American registry to the steamship China, "a foreign-built steamship now engaged in freight and passenger business, having a tonnage of about 5,000 tons, provided it shall be lawful for citizens to own not more than forty per cent. of the shares of the foreign corporation owning said steamship were on Jan. 1, 1890, and have since remained the property of citizens of the United States; provided, further, that the company shall contract to build a vessel of equal tonnage in an American shipyard.

Senator Call of Florida offered two resolutions, which were ordered printed and referred to the Committee on Foreign Relations. The first provides for a joint committee of three Senators and four Representatives to inquire into the condition of Cuba and the islands known as the Antilles, the Bahamas, and the Windward Islands, their commercial and military relations with the United States, and to report to Congress such legislation as may be necessary to improve the commercial and political relations of the United States and those islands. The second resolution authorized the President to open negotiations with Spain for the purpose of inducing that Government to consent to the establishment in the island of Cuba of a free and independent republic, upon the payment to Spain by Cuba of a sum equal to the value of the public property and the surrender of sovereign rights in said island.

A bill to exclude political influence from the 61,000 fourth-class Post Offices was agreed upon at the meeting of the House Committee on Civil Service Reform this morning. The bill provides for the division of the country into postal districts, and that where vacancies occur open competition shall be announced by Post Office inspectors, who shall recommend the best man to the Postmaster-General, after receiving the applications and examining the facts. Congressmen and other Federal officials are forbidden to make recommendations or to interfere in any way with appointments under the bill, and appointments or removals upon political grounds are prohibited. The limitation of the bill to offices where the annual compensation is above $100 leaves more than 34,000 offices exempt from personal visits by the inspectors in choosing postmasters, but the provisions regarding political interference apply equally to all the offices, and it is expected that if politics are excluded from the more important ones there will be little attempt to evade the law in filling the smaller places. It is estimated by the committee that the extreme cost of the proposed system would would be $60,000 for thirty inspectors, and that probably the present force of inspectors would need but a slight increase in numbers to carry out the provisions of the bill in connection with their other duties.

WHAT DID MRS. SHARP SAY?

Several Things Uncomplimentary to Edwards, with a Pistol Flourish for Emphasis.

James Edwards, formerly a clerk for Mrs. Julia Sharp, an English woman who came to the United States recently with her husband, Henry Sharp, and a big Scotch policeman named McBean, and opened a bank and exchange office at 42 West Twenty-third street, was tried yesterday in the General Sessions before Judge Fitzgerald upon an indictment charging him with stealing $400 belonging to Mrs. Sharp.

Mrs. Sharp was the first witness against Edwards. She was richly dressed, and all the hues of the rainbow were visible in her attire. In her ears and at her throat were big diamonds. She was full of wrath toward Edwards, and she summed up against him until the lawyers on both sides, the stenographer, and the Judge vainly endeavored to stem the torrent of words. Her story was that on March 10 she had $400, which she intended to use for a special purpose, locked in her safe. She told Edwards to bring it to her, and she looked at it, and then directed him to replace it in the safe. Then she went out on an errand, telling Edwards that she would be back in about ten minutes. She did not overstay her time, because she had an appointment with Prince Galitzin, who wanted to look at a necklace worth $20,000. When she returned Edwards was gone. Soon afterward he came back and told her that he had lost the $400, having put it in his pocket to buy exchange with.

"What occurred then, he told you that he had lost the money?" asked Assistant District Attorney Townsend blandly.

"I told him, sir," replied Mrs. Sharp, "that he had disobeyed my orders in touching that money, and that he was a thief and a scoundrel. I said to him: 'How did you dare to touch my own money which I kept for my own purpose? You thief, you scoundrel, give me back my money or I will blow your brains out!' I caught up a pistol, and I pointed it at him when I told him that I would blow his brains out if he did not give me back my money."

Edwards repeated his story that he lost the $400 while on the way to Wall street to buy exchange for a customer who had come in while Mrs. Sharp was absent.

The counsel will sum up to-day.

CONTESTING SEXTON DAY'S WILL.

Three of His Sons Charge Their Brother and Sister with Undue Influence.

Three sons of the late Charles J. Day, who was sexton of the First Presbyterian Church, at Fifth avenue and Twelfth street, for thirty years, are contesting their father's will on the ground that their sister and youngest brother by undue influence got the bigger share of the estate. Mr. Day died four weeks ago, and the case has already been placed on the Surrogate's calendar for trial on Oct. 17.

Mr. Day left about $100,000 invested in real estate in the Ninth ward. He had been suffering from paralysis for more than two years, and his youngest son, Walter, who is 30 years old, and his daughter, Mrs. Selina Dolman, lived with him at 23 West Twelfth street. When his wife died on New Year's Day, it was found that she had left two-thirds of her money, which amounted in all to about $10,000, to these two children and divided the rest equally among the other three. This will was admitted to probate on Feb. 1. The elder sons say that when the will was read, their father declared he had said not any partiality in the division of his money, but would divide it into five equal portions.

After his death it was found that on Jan. 5, two days after the burial of his wife, he had added a codicil to his will by which Walter and his sister received $5,000 each, the remainder to be divided equally among the five children. Then the three elder brothers decided to contest the will and also to revoke the probate of their mother's will.

The four sons are all employed as clerks in banks. Two are in the Broadway Bank, one in the Hanover, and the youngest in the Chemical Bank.

OPEN CARS A MENACE TO HEALTH.

Letters of Protest Received by Dr. Edson—What Power Has the Health Board?

Dr. Cyrus Edson received yesterday an anonymous letter, which said that the Eighth Avenue Railroad Company was responsible for much sickness, because it has been running open cars while the weather is too cold. The writer said that one day he had to wait so long for a closed car, almost all the cars being open ones, that he caught a bad cold anyhow. Other letters of a similar nature have been received by the Board. The physicians of the department believe that open cars in chilly weather are responsible for many colds, which often develop into pneumonia.

Dr. Edson detailed a sanitary inspector to talk the matter over with the officials of the Eighth avenue road, and he had a conference with Henry Steinert, the counsel to the department, who said that the case might be covered by section 8 of the Sanitary Code. This is section 8:

> No person shall carelessly or negligently do or devise or contribute to the doing of any act or thing dangerous to the life or detrimental to the health of any human being; nor shall any person knowingly do or devise or contribute to the doing of any such act or thing (not actually authorized by law) except with justifiable motives, and for adequate reasons; nor shall any person omit to do any act or to take any precaution reasonable and proper to prevent or remove danger or detriment to the life or health of any human being.

ONCE A. T. STEWART'S COOK, SHE SAYS.

Saved $2,100, and Doesn't Mean to Spend It on Police Court Fines.

Margaret Gillon, with bank books showing a balance of $2,100 in her favor at the Bleecker Street Savings Bank, was taken to the Jefferson Market Police Court yesterday by Policeman Hastings, who had found her sitting on the curbstone in the rain on Wednesday night, in front of 61 Macdougal street. She had taken off her shoes, and the policeman thought she was a street beggar. Margaret's hair is thin and white, and her face is filled with fine wrinkles. She carried a cane, and the policeman said she was drunk.

She says she once was A. T. Stewart's cook. "He gave me $40 a month, and I saved it. I left Mr. Stewart's family a long time before he died, or I'd got something in the will. I hurt me leg ten years ago, and I haven't worked much since. What am I going to do with my $2,100? I'm going to save it—that's all. I worked hard enough to get it."

Margaret refused to pay the $10 fine imposed, and will be sent to the Island to-day.

Two More Negro Bishops.

PITTSBURGH, May 12.—The African Methodist Episcopal General Church Conference to-day elected two Bishops after an exciting contest. They are the Rev. Dr. J. C. Clinton of Lancaster, S. C., and the Rev. Dr. Albert Walters of New York city. Up to the sixty-third ballot the Rev. Dr. J. M. Alstock of Alabama and the Rev. Dr. Walters tied. Other leading candidates were the Rev. Dr. R. H. Curry of New York, the Rev. Dr. George W. Offett, the Rev. Dr. P. H. G. Byson, and the Rev. Dr. John Halliday. When the wife of Bishop S. T. Jones cast her ballot she received much applause as the first woman who ever voted in a general Conference. Bishop J. W. Hood of North Carolina presided.

Ex-Speaker Winthrop is 80.

BOSTON, May 12.—This is the eighty-third anniversary of the birth of the Hon. Robert Winthrop. He is the oldest ex-Speaker of the national House of Representatives living. Mr. Winthrop enjoys the distinction of having known every President of the United States since Jefferson. Mr. Winthrop arrived here last night from Washington, where he visited the President. He is in good health. He is receiving many congratulations from various parts of the country.

MRS. HOTCHKISS-CUNNINGHAM'S MONEY.

She Was Known as the Wife of the Gun Inventor, and Her Sister Disputes Her Will.

A contest was begun before Surrogate Ransom yesterday afternoon over the will of Mrs. Maria E. Hotchkiss, or Cunningham, who lived with Benjamin B. Hotchkiss, the famous gun inventor and manufacturer, for twenty years as his wife and who had passed as his widow. But it is stated that the proceedings will show that she was not his wife, and that Mr. Hotchkiss had a legal wife from whom he had not been divorced, but from whom he had been separated for more than twenty years.

Mr. Hotchkiss died intestate in Paris in February, 1885, leaving an estate estimated at $12,000,000. His relatives claimed his fortune. The woman whose will is now in dispute received no share of the estate.

Maria E. Hotchkiss, as she was called, died at the Everett House on Jan. 26 of this year. For several years she had occupied apartments at that hotel. On the morning after her death a paper purporting to be her last will was filed in the Surrogate's office by Silas Wodell, a young lawyer of Poughkeepsie. The will is dated Jan. 7, 1891, and is witnessed by William H. Young and William G. Verplanck of the law firm of Young & Verplanck, 54 William street, and Mr. Prince, their managing clerk. By the terms of this will Mrs. Hotchkiss leaves $50,000 in small legacies, $15,000 to her sister, Mrs. Mantie; $100,000 to her nephew, Rafael Wood; $5,000 for a bed at Roosevelt Hospital, some lace to the Metropolitan Museum of Art, and the residue of her estate she bequeathes to the *Tribune* Fresh Air Fund. The whole estate amounts to about $400,000. Silas Wodell is named as executor.

The will is being contested by Mrs. Caroline Mantie of this city, the only sister of Mrs. Hotchkiss, and the mother of Rafael Wood. Wood is a son by her first husband. Wood is an American by birth, but is a naturalized citizen of France, where he lives. He is in New York now looking after this suit. Mrs. Mantie alleges that Wood procured the making of the will by fraud and undue influence. She was represented in court yesterday by ex-Surrogate Daniel G. Rollins, Charles H. Beckett, and Messrs. Horwitz and Hirschfield.

Messrs. Young & Verplanck, the subscribing witnesses to the will, appeared for the proponent, Mr. Wodell; Mr. Anderson of Anderson & Howland appeared for the *Tribune* Fresh Air Fund Society, and De Witt C. Brown of Brown & Dexter appeared for Rafael Wood.

The name of Mr. Hotchkiss's first wife, or, as is claimed, his only wife, was Maria H. They were married at Sharon, Conn. Miss Cunningham's name was Maria E. The similarity of the names is said to be simply a coincidence. Mrs. Maria E. Hotchkiss, who was about 60 years old when she died, accompanied Mr. Hotchkiss in all his travels in Europe and other countries, was always known as his wife, and shared as such the honors and attention bestowed upon the great inventor. They lived in extravagant style. They had one child, a daughter, who died some years ago in Paris.

In yesterday's proceedings Mr. Young, Mr. Verplanck, and Mr. Prince testified to the execution of the will, and the case was adjourned until next Monday.

A TWENTY-KNOT VESSEL.

The Hamburg-American Steam Fuerst Bismarck Makes a New Record.

The Hamburg-American steamship Fuerst Bismarck may be classed now as a twenty-knot vessel. She won her right to the title by the voyage she finished at Southampton yesterday. She ranks third by her latest performance in the quintet of twenty-knot boats, consisting of the Teutonic, the Majestic, the Fuerst Bismarck, the City of Paris, and the City of New York. She has created a new record of 6 days 12 hours and 33 minutes to Southampton. This is 25 minutes better than the previous record, which she held. Her agents compute her time thus:

	May	Hours	Min.
Arrived at Southampton	12	6	20
Left New York	5	2	47
Apparent time of voyage	6	17	33
Deduct for difference in time		5	00
Actual time of voyage	6	12	33

Her daily runs, from noon to noon, or within a period of about 23 hours, were:

May 6	384	May 11	474
May 7	460	May 12	401
May 8	477		
May 9	470	Total	3,143
May 10	473		

Her average hourly speed for the voyage was 20.076 knots. The average hourly speed of the Teutonic when she made the record of 5 days 19 hours and 31 minutes from Queenstown was 20.3493 knots, which is a trifle more than a quarter of a knot better than the Fuerst Bismarck's time. The City of Paris, when she made her best run of 5 days 19 hours and 18 minutes, averaged 20.01 knots an hour, or about .06 less than the Fuerst Bismarck.

The Hamburg-American line is ambitious to show that Germany can construct just as fast packets as Britain, and it looks as if they were going to do it.

RECORDER SMYTH RUBS IT IN.

Not Enough Business Ready to Keep Even the General Sessions Going.

Two petty cases failed for lack of proof before Recorder Smyth yesterday, and at 1:25 Court adjourned because the District Attorney had no further business ready.

Recorder Smyth turned to the panel of jurors, fifty in number, costing the taxpayers $100 a day, and said:

Gentlemen of the jury, I am sorry to have brought you here apparently without any purpose. It is not my fault that you are here without work. I am here and you are here for the purpose of disposing of the public business. I am sorry to say that, although there is said to be a large amount of public business undisposed of—so large that an extraordinary term of the court of Oyer and Terminer has been summoned at the request of the District Attorney of this county for the purpose of disposing of the accumulation of public business which, in my judgment, might be disposed of by this court without putting the county to a very large and utterly unnecessary expense—we are here to-day without any business to occupy us. I am, therefore, compelled to adjourn the court and to discharge you until 11 o'clock to-morrow morning. I venture to hope that the District Attorney will by that time have discovered some business to occupy your time and mine. It may interest you to know, gentlemen, that Part II. of this court has already adjourned for lack of business, and that in Part I. the last case of the day is on trial.

The Emma Juch Company in Trouble.

SAN FRANCISCO, May 12.—The Emma Juch opera company is stranded in this city, and creditors from Los Angeles and other towns are here and are anxious to attach the box receipts, but there are none to attach, there being no performance. The company is booked here, and it looks as if they would be unable to leave the city. A murderous assault, arising from the company's troubles, occurred this morning. A lawyer from Los Angeles named Hunter was discussing the company's affairs with Managers Locke & Davis. Hot words were indulged in, and Hunter struck Davis with a heavy cane, cutting a bad gash in his head. He escaped, but is being pursued by officers with a warrant.

An Enormous Reservoir.

PHŒNIX, Ari., May 12.—A company was organized yesterday for the construction of one of the largest reservoirs in the world. The site taken was Box Cañon, 400 yards below the junction of Conto Creek and Salt River. The height of the dam will be 200 feet and the back water will extend 10 miles, making a capacity of 103,058,040,800 cubic feet. Owing to the abundance of lime rock, timber, and other building material on the ground, the cost of building is not expected to exceed $1,500,000. The enterprise is backed by New York capitalists.

Henry Meyer's Naturalization Papers in His Pocket.

The well-dressed body of a man was washed ashore near the Rockaway Beach life saving station Wednesday evening. A sum of money was found in the pockets together with naturalization papers issued to Henry Meyer in Philadelphia in 1885, and two photographs. A small diamond pin was found in the cravat. The body is supposed to have been in the water about two weeks. Coroner Horton of Valley Stream took charge of it.

Trouble Brewing in Cœur d'Alene.

SPOKANE FALLS, May 12.—There is great excitement in the Cœur d'Alene mine district, and it is feared bloodshed cannot longer be avoided. Non-union men are to be imported to work the mines, but the striking miners say they will not allow them to go to work. Pinkerton men are to be sent here to protect the men. It is asserted that the miners have had a large number of arms and a good supply of ammunition shipped here, and will resist the interference of the Pinkerton men.

A Twenty-ton Rock on the Rails.

NORTH ADAMS, May 12.—A passenger train on the Hoosac Tunnel and Wilmington Railroad struck a twenty-ton rock about two miles north of the Hoosac Tunnel this morning. Engineer Percy Kingsly saw the rock falling and quickly reversed his engine. The shock burst the boiler and threw Kingsly and his fireman through the windows of the cab. Both were painfully injured. The cars did not leave the track.

MARINE INTELLIGENCE.

HIGH WATER—THIS DAY.

Sandy Hook, 8 40 | Gov. Island, 8 58 | Hell Gate, 10 47

Arrived—THURSDAY, May 12.

Ss Island, Skjodt, Christiansand.
Ss Richmond Hill, Perry, London.
Ss Croma, Lord, Dundee.
Ss Gallia, Ferguson, Queenstown.
Ss Ocean, Yorge, Rotterdam.
Ss Mandaris, Oldham, St. Lucia.
Ss Neustria, Briand, Gibraltar.
Ss Niagara, Burley, Havana.
Ss Geo. W. Clyde, Holmes, Turk's Island.
Ss Simeaton Tower, Godfrey, St. Kitts.
Ss Nacoochee, Smith, Savannah.
Ss Seminole, Platt, Charleston.
Ss Old Dominion, Couch, Norfolk.
Ss Huntsman, Whyte, Philad