DEBS MUST GO TO PRISON.

A WRIT OF HABEAS CORPUS DENIED BY THE SUPREME COURT.

Justice Brewer Reads the Unanimous Opinion of the Court—The Relations of the Federal Government to Inter-State Commerce and the Transportation of the Mails Fully and Clearly Set Forth.

WASHINGTON, May 27.—The Supreme Court to-day, in a unanimous opinion read by Justice Brewer, denied the motion for a writ of habeas corpus filed by Eugene Debs and his associates of the Railway Union, and they will have to serve the sentences imposed upon them by the Circuit Court. The cases arose in the United States Circuit Court of the Northern District of Illinois. Debs and others disobeyed the order of the court enjoining them from further interference with inter-State commerce and the carrying of the United States mails. They were brought before the court for contempt, and sentenced to from three to six months' imprisonment. The case was brought before the Supreme Court on a motion for leave to file a petition for writ of habeas corpus, which was fully argued by Debs's counsel on the one side and Attorney-General Olney on the other. The decision sustains the action of the court below.

After presenting the facts in the case, the opinion says that two questions of importance are presented:

"First—Are the relations of the general Government to inter-State commerce and the transportation of the mails such as authorize a direct interference to prevent a forcible obstruction thereof?

"Second—If authority exists, as authority in Governmental affairs implies both power and duty, has a court of equity jurisdiction to issue an injunction in aid of the performance of such duty?

"First, what are the relations of the general Government to inter-State commerce and the transportation of the mails? They are those of direct supervision, control, and management. While under the dual system, which prevails with us, the powers of Government are distributed between the State and the nation, and while the latter is properly styled a Government of enumerated powers, yet within the limits of such enumeration it has all the attributes of sovereignty, and, in the exercise of these enumerated powers, acts directly upon the citizen, and not through the intermediate agency of the State.

"If the inhabitants of a single State, or a great body of them, should combine to obstruct inter-State commerce or the transportation of the mails, prosecutions for such offences had in such a community would be doomed in advance to failure. And if the certainty of such failure was known, and the national Government had no other way to enforce the freedom of inter-State commerce and the transportation of mails than by prosecution and punishment for interference therewith, the whole interests of the nation in these respects would be at the absolute mercy of a portion of the inhabitants of a single State. But there is no such impotency in the national Government. The entire strength of the nation may be used to enforce in any part of the land the full and free exercise of all national powers and the security of all rights intrusted by the Constitution to its care. The strong arm of the national Government may be put forth to brush away all obstructions to the freedom of inter-State commerce or the transportation of the mails. If the emergency arises, the army of the nation and all its militia are at the service of the nation to compel obedience to its laws.

"But, passing to the second question, is there no other alternative than the use of force on the part of the executive authorities whenever obstructions arise to the freedom of inter-State commerce or the transportation of the mails? Is the army the only instrument by which the rights of the public can be enforced and the peace of the nation preserved? Grant that any public nuisance may be forcibly abated, either at the instance of the authorities or by any individual suffering private damage therefrom, the existence of this right of forcible abatement is not inconsistent with nor does it destroy the right of appeal in an orderly way to the courts for a judicial determination, and an exercise of their powers by writ of injunction and otherwise to accomplish the same result. It is more to the praise than to the blame of the Government that, instead of determining for itself questions of right and wrong on the part of these petitioners and their associates, and enforcing that determination by the club of the policeman and the bayonet of the soldier, it submitted all those questions to the peaceful determination of judicial tribunals, and invoked their consideration and judgment as to the measure of its rights and powers, and the correlative obligations of those against whom it made complaint. And it is equally to the credit of the latter that the judgment of those tribunals was by the great body of them respected, and the troubles which threatened so much disaster terminated.

"Neither can it be doubted that the Government has such an interest in the subject matter as enables it to appear as party plaintiff in this suit. It is said that equity only interferes for the protection of property, and that the Government has no property interest. A sufficient reply is that the United States have a property in the mails, the protection of which was one of the purposes of this bill. Every Government, intrusted by the very terms of its being with powers and duties to be exercised and discharged for the general welfare, has a right to apply to its own courts for any proper assistance in the exercise of the one and the discharge of the other, and it is no sufficient answer to its appeal to one of those courts that it has no pecuniary interest in the matter. The obligations which it is under to promote the interest of all and to prevent the wrongdoing of one resulting in injury to the general welfare is often in itself sufficient to give it a standing in court. This proposition, in some of its relations, has heretofore received the sanction of this court.

"The national Government, given by the Constitution power to regulate inter-State commerce, has by express statute assumed jurisdiction over such commerce when carried upon railroads. It is charged, therefore, with the duty of keeping those highways of inter-State commerce free from obstruction, for it has always been recognized as one of the powers and duties of a Government to remove obstructions from the highways under its control.

"That the bill filed in this case disclosed special facts calling for the exercise of the powers of the court is not open to question. The picture drawn in it of the vast interests involved, not merely of the city of Chicago and the State of Illinois, but of all the States, and the general confusion into which the inter-State commerce of the country was thrown, the forcible interference with that commerce, the attempted exercise by individuals of powers belonging only to Government, and the threatened continuance of such invasions of public rights, presents a condition of things which called for the fullest exercise of all the powers of the courts. If ever there was a special exigency presented, one which demanded that the court should do all that courts can do, it is apparent on the face of this bill, and we need not turn to the public history of the day, which only reaffirms with clearest emphasis all its allegations.

"A most earnest and eloquent appeal was made to us in eulogy of the heroic spirit of those who threw up their employment and gave up their means of earning a livelihood, not in defence of their own rights, but in sympathy for and to assist others whom they believed to be wronged. We yield to none in our admiration of any act of heroism or self-sacrifice, but we may be permitted to add that it is a lesson which cannot be learned too soon or too thoroughly that under this Government of and by the people the means of redress of all wrong are through the courts and at the ballot box, and that no wrong, real or fancied, carries with it legal warrant to invite as a means of redress the cooperation of a mob, with its accompanying acts of violence.

"We have given to this case the most careful and anxious attention, for we realize that it touches closely questions of supreme importance to the people of this country. Summing up our conclusions, we hold that the Government of the United States is one having jurisdiction over every foot of soil within its territory, and acting directly upon each citizen; that while it is a Government of enumerated powers, it has within the limits of those powers all the attributes of sovereignty; that to it is committed power over inter-State commerce and the transmission of the mail; that the powers thus conferred upon the national Government are not dormant, but have been assumed and put into practical exercise by the legislation of Congress; that in the exercise of those powers it is competent for the nation to remove all obstructions upon highways, natural or artificial, to the passage of inter-State commerce or the carrying of the mail; that while it may be competent for the Government (through the executive branch and in the use of the entire executive power of the nation) to forcibly remove all such obstructions, it is equally within its competency to appeal to the civil courts for an inquiry and determination as to the existence and character of any alleged obstructions, and if such are found to exist, or threaten to occur, to invoke the powers of those courts to remove or restrain such obstructions; that the jurisdiction of courts to interfere in such matters by injunction is one recognized from ancient times and by indubitable authority; that such jurisdiction is not ousted by the fact that the obstructions are accompanied by or consist of acts in themselves violations of the criminal law; that the proceeding by injunction is of a civil character, and may be enforced by proceedings in contempt; that the penalty for a violation of such injunction is no substitute for and no defence to a prosecution for any criminal offences committed in the course of such violation; that the complaint filed in this case clearly showed an existing obstruction of artificial highways for the passage of inter-State commerce and the transmission of the mail—an obstruction not only temporarily existing, but threatening to continue; that under such complaint the Circuit Court had power to issue its process of injunction; that it having been issued and served on these defendants, the Circuit Court had authority to inquire whether its orders had been disobeyed, and when it found that they had been, then to proceed under section 725, Revised Statutes, which grants power 'to punish, by fine or imprisonment, * * * disobedience, * * * by any party * * * or other person, to any lawful writ, process, order, rule, decree, or command,' and enter the order of punishment complained of; and, finally, that the Circuit Court, having full jurisdiction in the premises, its finding of the fact of disobedience is not open to review on habeas corpus in this or any other court."

The men who are affected by the decision are Debs, Howard, Keliher, Rogers, Burns, Hogan, Godwin, and Elliott. They are the President, Vice-President, and directors of the American Railway Union. Mr. Debs is now in Terre Haute.

DEBS PRAISES HARLAN.

The Labor Leader Says the People Have Contempt for the Supreme Court.

TERRE HAUTE, Ind., May 27.—Debs was seen at his home to-night. He was talking over the Supreme Court decision with Director Rogers of the A. R. U.

"You may say," said Debs, "that I am scarcely surprised at the decision, which is a fit companion to the income tax decision. Both of these decisions are in the interest of the corporations of the country. I think I am safe in saying that the majority of citizens of the United States have recently been seized with the utmost contempt for their highest judicial tribunal. They have lost confidence in that body altogether. Justice Harlan's denunciation of his associates is, perhaps, as strong as I could arraign them, and it expresses my sentiments exactly. They have no confidence in each other, and the public have no confidence in the entire body.

"This decision against my associates and myself is a direct blow at the right of trial by jury, and under it the railroad corporations of this country have nothing to fear. They have something to fear, too, and that is the ballot box. No decision can wipe out that right, and the wage workers of the country, once thoroughly aroused, will make effective use of it.

"The Supreme Court in effect brands the quitting of work in protest against pauper wages as punishable by imprisonment. I am willing to abide by the decree. I think it will sound the death knell of industrial slavery. The ultimate outcome will be that the public will take possession of railroads and all other public utilities of this country.

"So far as I am concerned that is the hopeful view of the situation as I see it now. The corporations, trusts, and moneyed combinations are having their day, but the wage earners will eventually have theirs."

OTHER DECISIONS.

The Geary Chinese Exclusion Act Declared to Be Constitutional.

WASHINGTON, May 27.—The Supreme Court of the United States to-day decided the Geary Chinese Exclusion act to be constitutional, and incidentally affirmed the general right of the United States to exclude aliens of all kinds. The question came before the court in the case of Lem Moon Sing, appellant, agt. the United States. The appellant transacted business in San Francisco for a number of years, and in January, 1894, went on a temporary visit to China, with the intention of returning and continuing his residence in the United States. During his absence the Geary law of 1894 was passed. Justice Harlan delivered the opinion of the court, the important parts being as follows:

"The power of Congress to exclude aliens altogether from the United States, or to prescribe the terms and conditions upon which they may come to this country, and to have its declared policy in that regard enforced exclusively through executive officers, without judicial intervention, is settled by our previous adjudications. Is a statute passed in execution of that power any less applicable to an alien, who has acquired a commercial domicile in this country, but who, having voluntarily left the country, claims the right under some law or treaty to reënter it? We think not. The words of the statute are broad and include every case of an alien, at least every Chinese alien, who, at the time of its passage, is out of this country and seeks to come back. He is none the less an alien because of his having a commercial domicile in this country. While he lawfully remains here he is entitled to the benefit of the guarantees of life, liberty, and property, secured by the Constitution to all persons, of whatever race, within the jurisdiction of the United States. But when he is voluntarily absent from the country, beyond its jurisdiction, he, being an alien, cannot reënter the United States in violation of the will of the Government as expressed in enactments of the law-making power. He cannot, by reason merely of his domicile in the United States for purposes of business, demand that his claim to reënter the United States by virtue of some statute or treaty shall be determined ultimately, if not in the first instance, by the courts of the United States, rather than exclusively and finally by executive officers charged by an act of Congress with the duty of executing the will of the political department of the Government in respect of a matter wholly political in its character. He left the country subject to the exercise by Congress of every power it possessed under the Constitution. The remedy of the appellant was by appeal to the Secretary of the Treasury from the decision of his subordinate and not to the courts."

Justice Brewer dissented.

A case involving the constitutionality of an act of the State of Pennsylvania imposing a tax of eight-tenths of one per cent. upon the gross receipts of common carriers for tolls and transportation was decided in favor of the State. The case came to the Supreme Court on a writ of error from the Supreme Court of Pennsylvania. The complainant was the New York, Lake Erie and Western Railroad Company, which claimed that, as all the business done over the road by the lessee party itself was inter-State commerce, it was not competent for the State to tax the tolls received by the company which owned the road. In its opinion the court holds that the fact that the same corporation which owns the track in Pennsylvania owns likewise a track in New York, does not deprive such company of the right to receive tolls for the use of that part of its road that lies in Pennsylvania, nor the State of its right to tax such portion of the tolls, and that this is what the court below decided. It, therefore, concludes that the Federal questions involved in the case were properly decided by the Pennsylvania court, and its judgment was accordingly affirmed. The opinion was rendered by Justice Shiras.

An error of Judge Parker of the United States District Court for the Western district of Arkansas in instructing a jury engaged in trying "Babe" Beard for murder has resulted fortunately for Beard, to whom the United States Supreme Court to-day granted a new trial. Beard and a neighbor, Will Jones, lived in the Indian Territory. They had a quarrel over a cow, and one day Jones came over on Beard's premises with a threatening look in his eye and a hand in his hip pocket. Beard, following the custom of the country under such circumstances, waived preliminaries and fired. Jones was killed. Judge Parker in instructing the jury told them that Beard should have done everything to keep out of Jones's way in order to avoid trouble, but in its opinion to-day, rendered by Justice Harlan, the Supreme Court held that if a man can defend himself it is not necessary for him to get out of another man's way on his own premises when the latter is making a hostile demonstration. The opinion of the lower court is reversed and the case remanded for a new trial.

The motion made by Mr. James C. Carter of New York for leave to file an application for a writ of habeas corpus in behalf of W. P. Parkhouse of New Orleans, in order to test the constitutionality of the amendments to the Anti-lottery law passed by the last Congress, was denied. One provision of the law makes it a punishable offence for any person to convey from one State to another any advertisements, tickets, or other device of a lottery company. Mr. Parkhouse was arrested for violating this provision, in having a lottery ticket on his person while travelling from New Orleans through the State of Mississippi to Mobile. Mr. Carter, in presenting his petition, told the Supreme Court that he had no case in law if the act were constitutional, and that he had applied for the writ merely to test it. Chief Justice Fuller, in rendering the decision of the court, merely said that the application was denied.

Mrs. Hetty Green, the millionaire, was overruled in a last attempt to have set aside the sale of certain property in Cook county, Ill., formerly owned by her father and another party. The case was brought to the Supreme Court on an appeal from a decision of the Circuit Court for the Northern district of Illinois. Mrs. Green sued the executors of her father's estate and George M. Bogue et al. to set aside the sale of a quarter section of land near Chicago, now occupied by a locomotive works, claiming that the property had been sold through fraudulent means. The principal matter of complaint was based on the existence of an outside contract between certain of the executors and another party, whereby it was agreed to force up the bidding. The Supreme Court agreed with the court below that no wrong was done Mrs. Green, and dismissed the bill. The amount involved was about $700,000.

The St. Louis Goes to Sea.

DELAWARE BREAKWATER, May 27.—The American Line steamer St. Louis, which left Philadelphia on Saturday for a three-days' trial trip, passed to sea at 6:10 o'clock this morning. She was detained in the Delaware Bay yesterday by fog.

Have You Smoked Too Much?—Take Horsford's Acid Phosphate.

It will relieve the depression caused thereby, quiet the nerves and induce refreshing

HOW TO CONDUCT MEETINGS

WOMAN'S POLITICAL LEAGUE LEARNING PARLIAMENTARY LAW.

Their Teacher Says that Two Desks Are Often Worn Out By the Gavel During a Single Night's Session of Congress.

In spite of the downpour of rain yesterday morning, the Woman's Political League assembled in full force for the purpose of studying parliamentary law under the guidance of Mrs. J. A. Conklin of California.

"Never mumble or mutter when you address the Chair," the instructor charged her class. "Don't be afraid to speak out and always talk to a point, or to one single purpose. To win votes is your object when you are debating a question, and you should arrange your arguments so that they will commend themselves to your opponents. Opinionating, and talking for the sake of talking, is simply waste of time when people have something serious to consider and decide upon. Above all, remember that an officer's true vocation is to serve, and not to boss, the association which elected her."

Mrs. Conklin held in her hand a gavel given to her by a class of women which she instructed in Watertown. The gavel was made of wood from the Government vessel New Orleans, which saw service in the war of 1812. It had a blue satin ribbon tied about the handle. In explaining the gavel's use in public meetings Mrs. Conklin said that one and often two desks were worn out during a single session of Congress, or of the Legislature, from the repeated calls to order rendered imperative by many noisy speakers. James G. Blaine, she added, split two solid oak desks by hammering with his granite gavel.

The league was instructed as to the proper form of addressing the Chair seconding a motion and other rudiments of parliamentary law, and then the subject of subsidiary motions was taken up and explained at some length.

"Some one make a motion now, then we will have a member object to it, and take a vote on it in regulation fashion, in order to see whether this subject is thoroughly clear to everybody," said the teacher.

When this plan was carried out confusion arose, owing to the women not quite comprehending whether voting in the affirmative sustained the objection or merely referred to the motion. Just as many said aye as no, and no definite conclusion as to their preference could be arrived at.

Cloudiness on this point being dispelled by illustration on the part of the teacher, the league was put through its lessons again. Another motion was made, another objection raised, and more votes taken on the subject. This time the women got through all right.

The fact that the previous question was an old English phrase, meaning something quite different from what it suggested, was a revelation to the students. The motions "To lay on the table," "To take from the table," and other technical terms were next explained to them.

"Can anybody who chooses move to take from the table?" asked a member.

She was told that authorities differed on this point; that some argued that only those who had voted on the affirmative side might make a move in that direction, while others, equally as competent to decide, held that any member, regardless of their vote, had the right to do so. Mrs. Conkling agreed with the latter authorities.

"How about rising to a point of order?" asked a young woman who was frequently on her feet for information.

"You can rise to a point of order any time or anywhere you choose," was the reply.

The difference between putting the question and stating the question was defined, along with motions that could not be debated or amended. The question of committees and the President's authority over them was entered into at great length, the duties of temporary Chairman and permanent Chairman being also explained.

When the time had expired for the duration of the meeting, the league exhibited the knowledge it had gained during the hour and a half of instruction by formally making the motion to adjourn and complying with all parliamentary regulations in that regard. It meets again at half past 10 o'clock to-day.

HOEBER TALKS TO ALBANY.

The Reform Coroner Tries to Reach the Governor's Ear by Telephone.

Coroner Hoeber came tearing into the outside room of the Coroner's office yesterday morning and, addressing himself to one of the clerks, said in a loud voice:

"Get me the Executive Mansion!"

"Yes, sir," replied the clerk, "do you wish to speak to Mr. Cleveland himself?"

"No, no; I want to speak to Gov. Morton," yelled the German Reform Coroner, and, without waiting for the clerk, he sat down at the telephone and gave the bell a mighty ring.

"Hello! hello!" he cried, "give me the Governor!"

"Wrong house, try next door," replied the telephone girl.

"I tell you I want to talk to Gov. Morton," yelled the Coroner.

"Come off the perch, Willie," said the girl.

"I'm Coroner Hoeber, and I want to talk to Morton about the bill that Mayor Strong signed when he didn't know what he was talking about."

"Oh! you want to talk to Gov. Morton at Albany? Well, why didn't you say so?"

"Yes, yes; that's right," replied the Coroner.

Communication was finally established between the Executive Mansion at Albany and the Coroners' office. "Go ahead!" said the girl at the central office, and Coroner Hoeber, putting his mouth close up to the transmitter, yelled:

"Hello! Well! Hello! Is that you, Morton? No. Well, where is he? This is Hoeber! Hoeber!! No! no! Hoeber—H-o-e-b-e-r. Who are you? Oh, Cole, hey! I suppose you are one of those damn orderlies. Major-Gen. Ashley Cole? Well, Major, I want to speak to Morton. Can't he come to the telephone? I can't come away up to Albany; I am too busy with the duties of my office. What do I want, hey? I want to talk about that Coroners' bill. No, not a bread bill—the Coroners' bill—the bill that makes him stay up all night after he has already gone to bed. Yes, that's the bill. He won't be in to-day? Well, you tell him when he comes that Coroner Hoeber called him up by telephone. Oh, the city will pay for this. Good-by."

Turning to the newspaper men who were listening Coroner Hoeber said:

"Those boys in the Governor's office are great fellows. The one I talked to was Major-Gen. Cole, or maybe he was Major-Gen. John Jacob Astor, the one that is Colonel."

Then the little Coroner tilted his high hat over his left ear and walked airily into his private office.

MAY REMARRY IN ANOTHER STATE.

The Violation of a New York Divorce Decree Is Not Contempt.

Rose Turner got an absolute divorce from Albert E. Turner in the Supreme Court in Brooklyn a couple of years ago. Two or three months after the decree was granted Mr. Turner went to New Jersey and remarried, and he is now living with his wife in Brooklyn.

Last week a motion was made before Justice Cullen to punish him for contempt for violating the decree, which prohibited his remarriage while his former wife was alive. Yesterday Justice Cullen denied the motion, and filed this memorandum:

"The decision in the case of Thorp agt. Thorp, 90 New York, would seem opposed to the contention of the plaintiff that the remarriage of defendant without the State would be contempt of court. But I doubt very much whether a remarriage is a contempt at all. The statute defines the result to a party of a divorce for his adultery. The common provisions of the judgment are wholly unnecessary, and I think cannot add to the effect of the statute."

THURBER LOSES HIS GUINEA HENS.

Dislodged from Their Perch on a Telegraph Pole and Captured by Boys.

Two Guinea hens belonging to Ed Thurber, a fireman employed at 3 James slip, escaped from their coop on the roof yesterday afternoon, and perched on the crosstree of a telegraph pole in Cherry street, near James street. Boys of the neighborhood gathered and threw stones at them.

By the time one of the hens was knocked off its perch, a crowd of fully 500 persons had collected. A lad named Charles Montgomery ran off with the fowl which had been brought down. The other hen, after vain attempts had been made to get it by climbing the pole, flew around to a window sill in James slip, where a woman captured it. She surrendered it to two boys, who claimed it as theirs, and they escaped with their prize to the roof.

S. Wilmer Hughes Does Not Represent "The Sun."

It has come to the knowledge of THE SUN that a person calling himself S. Wilmer Hughes, has been masquerading as a representative of this paper. He has a card bearing the inscription,

> S. WILMER HUGHES,
>
> New York Sun.
> Chicago Tribune.

He is not connected with THE SUN, and has no authority to represent THE SUN in any capacity. If he does so represent himself he is an impostor.

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Are
Two

lines of suits in our stock which we believe to be the best obtainable at the price. They are blue and black worsted cheviots at $15 and $18 per suit. Our entire offering in suits equals any product. It includes the newest in fabrics and mode, $12 to $28. If you haven't a light weight Top-coat you need one, $10 to $35.

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Everything for men's wear.

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SAYS SHE WAS MARRIED BY FORCE.

Pauline Davis Trying to Get Away from Her Imperious Californian.

Pauline Schwab, who lives with her parents in Perry street, had an action on before Chief Judge Daly of the Court of Common Pleas late yesterday afternoon to annul her marriage to Wentworth I. Davis on the ground of duress. She was permitted on her motion yesterday to change her name in the complaint to Davis. She says she met Davis in the summer of 1889 in the Catskill Mountains. She understood that he came from California and was in the East studying music. She went about with him considerably in the mountains, but she said that they had not been engaged to be married.

He renewed the acquaintance when she returned to the city in September. He said to her that she must not have any other male acquaintances on their return, and told her that she must marry him or he would shoot her. He became more importuate when she turned the conversation. On Nov. 4 he told her that his father had sent for him, and he must go to California. He said he was dependent on his father. He told her that she must marry him before he went away, and that if she did not they would both die together. He had exhibited a revolver on several occasions, and she said that she feared he would carry out his threat. She finally agreed to a betrothal, and they made arrangements to go to Brooklyn on Nov. 7 to have the ceremony performed.

She met him by agreement at Fourteenth street and Sixth avenue. He had with him a friend named Campbell. She says that while Davis was purchasing tickets on the elevated road she asked Campbell to try and get Davis to defer the ceremony until his return from California, but Davis came up at the time and told her that unless she went with them he would carry out his threat. She went reluctantly with them to Brooklyn. On the way over Davis, she declares, assured her that they were only going through an engagement ceremony. They were, in fact, married at the house of a clergyman.

She will be cross-examined at 2 o'clock this afternoon.

A PONY IN HIS SITTING ROOM.

A Staten Island Man Sues the Buffalo Bill Show for Trespass.

The case of W. F. Roser against the Buffalo Bill Wild West Company was opened yesterday in the United States Circuit Court before Judge Shipman. The plaintiff alleged that he was the owner of a small estate near New Brighton, Staten Island. The estate consists of a house called "The Mansion" and eight acres of cultivated land. In the autumn of 1893 the Wild West Company hired the fields on either side of the plaintiff's land. These fields were used as winter quarters. Two hundred and fifty ponies and a number of mules and buffaloes were quartered therein, all under the charge of exceedingly wild cowboys. The plaintiff is suing for $2,000 for the inconvenience, not to say terror, from which he has suffered, and for the damage done to his property by the Wild West show.

He avers that the animals raced backward and forward through his property, trampling on his flower beds and terrifying his family. On one occasion one of the ponies entered his sitting room by way of the window, seriously frightening his wife, who was sitting therein. Mr. Roser expostulated several times, but he was only jeered at. The cowboys even threatened him with revolvers. Altogether, they behaved as if they were on the plains of Texas, rather than in a refined community like that of Staten Island.

Only one witness, Mr. Benedict of Benedict Bros., jewellers, at 171 Broadway, was examined. He testified to having seen the animals crossing Mr. Roser's property. The trial will be resumed to-day, when R. H. Zandale, counsel for the plaintiff, intends to put some of the cowboys in the witness chair.

JUSTICE MARTIN'S LIBEL SUIT.

Bernheim of the 70 Allowed to Put in an Unsworn Answer.

Judge Ingraham of the Supreme Court has decided that Abram C. Bernheim, who succeeded Mayor Strong as one of the Committee of Seventy, is entitled to serve an unverified answer to the verified complaint of Police Justice Bernard F. Martin, in the action which the latter has brought to recover $10,000 damages for libellous statements which were made concerning him by Mr. Bernheim at the meeting of the Chamber of Commerce held on Feb. 27 last. Judge Ingraham says:

"It is clear that if the allegations of the complaint are true the defendant is guilty of a misdemeanor under section 254A of the Penal Code, and by section 523 of the Code of Civil Procedure it is provided that where a party pleading would be privileged from testifying as a witness concerning an allegation or denial contained in the pleading the verification may be omitted. The only question to be determined is whether or not the defendant in this case would be privileged from testifying as a witness concerning the allegations of the complaint that the defendant made a statement of and concerning the plaintiff in the presence and hearing of reporters, and intending that the said words should be published in the newspapers. If he would be so privileged from testifying as a witness if asked that question under the section of the Code above referred to, the verification may be omitted."

The Court holds that he would be so privileged.

HIS SNORE GAVE HIM AWAY.

Adventure of Michael Riley, Who Mistook a Police Station for His Home.

Michael Riley of 45 Franklin street, Greenpoint, visited hospitable friends on Saturday night. It was after midnight when he set out for home. He stopped at Greenpoint and Manhattan avenues, in front of the police station, and walked in unobserved by Sergeant Gallagher, who was busy. Riley went into the room of Capt. Rhodes, who was out. He fell asleep on the Captain's lounge, and his snoring attracted Sergeant Gallagher, who woke him up and had him hauled out before the desk, arraigned for drunkenness, and locked up. In the Ewen Street Police Court yesterday Riley said that he mistook the station house for his own home. He was discharged.

Brooklyn Civil Service and Police Pay Rolls

There is a muddle in the pay rolls in the Police Commissioner's office and the Police Superintendent's squad in Brooklyn, and the employees in those departments will not get any money until the rolls have been straightened out. The Civil Service Commissioners have refused to approve of the pay rolls, contending that the names of I. Augustus Stanwood, the accountant, and Inspector Murphy should not appear there, as they got their places without going through the formality of a civil service examination. The courts will probably be appealed to to settle the controversy.

A Blind Man Sued for Divorce.

A motion was made yesterday before Justice Cullen in the Supreme Court in Brooklyn for alimony and counsel fee for Martha A. Hunter in her suit against John S. Hunter for absolute divorce. The latter was totally blind when the couple were married in March, 1862. Mrs. Hunter alleges that her husband abandoned her soon after the marriage and is living at Middletown, Orange county, with Mrs. Winfield S. Free. Justice Cullen denied the motion.

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READY FOR FILIBUSTERS.

THE HAWAIIANS HAVE A REVENUE CUTTER CRUISING AROUND.

Col. McLean, the Military Chief, Has Also Arrived, and Speaks Well of the Force—Outside Foes Are Not Feared—The Legislature Will Meet in Special Session—No Successor to Mr. Thurston Chosen Yet.

HONOLULU, May 27, via San Francisco.—Successive mails having brought to the Government, from their agents, very definite reports that a filibustering expedition had sailed from Puget Sound for these islands, they chartered the steamer Lehua for service as a revenue cutter. For two weeks past she has been cruising around the islands, partly for the purpose of intercepting the possible filibusterers and partly to watch for opium smugglers.

The Cabinet is incredulous about any expedition of filibusterers being attempted. They believe the armed strength of this republic is too well known for any private piratical attempt to be made for its overthrow. They say there would be no chance of success for any force not numbering many hundreds of superior men thoroughly organized and drilled. It is absurd to suppose that any force of so formidable a character could be organized and despatched without being discovered and arrested by the United States authorities. They do not believe that there is any person sufficiently able and interested to risk the necessary funds in such a costly undertaking.

Although there are large numbers of natives and half whites, together with some whites, disaffected toward the republic, there are none who would now take any risk, or who would help a filibustering force until they had demonstrated their certainty of success. Such is the opinion of the Cabinet Ministers.

Col. McLean, the newly arrived military chief, whom all admit to be an expert, says that the military forces of the Government are of admirable quality. With their character and drill, and with our Hotchkiss guns, we can, with the utmost ease, take care of any piratical force that could possibly be organized and sent down here.

Minister Hatch said: "The Government has now no internal disturbance to apprehend, and there is no invasion possible that need cause alarm. The securing of the services of Col. McLean was mainly with a view to better and more economical administration of the military forces. Of course, the presence of an able commander imparts confidence to the national guards. We have no anxiety about filibusterers."

President Dole has summoned the Legislature to meet in special session on June 12. The principal business will be a Land and Homestead law, with especial reference to the disposal of the Crown lands.

On May 11 the 4,000 Japanese of Honolulu celebrated the victorious peace of Japan by a large procession representing military and naval forces, followed by exercises after a Fourth of July pattern. Good order was maintained.

The claim of Rickard and Walker that they are British subjects has proven to be unfounded by the Foreign Office, and the British Commissioner will report to the Government that he was deceived by the statements of these men. Consequently there will be no occasion for British interference in the case.

The Government has made no movement toward appointing a successor to Mr. Thurston at Washington.

STILL 11 M'LAUGHLIN JURORS.

Mark Roylance Excused on the Unwilling Challenge of the Defence.

William J. Wallace of 2,361 Morris avenue was selected temporarily yesterday morning as the twelfth juror in the trial of Inspector McLaughlin in the Oyer and Terminer for extortion. Then Justice Barrett decided to take up the reëxamination of Mark Roylance, the third provisional juror, who had told Justice Barrett that after listening to the examination of other talesmen he had remembered that he was a member of the A. O. U. W., a benefit society to which Inspector McLaughlin belongs.

Justice Barrett had declared before the examination began that the challenges against the jurors were reopened. He asked the defence now if there were any further questions, and, receiving a negative response, said that he had decided to sustain the challenge of the defence to Roylance.

"But we have not interposed a challenge," exclaimed Mr. Elkus.

"You did, and the record will show."

"But I thought all challenges were reopened and there were none pending now," persisted Mr. Elkus.

Justice Barrett said the challenges were reopened for the examination, but the original challenge of the defence still held, as it had not been withdrawn, and he sustained it. Mr. Elkus tried to withdraw the challenge then, but the Justice said he was too late, as he had failed to act at the right moment. No juror was got all day to fill the place. Albert Bunn, a stationer, said on his examination that he had not voted in fourteen years, and he explained as follows:

"I became converted sixteen years ago from being a low sinner and got to believe in the Lord Jesus Christ. Two years afterward I gave up all my rights as a citizen and devote all my leisure time now to the worship of the Lord."

Mr. Bunn was excused by consent.

WAITERS' CLUB INDICTED.

It's at 94 Lexington Avenue and the Grand Jury Says It's a Nuisance.

The Grand Jury has indicted the Geneva Society of 94 Lexington avenue as a common nuisance. This society is a club for waiters and other hotel employees. Up to November it flourished at 49 West Twenty-second street. Then it moved to the present quarters. To celebrate the moving the society gave a grand blowout. The festivities extended far into the next day. Following closely on this the club had the traditional good time on Christmas.

Thomas J. Byrne, a plumber, who lives next door, got up circulars complaining against the noise in the Geneva Society and distributed them among the neighbors. Then a petition was sent around for the neighbors to sign. The matter was then taken to a police court, but dismissed. Mr. Byrne was not appeased, though, and the petition was presented to the Grand Jury.

H. M. Littell to Be President of the Atlantic Avenue Railroad Company.

It has been decided that H. M. Littell will succeed Benjamin Norton as President of the Atlantic Avenue Railroad Company in Brooklyn. Mr. Norton's resignation goes into effect on July 1. Mr. Littell has been the general manager of the New Orleans Traction Company, and it was under his direct supervision that 120 miles of trolley lines have been established. The system will be in operation when Mr. Littell gets to Brooklyn. Mr. Littell is also the President of the New Orleans and Lake Railroad Company. It is said that he will receive a salary of $15,000 a year as President of the Atlantic Avenue Company.

Miss Bessie Barnwall Engaged.

Announcement has been made of the engagement of Miss Bessie Barnwall to Frederick Coats of Providence. Miss Barnwall is the daughter of Mr. and Mrs. Morris Barnwall of Flushing. She is a young woman of energy and ability, and two years ago she sought to redeem the family fortunes by going into the millinery business with Miss Lawrence, also at Flushing. The young ladies have been successful in their venture. Miss Barnwall and Miss Lawrence are well known in New York society. Mr. Coats is the grandson of Sir Peter Coats, the manufacturer of cotton thread, and he is a man of large means. His mother was a Miss Auchincloss of this city.

The engagement of Lita A. Coffin, daughter of Mr. and Mrs. Joseph W. Coffin, to Lyndsay Van Rensselaer, son of Dr. and Mrs. Jonathan Van Rensselaer of Staten Island, has been announced.

Church Property to Be Sold.

Permission has been granted by Judge Ingraham of the Supreme Court to the trustees of the Washington Square Methodist Episcopal Church to sell the old Asbury Methodist Episcopal Church property, at Washington place and Washington square, east, for $250,000. The proceeds of the sale are to be kept invested, and the income is to be applied to the maintenance and advancement of religious and missionary work in that section of the city. The congregation of the Washington Square M. E. Church is now worshipping in the church in Fourth street, between Macdougal street and Sixth avenue.

"Count" Marschall Let Out of Jail.

Ernest V. Marschall was discharged yesterday from Ludlow street jail by order of Justice McCarthy of the City Court. Marschall has been in jail since April 4 last for failing to pay a judgment of $3,000 obtained against him by Maria Elias in a suit she brought against him for breach of promise of marriage and seduction. He calls himself a count. His counsel submitted evidence to Justice McCarthy that Marschall's health was impaired, that he could not sleep at night, had no property, and could not get bail.

YOU MUST insist on getting only Woodbury's Facial Soap if you want what dermatologists say is best for the skin and complexion. Druggists sell it.

IVORY SOAP
IT FLOATS

At all grocery stores two sizes of Ivory Soap are sold; one that costs five cents a cake, and a larger size. The larger cake is the more convenient and economical for laundry and general household use. If your Grocer is out of it, insist on his getting it for you.

THE PROCTER & GAMBLE CO., CIN'TI.

WILL SUE THE GERRY SOCIETY.

The Chinese Father of a Child It Detained Comes Here to Seek Redress.

Pio Garcia, a Chinaman, whose right name is Chock Sum, but who adopted a Spanish name when he went to live in Havana some years ago, came to this city from Cuba last week with the intention of commencing a suit against the Gerry society for the unlawful detention of his daughter Manuella.

Some weeks ago Manuella Garcia arrived in this city on an Havana line steamer accompanied by her uncle, Chock Hock, a Chinaman, who, like his brother, has lived in Cuba for some years and now goes under the name of José Garcia. Garcia had the little girl in charge and was taking her to China, where her father desired her to be educated. Garcia had been fully authorized by her parents, and consequently was much surprised when Gerry agents took the child in custody on reaching this city. No formal charge was made, but it was hinted that the child was being taken to China for immoral purposes. The Gerry society had been notified in advance of Garcia's sailing from Havana, and its agents were in waiting for the steamer.

As soon as possible Garcia notified the child's parents of what had occurred, and they sent word back that the man was the girl's uncle and had full authority to conduct her to China. The Gerry society then released the child by order of Commissioner Shields, to whom Garcia appealed.

Accompanying Pio Garcia was his Spanish wife, Maria Jesus de Rosaria Ferregut Garcia, the mother of Manuella. Last night Mrs. Garcia and Manuella started for San Francisco, from which place they will sail for China. Garcia will stay in this city and start a suit against the Gerry society, he says.

NO FAIR WILL COMPROMISE.

So Herman Oelrichs Says—Lawyer Lloyd Here for His Health.

The arrival here on Saturday of Reuben H. Lloyd, the San Francisco counsel of the New York heirs of Senator Fair, gave rise to the statement that Mr. Lloyd had come to this city with the object in view of bringing about a compromise between the contestants of the Senator's will. Herman Oelrichs, who married Senator Fair's eldest daughter, said yesterday:

"I assure you that Mr. Lloyd has come East for his health. Mr. Lloyd is a very hardworking man, and his trip is mainly for recreation, although, while here, he will transact a little business for the estate. That talk about compromise is all nonsense. I assure you, as far as I know, there is no such thing as a compromise in connection with the estate."

MARINE INTELLIGENCE.

MINIATURE ALMANAC—THIS DAY.

Sun rises.... 4 34 | Sun sets .... 7 21 | Moon sets..11 38

HIGH WATER—THIS DAY.

Sandy Hook.10 20 | Gov.Island.10 45 | Hell Gate.. 12 34

Arrived—MONDAY, May 27.

Ss South Cambria, Lloyd, Gibraltar.
Ss Ems, ——, Bremen.
Ss Ethiopia, Wilson, Glasgow.
Ss Pawnee, Atkinhead, Gibraltar.
Ss Amsterdam, Stenger, Rotterdam.
Ss Rio Grande, Barstow, Brunswick.
Ss Bluefields, Masingo, Baltimore.
Ss Mouksenton, Beezley, Matanzas.
Ss Delaware, Johnson, Gonaives.
Ss Seminole, Chichester, Charleston.
Ss Cherokee, Bearse, Charleston.
Ss William Anning, Gavin, Philadelphia.
Ship St. John, Fales, Hakodate.
Ship Dundee, Coss, Calcutta.
Bark Glenelda, Corning, Algoa Bay.

[For later arrivals see First Page.]

ARRIVED OUT.

Ss America, from New York, at London.
Ss Empress of China, from Vancouver, at Yokohama.
Ss Alesia, from New York, at Marseilles.
Ss State of Texas, from New York, at Brunswick.

SIGHTED.

Ss Weimar, from Bremen for New York, off Scilly Islands.
Ss Venetia, from Stettin for New York, off Dunnet Point.
Ss Edam, from Amsterdam for New York, passed the Lizard.
Ss Kansas City, from New York for Bristol, passed Brow Head.
Ss Lumen, from New York for Stockholm, passed Butte of Lewis.
Ss Lady Palmer, from Licata for New York, passed Gibraltar.
Ss Werra, from New York for Gibraltar, passed Cape Sagres.
Ss Palatia, from New York for Hamburg, passed Scilly Islands.

SAILED FROM FOREIGN PORTS.

Ss Phœnicia, from Hamburg for New York.
Ss Chicago City, from Swansea for New York.
Ss Buffon, from St. Lucia for New York.
Ss Britannia, from Naples for New York.

SAILED FROM DOMESTIC PORTS.

Ss El Norte, from New Orleans for New York.
Ss Iroquois, from Charleston for New York.

OUTGOING STEAMSHIPS.

	Mails Close.	Vessel Sails.
Sail To-day.		
Trave, Bremen	6:00 A. M.	9:00 A. M.
Seminole, Jacksonville		3:00 P. M.
Sail To-morrow.		
Paris, Southampton	8:00 A. M.	11:00 A. M.
Germanic, Liverpool	8:00 A. M.	10:00 A. M.
Rhynland, Antwerp	10:00 A. M.	12:00 M.
Orizaba, Havana	1:00 P. M.	3:00 P. M.
Cherokee, Charleston		3:00 P. M.
El Sol, New Orleans		3:00 P. M.
Catania, Pernambuco	1:00 A. M.	

INCOMING STEAMSHIPS.

Due To-day.		
Cevic	Liverpool	May 17
Madiana	St. Thomas	May 23
Alps	Navassa	May 21
Westernland	Antwerp	May 18
Russia	Hamburg	May 16
Richmond Hill	London	May 14
Caracas	La Guayra	May 22
Mohican	Rotterdam	May 15
Alene	Kingston	May 23
Tallahassee	Savannah	May 25
Due Wednesday, May 29.		
Teutonic	Liverpool	May 22
Havel	Southampton	May 22
Mississippi	London	May 16
Yucatan	Havana	May 25
Nueces	Galveston	May 22
Iroquois	Jacksonville	May 26
Due Thursday, May 30.		
Hekla	Christiansand	May 17
Croft	Dundee	May 15
Peninsular	Fayal	May 20
Due Friday, May 31.		
Columbia	Hamburg	May 23
Prussia	Hamburg	May 19
Kaiser Wilhelm II	Genoa	May 20
France	London	May 18
Colorado	Hull	May 17
Finance	Colon	May 24
El Norte	New Orleans	May 26
Due Saturday, June 1.		
Umbria	Liverpool	May 25
La Bourgogne	Havre	May 25
Santiago	Nassau	May 28
Due Sunday, June 2.		
Taormina	Hamburg	May 15
Italia	Gibraltar	May 19
Maasdam	Rotterdam	May 22
Lampasas	Galveston	May 25
Orinoco	Bermuda	May 30

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AND
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NEAR 32D ST.

WAS KINTZING MURDERED?

Mrs. Fowle Thinks Her Elderly Brother-in-law Fell Into the Hands of Thieves.

Mrs. Fowle of 20 Hoadley avenue, West Bergen, called at the Coroners' office yesterday and said she was a sister-in-law of Alexander Kintzing, whose body was found in Spuyten Duyvil Creek several days ago. She asked for the articles found upon his body, and when told that none of them was of any value she was greatly surprised. She declared that Kintzing must have been robbed, and possibly murdered. She said that the dead man was 74 years old, and a watchmaker by trade. Since 1886 he had boarded with her, and during all that time he had never given her any money. He was thrifty and sober, and, from conversations she had with him at odd times, she was sure that he was quite well off, as he spoke of having money in three banks, one of which she thought was the Greenwich Savings Bank.

On the Saturday previous to his disappearance he drew his week's wages from his employer in Jersey City. He spoke of making her a present, and Mrs. Fowle is under the impression that he drew a sum of money from one of the banks for this purpose. He worked the following Monday, and started for the store again early the next morning. That was three weeks ago to-day, and Mrs. Fowle never saw him alive again. She is sure that when he left the house he had at least $100 in money with him, and a gold watch and chain. When the body was found in the water there was nothing in the pockets except an empty pocketbook, a ring, a railroad ticket to Newark, a ticket to Bedlow's Island, two old pawn tickets for small sums, and a broken cigar holder. The bar of the watch chain was sticking in a buttonhole of the vest, and it looked as though the chain had been broken.

One of the most puzzling things about Kintzing's death is that his body was found in Spuyten Duyvil Creek. Of all the years Mrs. Fowle had known him she had never heard him speak of having any friends in that vicinity. The dead man had a small insurance on his life. He came to this country from Germany twenty-eight years ago, and he was never naturalized. As he left no will it is possible that the German Consul may claim whatever money he left.

Flames in Soubrette Row.

A cigarette stump set fire early yesterday morning to a lounge in the rooms of Mrs. Arthur Smith in the second floor of the flat house, 250 West Thirty-ninth street, one of the buildings comprising what is known as "Soubrette Row." The flames spread to some dresses at which Mrs. Smith had been sewing, and the whole room was soon ablaze. Mrs. Smith, who slept in the adjoining room, was awakened by the crackling of the flames and she fled screaming through the hallway into the street. The other tenants aroused by her shrieks followed, clad only in such garments as could be hastily snatched up. The fire was put out after doing about $500 damage.

Business Notices.

Mrs. Winslow's Soothing Syrup
Has been used for over FIFTY YEARS by MILLIONS OF MOTHERS FOR THEIR CHILDREN WHILE TEETHING with PERFECT SUCCESS. IT SOOTHES THE CHILD, SOFTENS THE GUMS, ALLAYS ALL PAIN, CURES WIND COLIC, and is the best REMEDY FOR DIARRHŒA. Sold by DRUGGISTS in every part of the world. TWENTY-FIVE CENTS A BOTTLE.

Hats!—Burke's summer styles ready. Headquarters for golf, yacht, and bicycle caps. Popular prices. 210 Broadway.

DIED.

CALLANAN.—On May 26, 1895, Honora Callanan, beloved daughter of the late Patrick and Mary Callanan, native of the parish of Queensbury, county Galway, Ireland, at the age of 43.

Funeral from the residence of her sister, Catherine Malone, 419 East 14th st., at 2 o'clock.

CLIFFORD.—On Sunday, May 26, Robert H. Clifford, aged 65.

Funeral services will be held at his late residence, 309 West 83d st., on Wednesday, May 29, at 1 P. M. Interment at convenience of family.

COLLINS.—On May 26, after a lingering illness, Mary Collins, native of Carrickmacross, county Monaghan, Ireland.

Funeral on Tuesday, May 28, at 10 A. M., from the residence of her sister, Mrs. Quinn, 51 South 6th st., Brooklyn; thence to St. Peter and Paul's R. C. Church. Interment at Calvary Cemetery.

GIFFORD.—On the 26th inst., in the 42d year of her age, Elizabeth Irene, beloved wife of Thomas Gifford, and youngest sister of Dr. James S. and John A. Stevens.

Funeral services Wednesday, the 29th inst., at 2 P. M., at her late residence, 795 Putnam av., Brooklyn. Interment private. Baltimore papers please copy.

HAZELTON.—On Sunday, May 26, Frederick Hazelton.

Funeral services will be held at his late residence, 39 East 67th st., on Wednesday, the 29th inst., at 10 A. M. Interment at the convenience of the family. Kindly omit flowers.

KEELER.—On May 27, 1895, at his residence, 705 Newark av., Elizabeth, N. J., William H. Keeler, aged 57 years.

Due notice of funeral will be given. Cincinnati and Baltimore papers please copy.

MORRIS.—Suddenly, on Sunday, at 6 P. M., at Kerrville, Texas, John A. Morris of New York and New Orleans, La., in the 59th year of his age.

Interment at New Orleans.

WELSH.—May 25, 1895, Rachael, beloved daughter of Rachael and Frederick Welsh, aged 6 years and 10 months.

Funeral from parents' residence, 99 Watts st., on Tuesday, May 28, 2 P. M.

CREMATORIES AND COLUMBARIA must be seen to be appreciated. Incinerations may be witnessed almost daily at Fresh Pond, L. I. Call there or address for particulars the CREMATION OFFICE, 62 East Houston st., New York.

Special Notices.

MANY CAUSES induce gray hair, but PARKER'S HAIR BALSAM brings back the youthful color. HINDERCORNS, the best cure for corns, 15 cts.

Religious Notices.

SALVATION ARMY, 107 East 92d st., near Park av.—A memorial service to be held to-night, led by Major Bown, assisted by her slum officers; you are invited.

New Publications.

25 CENTS.

The Forum

Contents for June:
An Interesting Historical Article:
The Growth of American Nationality. GEN. FRANCIS A. WALKER.
Coin's Argument, and an Answer to It.
The Free-Silver Argument ......W. H. HARVEY
Author of "Coin's Financial School."
The Grotesque Fallacies of Free Silver. JOHN DeWITT WARNER.
Three Important Educational Papers.
Report of the Committee of Fifteen: What a Rational Correlation of Studies Is. DR. J. M. RICE
An American Educational System in Fact—by States. E. P. POWELL
College Finances: the Best Investment. CHARLES F. THWING
Dr. Nordau's Book.
Are We Degenerating? DR. CHARLES L. DANA
Other articles are:
Studies of Notable Men: Joseph Chamberlain. JUSTIN McCARTHY
The Future of the Great Arid West. E. V. SMALLEY
Mr. Kipling's Work, So Far. WILLIAM HENRY BISHOP
The Great Libraries of the United States. HERBERT PUTNAM
Librarian of the Boston Public Library.
The Only Cure for Slums. E. R. L. GOULD
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The Improving Condition of Business.

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