

SCHOOL MONEY INJUNCTION.

Case Against Catholic Asylum in Rochester Argued.

Two Sections of State Constitution Apply, the Charter of the Institution Affecting the Result—Ability of Sisters to Teach.

ROCHESTER, N. Y., May 28.—Whether the Constitution of the State or City funds permits the payment of the secular education of the inmates was the question argued before Justice Rich in special term to-day.

Justice Rich, the petitioner, a Universalist and an ardent anti-Papist, asks a temporary injunction pending the trial of an action in equity to decide whether the city can pay the salaries of four of the nuns employed at the St. Mary's Catholic boys' orphan asylum. David N. Salisbury, Mr. Sargent's lawyer, assured the Court at the start that the case is of State importance, and that if he got the injunction many similar institutions in the State would be affected.

He based his argument on section 4 of article IX, which provides that school monies shall not be devoted to institutions where religious doctrines are taught. He declared that section 14 of the same article does not destroy the effect of the preceding article, but that they should be construed together. Section 14 provides that certain charitable institutions may be designated as beneficiaries for State funds.

Former Speaker of the Assembly James M. E. O'Grady appeared for the orphan asylum. He read an affidavit by Bishop Neenan, in which the bishop says that the orphan asylum "is not a school or institution of learning, as described in section 4 of article IX, of the Constitution of the State, and a home for dependent children, as is described in section 14 of article IX, of the Constitution."

Mr. O'Grady filed an elaborate brief, in which he discussed the constitutional provisions, the statutory provisions and the qualifications of the sisters as teachers. He argued from the debates in the Legislature that the intent was to put such institutions in a position where they could get public money to aid them in their work. Mr. Choate, who, as President of the Constitutional Convention of 1892, said that the system of employing the nuns, honest, faithful, devoted, private charitable institutions for the care of certain wards of the State that could not otherwise be cared for, should not be departed from.

Regarding their educational qualifications he argued that the Sisters have not been regularly licensed, they come under the provisions of the Dow School law, which holds that teachers who are holding their positions before the passage of the act cannot be disturbed.

INCORPORATED AT ALBANY.

Two More Realty Corporations Formed to Handle City Property.

ALBANY, May 28.—The Herald Square Realty Company of New York city was incorporated to-day to deal in real estate and leasehold property. The capital stock is \$50,000, all paid in. The directors are Hugh W. Grant, Henry Morgenthau, Charles W. Morse, Andrew S. McKim, Herstein, Ernest E. Sherman of New York city, each with a subscription for \$10,000 of the stock, and Isidor Herzstein, who subscribes for \$5,000 of the stock.

The City-Block Realty company of New York city was incorporated to-day with a capital of \$250,000. The directors are William J. Potts, Harry B. Senter and Frederick A. Potts of New York city. The Citizens Telephone Company, with a capital of \$250,000, was incorporated to-day to operate in Elmira, Horseheads and other places in the Southern tier.

The Syracuse Lighting Company of Syracuse was incorporated with the Secretary of State to-day to furnish gas and electricity for light, heat and power purposes in Syracuse and the towns and villages in Onondaga county. The company has a capital of \$2,500,000.

The object of the Herald Square Realty Company is to improve the block on the west side of Broadway, from the site of the old Third-fourth streets, with a building to be known as the Herald Square building. The company is owned by Mr. Grant, President and Vice-President respectively of the Central Realty Bond and Trust Company.

STATE LABORATORY AT ALBANY. To Be Established at Once Under Legislative Appropriation of \$20,000.

ALBANY, May 28.—A State Laboratory is to be established here at once, under an appropriation of \$20,000 made by the last Legislature. In order to facilitate the prompt commencement of the site contemplated, pending the construction of the new laboratory building, Dr. Lewis has arranged for the State's work to be performed at the Bender Laboratory. The State Laboratory will be situated on the east side of the city, near the laboratory as a sort of an annex and will be in charge of Dr. Blumer, the pathologist.

The laboratory is to be utilized in connection with the Legislature's direction so that the system of employing the nuns, honest, faithful, devoted, private charitable institutions for the care of certain wards of the State that could not otherwise be cared for, should not be departed from.

TUNNEL STRIKE AT AN END?

Men Will Probably Return to Their Work To-day.

Firm Attitude of the Contractors Has Its Effect and the Men Decide to Go Back Upon Practically the Terms Under Which They Were Working When the Trouble Began.

The strike which has hampered work on the Rapid Transit tunnel for several days is expected to end at noon to-day with the strikers returning to work on practically the old terms. After the meeting of the Central Federated Union and contractors' committees on Monday, which the amendment agreement containing new demands from the men was submitted, it was believed that a settlement was very unlikely. There was to have been a meeting of the sub-contractors yesterday afternoon, however, by which the new demands, but on Monday night it was decided that that was unnecessary and a statement was issued that the contractors would enter into no agreement that applied to outside work as well as tunnel work.

But it so happened that on Monday night the walking delegates who ordered the strike decided to recede a little from the stand they had taken. General Contractor John B. McDonald was told of this, and his reply was to put any suggestions in writing and present them to the Board of Contractors. The strikers held a meeting and decided to ask the assistance of the Central Federated Union committee, whose earlier efforts on their behalf were frustrated by the strike. John J. Pallas of the committee responded. He urged a settlement on what the strikers call new propositions, but which are virtually the terms the contractors had already agreed to.

The walking delegates agreed to waive the question of insuring on tunnel wages and to accept the contractors' offer. The Central Federated Union they will also ask the strikers to accept the same conditions. The men played on outside contracts as exist in the tunnel. The men will be put in the hands of the strikers to be left to arbitration.

Leader Pallas was empowered to submit the terms to the Board of Contractors. A conference with Mr. McDonald after which he reported that the strikers could not accept the offer. The sub-contractors will meet this forenoon to consider an agreement to accept the same conditions. The men played on outside contracts as exist in the tunnel. The men will be put in the hands of the strikers to be left to arbitration.

THE CASH REGISTER STRIKE. Gompers Goes to Dayton and Has a Conference With President Patterson.

DAYTON, Ohio, May 28.—Samuel Gompers, President of the International Union of Labor, and C. I. Kidd of the International Union of Amalgamated Woodworkers, arrived here this morning, and with the local committee went to the National Cash Register plant and held a conference with President Patterson and the board of directors. Mr. Gompers said later that he had nothing to say for publication, but would do his best to effect a settlement. A meeting was held this afternoon and another has been arranged for tomorrow morning at 9 o'clock.

BOSTON MEN CONFIDENT.

SAY THE INDEPENDENCE IS A BETTER BOAT THAN THE CONSTITUTION.

They Figure That Their Yacht Will Defeat the New York Craft Seven Miles Over a Thirty-Mile Course—The Lawson Vessel Is Expected to Receive Time Allowance.

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Our boat carries more canvas and will have it held up by the best spars and rigging that money can purchase. Then we have a model that can be driven much more easily than the Constitution. We do not have to drag so much weight under water as still at the same time we have almost as much sail to help us out to windward as anything except a very light breeze we count on being the Bristol boat to the windward mark by from three to four minutes if it is ten miles long. On the reach to the second mark we will be in a position to gain on the Constitution by running downhill under spinnakers. We will gain on her by a moment or two, and we will be in a position to gain on her by a moment or two, and we will be in a position to gain on her by a moment or two.

THE OCEANIC PASSES TWO VESSELS ON HER WAY TO QUEENSTOWN. Special Cable Dispatch to THE SUN.

QUEENSTOWN, May 28.—The White Star Line steamer Oceanic, which has arrived here from New York, reports that she passed the two vessels on her way to Queenstown on Thursday. The steamer was met by the schooner Alisa, which was bound for the coast of South America. The schooner was met by the schooner Alisa, which was bound for the coast of South America.

SWABIA AND ALISA SIGHTED. The steamer tender Mirage has gone to Boston for repairs to her steering gear, and when she returns will tow the schooner Alisa to New York. The schooner was met by the schooner Alisa, which was bound for the coast of South America.

SHAMROCK I. TO COME TOO. New and Old Challenger to Have Trial Sails Off Sandy Hook. Special Cable Dispatch to THE SUN.

CONSTITUTION MOVES AGOETHLY.

Takes a Sall to Drill the Crew—One of the Steamers Injured.

NEWPORT, May 28.—The first accident on board the new Cup defender Constitution occurred this morning and as a result, one of the members of the crew, a Deer Isle man, will be unable to take his place on the yacht. This morning the crew was drilled with the spinnaker boom, the weather being unfit for the hoisting of sails, and it was while at this drill that the accident happened. While running the big boom outboard over the bow Seaman Edwin P. Canam tripped and fell and the boom behind him stumbled and the boom came down on his leg. He was sent ashore and Capt. Rhodes took command of the yacht. It was found that he had wrenched his ankle and broken one of the smaller bones. There is a free bed at the hospital for sailors and everything will be made comfortable for him.

During the morning the weather was murky and it threatened to rain at any moment and the prospect of getting out the big yacht was poor. Toward noon it began to clear away and by 1 o'clock the sun came out and the big mainsail was hoisted part way to the mast. There was a light breeze from the southwest and at 1 o'clock W. B. Duncan, Jr. went on board from the Mount Morris and ordered Capt. Rhodes to get the yacht under way. The mainsail was hoisted and at 2:30 o'clock the mooring was cast off, the stayvial and jib boom out from stops and, flying away to the starboard, the Constitution moved over toward the Jamestown shore. The gaff topsail was sent up and shot and the No. 4 jib topsail. The latter, however, was soon taken in and No. 3 sent up in its place.

The day was as smooth as a mill pond and the yacht glided smoothly through the water as easily and gracefully as a duck, making no disturbance forward. In spite of the light air she went along at about a seven-knot clip. Her windward anchor was in a bay, and with the wind prevailing it was a bay. After standing well over by Jamestown about 2:45 o'clock the boat was about one mile north of the old sheets when she was overtaken by the schooner Alisa. The schooner was bound for the coast of South America. The schooner was met by the schooner Alisa, which was bound for the coast of South America.

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GOVERNMENT MEMORIAL DAY.

To Review the Parade From Grand Stand Near the North Monument.

ALBANY, May 28.—Gov. Odell will review the Memorial Day parade in New York city on Thursday. He will leave Albany tomorrow morning, accompanied by his military secretary, Major Harrison R. Bird. The Governor will arrive in New York city at 8:30 Thursday morning by a reception train. He will be met at the Grand Central station by the North Monument. He will return to this city on Thursday evening.

GOOD ROADS CONTRACTS AWARDED. ALBANY, May 28.—State Engineer and Surveyor Bond to-day awarded several contracts for good roads' improvement work. They included the following: At Ardsley, Westchester county, to McCabe & Duffy of White Plains for \$18,940; at Unionville, Westchester county, to the same firm for \$22,000; at Fairport and Pittsford, Monroe county, to H. B. Hooker & Son of Rochester, the former for \$22,700 and the latter for \$24,000.

CAVALRY CONTRACTS GET \$60,214. ALBANY, May 28.—The State Canal Board has awarded to Granias A. O'Connor of Syracuse \$60,214 on contract No. 5 of the waterworks improvement of Health department with the State under the \$1,000,000 improvement act. Interest from Aug. 1, 1900, was also awarded.

SHOT HIS WIFE AND HIMSELF. Mrs. Kuhn Will Probably Recover, but Her Husband Will Die.

While in a drunken frenzy Herman Kuhn a baker, of 235 Palisade avenue, Jersey City, shot his wife last night and then tried to kill himself. They were both taken to Christ Hospital. Mrs. Kuhn will probably recover, but the doctors say Kuhn's wounds are very serious. He had been on a prolonged spree and was jealous of his wife. When he returned home at 2 o'clock last night, Mrs. Kuhn was putting her one-and-a-half-year-old son to bed when her husband entered and opened fire on her. The first bullet struck her in the chest and the second entered her arm.

SWEDENBORGIAN IN COUNCIL. Annual Convention of the New Jerusalem Church Opens Here.

The general convention of the New Jerusalem Church and its auxiliary bodies began yesterday at the Church of the New Jerusalem on East Third-street. Two sessions of the convention were held at the church yesterday. The most distinguished visitor, perhaps, on the platform was the Hon. George W. Gordon, Governor of New York. The convention will continue until the 31st of May.

MEMPHIS HAS THE ELEVENTH ANNUAL CONVENTION OF THE SONS OF THE CONFEDERATE VETERANS.

Memphis, Tenn., May 28.—The eleventh annual convention of the United Confederate Veterans and the sixth convention of the Sons of Confederate Veterans were formally opened this morning in the great convention hall, in the presence of, at the least estimate, 10,000 persons.

Gen. George W. Gordon, Governor of New York, introduced the Rev. J. William Jones of Richmond, Va., who made the prayer. Then followed speeches by Bishop Thomas F. Gallagher, Rev. McMillin, Gen. Fitzhugh Lee, and other prominent men. The convention will continue until the 31st of May.

PAPER TRUST IN CANADA. Royal Commission Gets Evidence—Agreement With American Manufacturers.

MONTREAL, Quebec, May 28.—A royal commission, appointed by the Canadian Government to inquire into the existence of a combine among the Canadian paper makers, held its first session in Montreal to-day.

SHAKE-UP ON UNION BILL PLOTS. At a meeting of the Union Bill, N. Y. Board of Control on Monday night an ordinance was passed reorganizing the police force with one captain, two sergeants and two constables. The ordinance was passed by a vote of 10 to 2.

LEAVES GRAND TRUNK FOR THE ST. LOUIS AND IROA MOUNTAIN ROAD. MONTREAL, Quebec, May 28.—William C. Taylor, superintendent of the Western Division of the Grand Trunk Railway Company, has resigned. He will be succeeded by E. W. Logan with headquarters at Detroit.

DR. J. SEEGAN, PROFESSOR OF MEDICINE AT THE UNIVERSITY OF VIENNA. In his celebrated work on diabetes mellitus says: "Of all remedies in my large experience with this disease, and the many experiments which I, as well as such prominent men as Angle, Fleckles, Hlawek and others, have made, Carlsbad Sprudel Water deserves to be placed in the first rank."

Why Not a Trip to Colorado Next Summer? Do you realize that Colorado is the most attractive health and pleasure resort in the world, and that by using the Burlington Route Fast Denver trains from Chicago or St. Louis, it takes only two nights on the road to get there from New York?

Dr. Lyon's PERFECT Tooth Powder. AN ELEGANT TOILET UTILITY. Used by people of refinement for over a quarter of a century.

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