

THAT BYRAM RIVER DECISION.

DIVERSION OF INTERSTATE STREAMS NOT PASSED UPON.

That was the vital question at issue, and the Connecticut farmers will apply for a rehearing—Court held merely that they were guilty of laches.

The decision of the Supreme Court of the United States in the Byram River case, under which the injunction restraining the city of New York from diverting the Byram River from its Connecticut outlet to Long Island Sound was dissolved, came as a thunderbolt out of a clear sky to the Connecticut farmers and their counsel, who secured the original order from the United States Circuit Court, afterward confirmed by the United States Court of Appeals.

It was thought at first that the Supreme Court decision covered the question of the diversion of the interstate streams—a matter involving in its entirety a large amount of money, some people say as much as hundreds of millions.

This question was before the Supreme Court, curiously enough, at the same time from two very widely separated parts of the country. One was the Byram River case and the other was the Arkansas River case.

In the Arkansas River case the issue was between the States of Colorado and Kansas. In the Byram River case the parties were Samuel Pine and a number of other Connecticut farmers against the city of New York and Bird S. Coler, as Comptroller.

The State of Kansas represented that the State of Colorado, by absorbing and diverting, for irrigation purposes, the Arkansas River had wrought great damage to land owners in Kansas by cutting off their water supply.

The Connecticut farmers in question represented that the city of New York had wrought them great damage by impounding, up near its source in New York, the Byram River, thereby cutting off the supply of water from their farms.

The legal question at issue was whether one State, under its authority of eminent domain, had the legal right to divert a stream flowing into another State. It was hoped that the Supreme Court would decide, by laying this interesting question before it from two different sources, would decide it.

The Supreme Court did nothing of the kind. The argument in the Byram River case was on the merits of the interstate question and not on the question of the right of one State to divert a stream flowing into another State.

Charles C. Marshall, of the firm of Marshall, Moran & Williams, counsel for the Connecticut farmers, said yesterday that his clients would go back to the United States Supreme Court with a motion for rehearing. He said:

"The question of laches was not raised before the court by either side in the argument. The whole contention was on the legal question pure and simple. We hold that we are entitled under the Constitution to argue upon any point in which the court passes upon that question. The Constitutional right of every citizen."

"We supposed when we first read the decision that the court had passed on the legal question involved. We find on getting the decision that it did nothing of the kind. Our clients have been guilty of building no fences. They have not put up any dam building its dam in the State of New York across the Byram River that it was building such a dam as to prevent others along the stream have done a dam that would allow the water to flow over and then pursue its course to the Sound."

It was not until the city of New York intended to impound the water, shut off the entire river from Connecticut and then divert it to New York city. The dam was well under way before this was understood, and then our clients took action.

"The city offered our clients 50 cents a foot of their fringe of the stream to settle. This was declined and \$1.50 was demanded. This the city refused to pay. Two courts sustained us in our contention and now the United States court has decided against us on an issue that was neither argued nor raised by either side in submitting the case."

It is important that the question of the diversion of interstate streams was not decided by the court, as was at first supposed, from the report of the decision from Washington. This question touches upon the city's right to divert the waters of Ten Mile River up near Dover, N. Y. The watershed there is peculiarly high, very low. By cutting away a very few feet, Ten Mile River, which flows into the Housatonic, could be diverted to flow into the Croton basin.

"It was the plan of the city to make this cut which would have been done at very little cost. The Supreme Court decision does not, as Mr. Coler supposed when he commented upon the telegraphic report of the court's action, authorize the city to do this. The question of the diversion of interstate streams has yet to be decided."

WOMAN DRUGGED AND ROBBED.

Mysterious case in Yonkers That the Police Are Investigating.

YONKERS, N. Y., April 11.—Mrs. Daniel Reagan, a young and handsome woman, was chloroformed and robbed this morning in her home at 40 Orchard street, while her five children slept. About 2 o'clock this morning John Burns, who lives on the top floor of the three-story house, while proceeding upstairs from the cellar, noticed the door of the apartments of Mrs. Daniel Reagan open. As he passed in he discovered Mrs. Reagan lying on the floor, with her head under the stairs. He found her unconscious.

Her husband, who had left about 8:30 o'clock at night to attend the duties in the gas works, was notified. The police traced that the woman had been attacked by two strange men, who forced their way into the house, dragged her and threw her on the floor, and then proceeded to rob her. They made inquiry of a neighbor that the man had opened the door and the woman had been thrown on the floor. Although the door showed evidence of having been forced open.

No one was traced who had seen any one enter the building. The police traced that when Burns passed downstairs to the cellar the door leading to Mrs. Reagan's apartment was open.

When Mrs. Reagan was sufficiently recovered to tell her story she said she had been attacked by two men who had thrown her on the floor and then proceeded to rob her. She was unable to give any description of the men, but she stated that they were dressed in dark clothing and that they were armed with pistols.

The burning structure of a factory in the rear had been introduced and the city of the three counties and the city of the State. The women's five small children, who were asleep in the rear kitchen, heard no sound. In Monday afternoon the women was awakened, but that she found no trace of the men, and that there were no indications about her body. How the door opened for her to the kitchen, that the children found it, without any one hearing it, is also an enigma. The Reagan are people of respectability. The husband, Mr. Daniel Reagan, is a member of the Board of Aldermen of Yonkers and also of the Board of the Yonkers.

CRITICIZE SECRETARY SHAW.

Baggage Inspection Reform Committee Not Satisfied With His Answer.

The Women's Special Committee on Baggage Inspection Reform of Washington, D. C., has addressed the following open letter to Secretary Shaw:

WASHINGTON, D. C., April 9, 1902. DEAR SIR: The undersigned have much pleasure in acknowledging receipt of your circular letter of April 5 in reply to our petition to the President regarding the system of baggage inspection in the United States Custom Houses. It gratifying to us to learn that you regard the justice of our complaints, and that the Department will do all in its power to reduce a legitimate cause of complaint to the minimum, and that the best that can be done is none too good.

"We are gratified to learn from you that the traveling public as well as those who stay at home, must be protected as far as possible. The suggestions you have made in regard to the elimination of companies providing special rooms, the appointment of a special deputy to whom complaints can be made, and the removal of the baggage inspectors from the time to time as they are found practically all the time to be inefficient and unscrupulous."

"We desire to call your attention, however, to one of our representations which you have overlooked, viz: the importance of having an office on the docks where passengers must be able to obtain money in payment of duties, on showing their letters of credit or giving satisfactory proof of their identity. We thought it had been made clear at our hearing on this petition that the administration of the laws was objectionable mainly because of the regulation of the Treasury Department, which made it impossible for the traveler to obtain money on the docks. This complaint was not mentioned in your answer."

"In reply you hardly allude to those regulations, and do not say whether they are to be modified or not. In the quotation of letters from the Treasury Department, which you have interpolated in three places in the word 'declaration' and in many other places in the face of this statute you do not see how either the declaration or the regulations are to be modified. This would indicate that the declaration was prescribed by statute."

"The effect of fact, the statute is misquoted in your circular letter. The word 'declaration' does not appear in the statute, and the present form of declaration exists by the act of your predecessor, and you have no power to change it. It is to be made it, and so far as the omission of the examination is concerned, we are advised by the Circuit Court of Appeals in the Second Circuit, that the present form of declaration is practically impossible for any one to fill out, and that it is followed by the examination, which you have power to omit altogether. It is both absurd and offensive."

"We are fully aware of the difficulty of your position in the administration in this respect of the Custom Houses so long as you are hampered by the law. The law will be amended by the amount of free entry of new personal effects. It is a law which is so odious in its provisions as to be impossible to enforce. The general feeling of the people is that the law is unjust and already repealed. We trust that until such repeal takes place, the law will be enforced with the greatest discretion and leniency."

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CAN'T HELP TELLING FIBS.

ANNIE IS SORRY BECAUSE SHE DOES WANT TO BE GOOD.

Ways of a Foster Child Who Ran Away From Jersey City—Found in a Brooklyn Theatre—Thrashes Boys in the Street for Carrying School Complaints Home.

Annie McGauran, the ten-year-old adopted daughter of James McGauran, a civil engineer living at 303 Montgomery street, Jersey City, who disappeared from home on Wednesday afternoon and was found that night eating peanuts in the lobby of Hyde & Belman's theatre in Brooklyn, was turned over to her parents yesterday by the Children's Aid Society.

Annie is a rather pretty child, with innocent-looking blue eyes, and possesses a remarkable facility for telling fibs. Her foster mother is authority for this statement, and Annie says that she tells lies because she can't help it.

"I wish I didn't," she said last night, "because I really want to be good, but somehow they just come."

While she was being cared for at the rooms of the society in Brooklyn, she told several contradictory stories to account for her presence in the city. She said that her name was Mabel Mince, and that she had been taken across the bridge in a buggy by her uncle, Frank Lawton, who gave her some candy for telling fibs. Her foster mother is authority for this statement, and Annie says that she tells lies because she can't help it.

"I wish I didn't," she said last night, "because I really want to be good, but somehow they just come."

"I never saw Mr. Lawton but once before," she said, "and that was last summer. He was a friend of a girl upstairs who was a great friend of mine. I met him in Mercur street and he asked me to have a ride, so I went across the bridge and he bought me some peanuts. We looked at the store windows for several hours and then he left me."

Mrs. McGauran said she was sure that Annie dreamed the story. "I love the child," she continued, "but don't know what to make of her. She is remarkably intelligent, but does not seem to be particularly fondness for fibbing with the boys. Several times her teacher has written notes to me complaining of her conduct in school, but Annie would have the boys who acted as messengers, thrashed them soundly and took the notes away from them. We adopted Annie when she was only a year old and know nothing of her parentage. She was a foundling who had been left in charge of the St. Vincent de Paul Society, which she had been spoiled by people whom we have met in our travels through South American countries. She has several brothers and sisters, and we have adopted her."

Annie was able several years ago to talk a little Spanish, but has forgotten all the words she ever knew.

NEW HAVEN R. R. TO FIGHT.

Will Ask the Court to Annul the Port Chester Railroad Franchise.

The New York, New Haven and Hartford Railroad will contest in the courts the franchise secured by the New York and Port Chester Railroad from the State Railroad Commission to construct a four-track railway from Willis avenue and 132d street northward to the boundary line between New York and Connecticut.

The project will parallel the New Haven and Hartford line and will run very close to it. The Appellate Division will be asked to annul the franchise on the ground that the law is unconstitutional and that the franchise is void in the territory affected.

Suits Against National Bleach.

BALTIMORE, Md., April 11.—Five suits against the National Bleach Company, aggregating in damages \$150,000, were filed in the Superior Court this morning by Attorneys John P. Poe and Frank Gosnell, on behalf of Messrs. James B. Mason and Samuel C. Mason, who own the rights in the city of Baltimore in the use of the name "National Bleach" in the territory affected.

New Harvard Union Officers.

The report of the Treasurer of the Harvard Union presented at the first annual business meeting a few days ago shows receipts from membership dues amounting to \$5,655. For the ensuing year these officers were elected: Major Henry Lee Higginson, '95, President; G. H. Peck, '00, Vice-President; and O. G. Francis, '00, Secretary.

SENATOR KRUM'S BILL VETOED.

Gov. Odell Disapproves Foreign Corporation Tax Bill Passed at His Request.

ALBANY, April 11.—Senator Krum's Foreign Corporation Tax bill, which the Legislature passed at Gov. Odell's request, has been vetoed by the Governor. In explaining his action Gov. Odell filed the following memorandum:

"This bill was passed under the recommendation of my annual message to the Legislature and had for its object a more equitable distribution of the tax on foreign corporations and domestic corporations. After hearing and amendments it was finally passed in the Senate by a vote of 40 to 10. It is a bill which is of great importance to the State and which will be of great benefit to the people of this State. I have concluded to disapprove it because it is not in the best interests of the State and because it is not in the best interests of the people of this State."

EDWIN A. WOOD NEEDED.

Hunt Still Charges With the Governor Against Sheriff Carpenter.

ALBANY, April 11.—Edwin A. Wood of New York city, who came here two weeks ago and had been a guest of the Governor, has been named by the Governor as the person to be appointed Sheriff of Saratoga county for the coming year. Mr. Wood has been a prominent figure in the county for many years and has been a member of the Board of Supervisors of Saratoga county for several years.

Melville Monument Bill Signed.

ALBANY, April 11.—The bill appropriating \$50,000 for the erection of a monument to Melville at Saratoga Springs in honor of the late President William McKinley has been signed by the Governor.

Gov. Odell Revives Charges Against His Trial Attorney Jerome.

ALBANY, April 11.—Gov. Odell said tonight that he had revoked the charges of fraudulent practice against District Attorney Jerome A. Jerome, but that he would not do so until he had had a chance to see the case. The Governor's action seemed to indicate that he did not think much of the charges.

Board of Visitation for Rochester State Hospital.

ALBANY, April 11.—Gov. Odell today appointed Dr. Thomas A. O'Hare, Frederrick Cook, James F. Rochester, William Miller and George Baines, all of Rochester, to the Board of Visitation of Rochester State Hospital.

SIGNED BY THE GOVERNOR.

Bill Regulating the Designation of Up-State Justices to Serve in This City.

ALBANY, April 11.—Gov. Odell has signed Senator Brackett's bill regulating the designation of up-State Supreme Court Justices to serve in New York and Kings counties.

It provides that at the request of the Presiding Justice of any judicial department the Appellate Division of either of the other departments of the State may assign from among the trial Justices of any judicial district in its department such Justices as in its opinion may be spared from the district without prejudice to the work or interests of such district, to hold trial or special terms in the department whence the request may come.

Whenever a Justice of the Supreme Court is so assigned to hold trials or special terms in either the First Judicial district, or in the county of Kings in the Second Judicial district, he shall be paid by the city of New York \$20 a day for each day he shall be actually employed in either of such districts. No assignment shall be made from any district that will not leave at all times at least two trial Justices in such district. The new law takes effect immediately, except that existing assignments may run until June 1.

The Governor also has signed Assemblyman Rogers' bill, recommending by the New York Chamber of Commerce, which provides that the Governor must appoint a commission of seven members to investigate the reason for the crowded court calendars in New York and Kings counties, and to suggest remedial legislation to the next Legislature. This commission is empowered to subpoena witnesses and employ counsel, but its expenses shall not exceed \$10,000, which amount is appropriated from the State treasury.

Among the bills signed were these: Senator Stranahan's three amendments to the New York city Rapid Transit law, one allowing the Rapid Transit road, when completed, to be a corporation to operate and to reduce the cost of advertising in connection with the construction work and the permitting the use of buildings for Rapid Transit railroad stations and approaches thereto over sidewalks.

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Assemblyman Coburn's, giving the New York city Rapid Transit road, when completed, to be a corporation to operate and to reduce the cost of advertising in connection with the construction work and the permitting the use of buildings for Rapid Transit railroad stations and approaches thereto over sidewalks.

Senator Elmsberg's, giving the teachers employed in schools or classes, maintained in the city of New York, the right to elect a committee of five members to represent them in the Board of Education, and to elect a committee of five members to represent them in the Board of Education, and to elect a committee of five members to represent them in the Board of Education.

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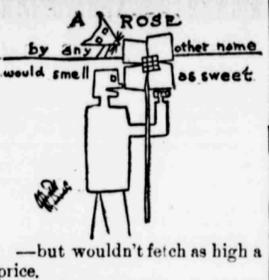
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