U. S. SUPREME COURT DECISIONS

CHROMO LITHOGRAPHS ARE ENTITLED TO PROTECTION.

Donaldson Lithograph Company Mustn't Reproduce Pictures Used to Advertise "The Great Wallace Shows"—National Banks Not Under State Control.

WASHINGTON, Feb. 2.—The session of the Supreme Court to-day was attended by Mrs. Roosevelt, in company with Lieut. McIlhenny and by Attorney-General Knox.

In the case of Bleistein vs. the Donaldson Lithograph Company the court decided that three chromo lithographs, designed by employees of Bleistein to advertise "The Great Wallace Shows" were entitled to the protection of the Copyright law, and that Bleistein was entitled to an injunction restraining the Donaldson company from reproducing them. This was a reversal of the judgments of the Sixth Circuit Court and of the Court of Appeals of that circuit. Justice Holmes, who read the decision, said:

We assume that the construction of Section 4952, Revised Statutes, allowing a copyright to the "author, designer or proprietor of any engraving, cut, print (or) chromo" is affected by the act of 1874. That provides that "in the construction of this act the words engraving, cut and print shall be applied only to pictorial illustrations or works connected with the fine arts."

These chromo lithographs are pictorial illustrations. The word "illustrations" does not mean that they must illustrate the text of a book, and that the etchings of Rembrandt or Steinlan's engraving of the Madonna di San Sisto could not be protected to-day if any man were able to produce them. Again, the act, however construed, does not mean that ordinary posters are not good enough to be considered within its scope. The antithesis to "illustrations or works connected with the fine arts" is not works of little merit or of humble degree or illustrations addressed to the less educated classes; it is "prints or labels designed to be used for any other articles of manufacture."

Certainly, works are not any the less connected with the fine arts because their pictorial quality attracts the crowd and therefore gives them a real use—if use means to increase trade and to help to make money. A picture is none the less a picture and none the less a subject of copyright that it is used for an advertisement. And if pictures may be used to advertise soap, or the theatre, or monthly magazines, as they are, they may be used to advertise a circus. Of course, the ballet is as legitimate a subject for illustration as any other. A rule cannot be laid down that would excommunicate the paintings of Degas.

Finally, the special adaptation of these pictures to the advertisement of the Wallace show does not prevent a copyright. That may be a circumstance for the jury to consider in determining the extent of Mr. Wallace's rights, but it is not a bar. Moreover, on the evidence, such prints are used by less pretentious exhibitions when those for whom they were prepared have given them up.

It is an ultimate fact for the moment, whatever may be our hopes for a change, that these pictures had their worth, and their success is sufficiently shown by the desire to reproduce them without regard to the plaintiff's rights. We are of opinion that plaintiff has rights entitled to the protection of the law.

Justice Harlan dissented for himself and Justice McKenna on the ground that mere advertisements were not such works of art as were contemplated by the Copyright law.

In the case of the appeal of James H. Easton from the judgment of the Supreme Court of Iowa the court decided that the operations of national banks "cannot be limited or controlled by State legislation, and the Supreme Court of Iowa was in error when it held that national banks are organized and their business prosecuted for private gain, and that there is no reason why the officers of such banks should be exempt from the penalties prescribed (by the State law) for fraudulent banking."

Easton was president of the National Bank at Decorah, Ia.; was indicted for violation of a State law forbidding the receipt of money from a depositor by a bank officer when the bank is insolvent; was sentenced to five years' imprisonment, and the sentence was affirmed by the Supreme Court. For the reason stated, that as a national bank officer he was not subject to State law, the judgment of the State court was reversed and Easton will be released.

Another lease of life was given by the court to the famous insurance case of Sallie E. Hillman (now married to one Smith) vs. the Connecticut Mutual Life Insurance Company, which has been before the courts since 1880. Justice Brewer, who heard the case while on the bench in Kansas, with Justice White, dissented from the judgment of the court.

THE PENALTY IS DISMISSAL.

Letter Carriers Mustn't Borrow Money of Shylocks at Exorbitant Rates.

WASHINGTON, Feb. 2.—First Assistant Postmaster-General Wynne to-day issued an order to all postmasters that any letter carrier who borrowed money from a "shylock" at exorbitant rates of interest shall be dismissed from the Government service. Mr. Wynne quotes the Postmaster-General's order of May, 1896, which is still in force, forbidding paying postmasters to recognize orders made out by employees to money lenders, guaranteeing the payment of notes at maturity, and adds:

"Your attention is also called to the provision in the Postal laws and regulations of 1902, that carriers 'shall not contract debts which they have no reasonable prospect of being able to pay.'"

Service Pension Bill Introduced.

WASHINGTON, Feb. 2.—Mr. Hemenway (Rep., Ind.) to-day introduced a bill to pension all soldiers and sailors who served in the military or naval service of the United States at least ninety days in the War of the Rebellion and were honorably discharged at the rate of $12 a month; also to pay widows of such soldiers and sailors who married prior to June 27, 1890, and who are without other means of support than their daily labor and whose actual net income does not exceed $250 a year, pensions at the rate of $12 a month.

Army and Navy Orders.

WASHINGTON, Feb. 2.—These army orders were issued to-day:

Capt. Gordon G. Heiner, Artillery, assigned to 117th Coast.

Capt. Robert W. Dowdy, Twenty-second Infantry, ordered to Hot Springs, Ark.

Capt. Henry T. Allen, Sixth Cavalry, is detailed to service as Chief of the Philippine Constabulary.

Major Charles D. Parkhurst, Artillery Corps, from Fort Totten to Fort Constitution.

Assignments in Artillery: Capt. Alston Hamilton, Thirty-sixth Coast; Capt. Richmond P. Davis, 111th Coast.

Chaplain Samuel H. Bell, Artillery, from Fort Wadsworth to Fort Terry.

Capt. William M. Williams is detailed to College of the Immaculate Conception, New Orleans.

Capt. Charles H. Clark, Ordnance Department, from Benicia Arsenal to Rock Island Arsenal.

Capt. Curtis B. Hoppin, Second Cavalry, to Fort Ethan Allen for examination for promotion.

Capt. Clarence N. Purdy, First Infantry, ordered to Fort Porter.

Leaves of absence granted—Contract Surgeon W. R. S. George, for two months; Capt. Michael M. McNamee, Fourteenth Cavalry, extended three months; Col. Albert E. Woodson, Third Cavalry, extended one month; Major Alexander B. Dyer, Artillery, extended one month; Second Lieut. Clarence Carrigan, Artillery, for ten days; Major Otto L. Hein, Third Cavalry, extended fifteen days.

These naval orders were issued:

Lieut. C. W. Snow, three months' additional sick leave granted.

Lieut. G. C. Davison, from command of the Barney to navy yard, Norfolk.

Lieut. D. W. Knox, from the Decatur to navy yard, Norfolk.

Lieut. S. P. Moses, from command of the Bagley to command of the Chauncey.

Lieut. G. W. Williams, from duty with General Board, Washington, to command the Bainbridge.

Lieut. W. McDowell, from command of the Trenton to the Bainbridge.

Ensign S. B. Thomas, from the Thornton to the Chauncey.

Lieut. M. F. Yarnell, from command of the Stockton to the Barry.

Lieut. R. Z. Johnston, from command of the Biddle to command the Barry.

Lieut. H. L. Cone, from the Decatur to command the Dale.

Ensign J. N. Timmons, from the Biddle to the Stewart.

Midshipman M. G. Cook, from the Barney to navy yard, Norfolk.

Midshipman I. I. Yates, from the Bagley to navy yard, Norfolk.

Ensign C. P. Nelson, from the Stockton to the Dale.

Passed Assistant Surgeon H. C. Curt, when discharged from treatment at Naval Hospital, Mare Island, to duty there.

Passed Assistant Surgeon R. W. Plummer, from the Fabrie to navy yard, New York.

Passed Assistant Surgeon I. M. Furlong, from navy yard, New York, to the Prairie.

QUAY SMILES A BROAD SMILE.

He Sees General Legislation Dumped Into the Army Appropriation Bill.

WASHINGTON, Feb. 2.—When the Army Appropriation bill was called up in the Senate to-day, Mr. Quay asked unanimous consent that a vote be taken on the Statehood bill on Feb. 18, at 2 P. M.

Mr. Nelson (Rep., Minn.) and Mr. Kean (Rep., N. J.) objected.

Mr. Berry's motion to reconsider the vote on the general staff bill, passed last Saturday, caused the committee to retain in the appropriation bill the sections creating the general staff. Mr. Hale criticised this on the ground that it was general legislation.

Mr. Cockrell insisted that the amendment was strictly germane to the bill as affecting the army.

Mr. Foraker and Mr. Proctor expressed the same views.

Mr. Hale—The question of its being germane is not the real question. It is whether or not it is general legislation dumped into an appropriation bill. I shall not make the point of order, however. I shall reserve the point of order.

Mr. Quay—I differ from the Senator from Missouri in that this, in my judgment, is general legislation. I differ from the Senator from Maine in believing that this is properly in the bill. So long as a point of order is not made against the amendment I shall do nothing to embarrass the passage of the bill.

Mr. Hale—Why does not the Senator from Vermont come right out boldly like the Senator from Pennsylvania and say that this is general legislation, and that the reason it is in the bill is because we can get it passed easier and quicker than in any other way.

Mr. Proctor made no reply and Mr. Quay smiled a broad smile.

A moment later, at 2 o'clock, the Statehood bill was laid before the Senate. Mr. Quay asked that it be laid aside to permit consideration of the Army Appropriation bill, which was agreed to.

The Army Appropriation bill was read and an agreement was reached to vote on it at 1 o'clock to-morrow.

Mr. Bard (Rep., Cal.) then resumed his speech against the Statehood bill. He was followed by Mr. Quarles (Rep., Wis.), who spoke for half an hour, without concluding. At 4:15 the Senate went into executive session and afterward adjourned at 4:30 out of respect to the memory of the late Representative John N. W. Rumple of Iowa.

HOUSE PROCEEDINGS.

Bill Passed to Preserve and Protect the Fur Seal Herd.

WASHINGTON, Feb. 2.—The House to-day passed the Beidler bill to protect and preserve the fur seal herd frequenting the Pribyloff Islands. It authorizes the President to negotiate with the British Government for a modification of the regulations governing the taking of seals, so as to secure a suspension of pelagic hunting by the subjects of the two Governments. Failing this, it is proposed to at once exterminate the herd, in the discretion of the President, saving only 10,000 females and 10,000 males. The following bills were also passed:

Authorizing the promotion of Lieut. Robert P. Platt, U. S. N., to the grade of Commander. (Under the reorganization of the navy at the close of the Civil War Mr. Platt was made a Lieutenant out of the line of promotion, and has since been at the foot of the list of Lieutenants.)

Appropriating $1,500,000 for a new building for the Department of Agriculture in this city.

Authorizing the appointment of Capt. John R. Bartlett, U. S. N., retired, to the rank of Rear Admiral.

Authorizing the appointment of Lieutenant-Commander W. S. Randall, U. S. N., retired, to the rank of Commander.

Authorizing the restoration of Thomas H. Carpenter to the rank of Captain and to place his name on the retired list of the army.

Authorizing the restoration of Kensey J. Hampton as Captain and Quartermaster in the army.

To refsore Dr. John W. Ross, who was retired from the navy seven years ago on account of impaired eyesight, to the active list of the navy with rank of Medical Director.

Authorizing the Secretary of War to cause to be erected monuments and markers on the battlefield of Gettysburg to commemorate the valorous deeds of certain regiments and batteries of the United States.

A joint resolution tendering the thanks of Congress to Rear Admiral Louis Kempff, U. S. N., for meritorious services at Taku, China.

A bill to place Brig.-Gen. H. C. Merriam on the retired list with the rank of Major-General.

Authorizing a bridge across the Missouri River at Kansas City for the electric railroad from Kansas City to St. Joseph.

Senate bill granting to the State of California 640 acres of land in lieu of a section of school lands found to be occupied by the Mission Inidans.

Transferring to the State of Maine Widows Island, in Pemobscot Bay.

SUNDRY CIVIL BILL.

Appropriations for Ellis and Governors Islands and New York Harbor.

WASHINGTON, Feb. 2.—The House Committee on Appropriations to-day reported the Sundry Civil bill. The measure appropriates $78,007,929, being $8,886,452 less than the regular and supplemental estimates and $17,355,870 more than the appropriations for the current fiscal year.

The apparent excess recommended in the bill over the appropriations for the current year, namely, $17,355,870, is more than accounted for in the increase for river and harbor contract work, $14,464,393, and the amount of $3,000,000 which is recommended to relieve the distress of the people in the Philippine Islands.

Included in the bill are these items: $75,260 for the preventing of deposits in New York harbor; $100,000 for an extension and additions to present hospital on Ellis Island; for construction or purchase of steel twin-screw ferryboat, $110,000; for sundry repairs and alterations to Ellis Island, $20,000; for construction of new island near Ellis Island, $155,000; for construction of New York Custom House building under present limit, $300,000; for rent of old Custom House, $136,000; for appraiser's warehouse, new elevators and repairing old one, $30,000; for Barge Office alterations, $6,000; for construction of lookout facilities for protection of mail matter in Brooklyn Post Office, $2,700; for erection of lamp shop at general lighthouse depot, Tompkinsville, $50,000; for continuing improvement of Ambrose Channel across Sandy Hook bar, $733,000; for enlargement of Governors Island, $150,000.

Nominations by the President.

WASHINGTON, Feb. 2.—The President to-day sent to the Senate the following nominations:

War—To be Lieutenant-Colonel, Major James B. Quin, Corps of Engineers; to be Major, Capt. Edward Burr, Corps of Engineers.

Postmasters—New York—William H. Bain, Canajoharie; W. S. Siver, Chittenango; Herbert W. Davis, Falconer; Justice E. Abbott, Gouverneur; George H. Keeler, Hammondsport; Nelson E. Ransom, Little Falls; Peter H. Vosburgh, Matteawan; William J. H. Parker, Moravia; William Witte, Jr., Roslyn; Michael Halligan, Rouse's Point; Charles C. Horton, Silver Creek.

Pennsylvania—Elias Shroeds, Oakdale; David C. Rhoades, Hummelstown; William F. Brittain, Muncy; Henry M. Brownback, Norristown; Howard S. Stillwagon, Rosemont; David M. Turner, Towanda; George S. Baldwin, Tunkhannock.

New Jersey—Marian Mitchell, East Orange; Caroline E. Condit, Millburn.

Connecticut—H. G. Lingser, Branford; John L. Elliott, Clinton; Stephen B. Hoyt, New Canaan; Leotold J. Curties, Norfolk; Thomas Walker, Plantsville; Frank O. Letters, Putnam; Richard Jobes, Sufield; Thomas F. Higgins, Terryville.

To Regain Our Lost Carrying Trade.

WASHINGTON, Feb. 2.—Mr. Sulzer (Dem., N. Y.) to-day introduced a concurrent resolution authorizing the appointment of a joint committee "to investigate our navigation policy, to trace its effects upon our marine, to consider how to encourage it and regain our lost carrying trade and to report a Constitutional remedial measure."

LATEST A. T. STEWART SUIT.

LAWYER FROM PARIS BRINGS ON PRIEST FROM CEYLON.

Case Opened by Seeking to Establish That John Stewart of Belfast Is a Great-Grandson of Merchant's Brother.

The latest suit over the estate of A. T. Stewart, the dry goods merchant, who died in 1876, came up for trial yesterday in the Supreme Court before Justice O'Gorman and a jury. The alleged heir, who seeks to establish his right to one-sixtieth of the whole fortune, on the ground of his cousinship to the dead merchant and the invalidity of the will, is John Stewart of Belfast, Ireland. He is a ruddy-faced Irish peasant about 40 years old. He says he is the son of a William Stewart, third, who was the grandson of William Stewart, first, who was a brother of Alexander Stewart.

The plantiff took the stand in his own behalf yesterday, but as it was ruled that he could have no absolute knowledge of his own parentage, he was soon excused. The main witness of the day was Father John Fitzpatrick, a Roman Catholic priest who has come from Ceylon to give testimony. After the priest had testified that he had known John Stewart, the plaintiff, as a boy in Irelanzi, and that he had always believed him to be the grandson of William Stewart, second, Father Fitzpatrick was subjected to cross-examination.

Father Fitzpatrick said that he was attached to the Order of Oblates, and that he had left Ceylon at the direction of his Superior-General in Paris and had been told to be prepared to come to this country to testify. He had then been to Ireland, and had later met, in London, M. Albert Denans D'Artigues, a French lawyer, who has consistently evinced a lively interest in the affairs of alleged heirs of A. T. Stewart.

Asked if he knew why his superior had ordered him to take part in this contest, the priest replied that it musthave been at some one's request and that he had heard "whisperings" that the some one was D'Artigues. He then identified the French lawyer, who was in court, and went on to testify that when he had met D'Artigues in London last September, the lawyer had shown him an order from the Superior-General, directing the priest to interest himself in the Stewart matter. He was told that he could remain in New York until he should be wanted as a witness. He is now stopping as a visitor at St. Cecilia's Church in Brooklyn.

D'Artigues had shown him, he said, what appeared to be a power of attorney from John Stewart, by which the lawyer was empowered to act as a principal in all matters connected with the suit. He believed that D'Artigues was bearing the expenses of his trip. The trial will continue to-day.

THE NEW FRENCH AMBASSADOR.

He Calls on Secretary Hay and Talks to a Reporter for "The Sun."

WASHINGTON, Feb. 2.—M. Jean Jusserand, the new French Ambassador, who arrived in Washington late on Saturday night, paid the customary visit of courtesy and ceremony to the Secretary of State to-day and left with Mr. Hay a copy of his credentials. It was arranged between them that M. Jusserand should be presented to President Roosevelt this week, but the exact date will not be set until Mr. Hay has consulted the President.

While deterred on account of the restrictions of his diplomatic office from commenting on the Venezuelan situation, M. Jusserand, in the course of a conversation with a representative of THE SUN this afternoon, did not hesitate to say that the attitude of France in regard to her interest in the foreign claims against Venezuela was by no means radical. She sought no advantage over any other country, he said, but was unwilling to accept an adjustment that would not provide for equal treatment of all parties concerned.

"It is my first visit to America," said the Ambassador, "but I am so well acquainted with American literature and have met so many Americans abroad that I feel that I have many friends here. A very warm feeling for America and its people exists in my own country, and I may say that the tributes paid to France on the occasion of the dedication of the Rochambeau statue created an intense feeling of pleasure there.

"In entering New York I was asked by a journalist if an alliance existed between the United States and France. 'Oh, yes,' I answered, 'it has existed for 130 years.' Then I was asked if there had not been an alliance arranged between the two Governments in regard to the Venezuelan question, and I replied that if there had been the compact must have been signed while I was crossing the seas."

M. Jusserand appeared to enjoy his little joke on the newspaper men who accompanied him from Quarantine to New York on Saturday. It was evident from the Ambassador's conversation that he has a keen sense of humor and has a very correct idea of Americans and their ways. He is apparently well acquainted with the political and personal career of President Roosevelt, and particularly admires the President's relish for outdoor sports, to which the Ambassador is also devoted.

In the course of the conversation, mention was made of the fact that several of the foreign envoys in Washington, like M. Jusserand, had married American wives. "Oh, yes," quickly answered the Ambassador, "everybody does."

M. Jusserand, in again referring to the warm feeling of Frenchmen for America, said it was worthy of note that while there were many beautiful statues in Paris, only one man had the honor of having had two statues erected to him in the French capital. "And that man," he added, "is George Washington."

WASHINGTON SOCIETY.

The Southern Ball at the Arlington—Mrs. Alger Gives a Luncheon.

WASHINGTON, Feb. 2.—The Southern ball was the dancing event this evening, and the Arlington, where the ball was given, was brilliant with the costumes of society women and the decorations which contributed the spectacular feature to the gridiron dinner on Saturday night. Admiral and Mrs. Dewey and Admiral and Mrs. Schley were among the early guests. Mrs. Charles B. Howry, wife of Judge Howry of the Court of Claims, assisted by Miss Mary Lee, daughter of Gen. Robert E. Lee, and others received the guests. A number of the ladies of the Diplomatic Corps, Supreme Court and Cabinet acted as patronesses.

Mrs. Alger, wife of Senator Alger of Michigan, gave a luncheon to-day. Her guests were Mrs. Leonard Wood, Mrs. Wallace Radcliffe, Mrs. Tittman, Miss Flora Wilson, Miss Josephine Patten, Miss Kate Deering, Miss Lucy Kean, Mrs. McCallum, Miss Hitchcock, Mrs. George Zavier McLanahan, Miss Boardman, Miss McKenna, Miss Biddle and Mrs. Bailey of Harrisburg and Mrs. Sheldon of Detroit, daughters of Senator and Mrs. Alger, and Miss Mullan.

Signor Mayor des Planches, the Italian Ambassador, and Signora Des Planches entertained at dinner to-night.

Mr. and Mrs. Elihu B. Frost of New York, who are spending the winter in Washington, gave a theatre party and supper to-night in honor of Miss Wright, the debutante daughter of Mr. and Mrs. G. S. Wright.

Collector Stranahan at the White House.

WASHINGTON, Feb. 2.—Nevada N. Stranahan, Collector of Customs at New York, called on the President this morning with Postmaster-General Payne and was the President's guest at luncheon.

Fact, Fiction, Fun and Fashions
find felicitous framing in THE SUN.—Adv.

ADDICKS MAN REJECTED.

Senate Committee Reports Adversely the Nomination of Byrne of Delaware.

WASHINGTON, Feb. 2.—The Senate Committee on the Judiciary, at its meeting to-day, voted to report adversely to the Senate the nomination of William Michael Byrne to be United States Attorney for the district of Delaware. The committee's action was taken after a protracted and somewhat acrimonious discussion of the case by several members.

No charges of any kind have been field against the character of Mr. Byrne and no fault is found with his record as District Attorney under the McKinley Administration. The contest is based frankly on the fact that Byrne is a supporter of J. Edward Addicks, after having been for several years a vigorous opponent of that perennial candidate for election to the United States Senate.

The vote against favorably reporting the nomination was carried by a bare majority of the committee, but neither the Republican nor the Democratic side was unanimous.

Byrne resigned his office as District Attorney in order to run for Congress as the candidate of the anti-Addicks or Union Republicans in Delaware last November. He was defeated for election and then applied to the President for reappointment to the District Attorneyship. The President acted promptly on the application by appointing Byrne before the convening of Congress in November, and he issued a statement on Nov. 24 explaining his action. After the meeting of Congress the recess appointment of Byrne was sent to the Senate for confirmation and it has been before the Judiciary Committee since that time.

DOVER, Del., Feb. 2.—The reported rejection of District Attorney William Michael Byrne by the United States Senate's Judiciary Committee to-day was a severe blow to the Addicks men. Legislation came to a complete standstill when the report reached the capital. It was about the first evidence ever received that the United States Senators are hostile to Addicks.

Regulars and Democrats said that the Senate never intended to seat Addicks even if he were elected. "That settles him," said former Senator Kenney, Democrat, when he heard the news.

"Thank God," was the expression of President Pro Tem. Ellison, Regular Republican. Senator Ellison, who is a dignified churchman, said that the hand of the Almighty seemed to be in this Delaware fight.

State Senator Allee was the only Addicks leader who did not seem disturbed by the unwelcome news. "I am inclined to believe the news untrue," said the Union Republican State chairman. "We talked over the confirmation of Mr. Byrne in Washington last week, and we have every assurance that the District Attorney has no opponents in the committee expected to report upon him, but Mr. Hoar. Senator Hoar, the chairman, has been led to believe that Mr. Byrne alone caused the defeat of a Republican Congress candidate and would not take the pains to inquire into the facts."

There was no change in the Senatorship balloting to-day.

ALASKA BOUNDARY TREATY.

Some Errors Corrected and the Document Returned to the Senate.

WASHINGTON, Feb. 2.—The President to-day returned to the Senate the treaty with Great Britain for the appointment of a commission to settle the Alaskan boundary dispute. The convention was withdrawn on Friday, after a favorable report had been made by the Foreign Affairs Committee, in order to correct two clerical errors. One of the these was the omission of "the British possessions beyond the sea," in the title of King Edward, and the other was the accidental retention in the preamble of the word "arbitral" in connection with the tribunal of six commissioners created by the treaty.

These changes were made in the copy sent to the Senate to-day, and when the convention was laid before the Senate in executive session and referred to the Committee on Foreign Relations, Chairman Cullom, at the direction of the committee, immediately reported it back with a favorable recommendation. It was placed on the executive calendar and will probably be ratified at the next executive session.

Inspector Izard Denies All Charges.

WASHINGTON, Feb. 2.—The Secretary of the Treasury has received the written reply of Ralph Izard, inspector of the Chinese Immigration Bureau at Brooklyn, to the charges recently preferred against him by the Treasury Department. The reply consists of a sweeping denial of all the charges, so far as any criminal intent was concerned, and of a large number of substantiatory letters and documents. Inspector Izard will appear personally before Secretary Shaw, Assistant Secretary Taylor and Commissioner-General of Immigration Sargent to-morrow and make a verbal statement.

WILL PLAY IN THE BRONX.

American League Practically Decides to Place the New Club There.

Indications point to the location of the new American League grounds in the borough of The Bronx. President Johnson, who for a time believed that he had secured grounds at 143d street and Lenox avenue, has practically decided, it is said, that for the present the new ball club will have to move north of the Harlem River. As THE SUN has already stated the American League people have options on three available sites in The Bronx, any one of which is convenient to local baseball enthusiasts.

Johnson, Somers and Kilfoyle have gone over the ground thoroughly, and in a few days it is said that they will close a deal for a location which can be reached in thirty minutes from Forty-second street. The Third avenue elevated road, which was recently extended to Bronx Park, can run through trains from the City Hall to St. John's College, Fordham, in 57 minutes, including all stops. It is believed that the American League grounds are located within a block of this line in the neighborhood of 145th street. It is known that one of the grounds, on which the American League has secured options, is the old Fleetwood Driving Park, which can be easily fitted up for baseball purposes in case of an emergency. An architect named Davis has already drawn the plans for the stands.

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Women Who Dress Fashionably
keep up to date by reading the Fashion Notes and studying the dress illustrations printed on the Women's Pages of THE SUNDAY SUN and THE EVENING SUN.—Adv.

MISS KEARNEY SUES MRS. KEAN

ON A $250 SCHOOL BILL FOR WINTHROP KEAN, AGED EIGHT.

Boy Was in School Only Ten Days and Mrs. Kean Declined to Pay a Whole Year's Tuition, but Offered Half—The Case Can't Be Tried Until the Fall.

Miss Mary M. Kearney, who keeps, in West Forty-second street, a school for little boys to which many rich people have sent their children, appeared in the City Court yesterday as plaintiff in an action against Mrs. Katharine Winthrop Kean, wife of Hamilton Fish Kean, to recover $250 which she alleges is due her on a contract made to teach Mrs. Kean's eight-year old son Winthrop for a year.

Mrs. Kean, who appeared in court with her husband and her counsel, Lawyer James B. Ludlow, put in an answer denying that she owed the amount and setting forth that she was compelled to take her son away from the school after he had been there for ten days because the child had not been put in a class suitable for his age and knowledge. Although the child had been at the school but ten days she had offered to pay $125. John M. Bowers, who has had a boy in Miss Kearney's school, sat in court with her.

Thomas P. Wickes, counsel for Miss Kearney, asked that the case be put on the short term calendar, as it could be tried in an hour. It was put on, but proved to be too long and it went over to the fall term.

After the court proceedings yesterday there was some talk of rudeness between counsel. Lawyer Wickes hinted that he had been accused of being rude toward Mrs. Kean. He declared that he had not been rude to Mrs. Kean, but that he thought Miss Kearney ought to get the full year's tuition because the boy filled a place that another applicant might have taken.

Lawyer Ludlow said last night that Mrs. Kean had refused to pay the $250 because she considered it unreasonable.

"I understand," said the lawyer, "that Miss Kearney said that Mrs. Kean had snubbed her at a social affair and had refused to speak to her. It seems that Miss Kearney was there with a chip on her shoulder, and because Mrs. Kean did not speak to her she became angry. I did not say that Lawyer Wickes acted rudely toward my client. But I did say that he acted rudely to Mr. Kean. Mr. Kean, however, can take care of himself."

GOLF.

Applicants for the National Championships—M. G. A. Matters.

Ten of the associate clubes have responded to the circular of Secretary Ballou stating their desires regarding the championship tournaments, for which the choice of links will be made by the delegates to the United States Golf Association meeting on Feb. 17. In addition to the Atlantic City Country Club and the Chicago Golf Club, the Onwentsia Club of Lake Forrest, Ill., has applied for the women's championship. It is now definitely known that the women players will present a petition to the U. S. G. A. executive committee asking that an Eastern course be selected this year, because nearly all of them expect to visit the St. Louis Exposition next year and it would then be easy for them to combine the two outings. The tournament has never been held at Atlantic City, which possesses one of the best links in the country, and the splendid hotel accommodations and other attractions make the links the first choice of the Eastern women. Both of the Western applicants have fine links and they have demonstrated in the past the ability to conduct a championship meeting with credit. The Chicago Golf Club is making its first application. The Onwentsia Club would have asked for the women's tournament in 1899, but it waived its demand to aid the executive committee of the U. S. G. A., which was at a loss for a links on which to hold the amateur championship.

To help out the U. S. G. A., the Onwentsia club took the amateur tournament which Harriman won, instead of the one it wanted, the women's championship. This action will probably have some bearing on the votes of the delegates. Lake Forrest, the home of the Onwentsia club, is a settlement of country houses of the order of Newport, Southampton, or Lenox, and the Eastern women would be splendidly entertained should their championship be held there.

The Baltusrol Golf Club has placed its links at the disposal of the U. S. G. A. for either the amateur or the open championship, the former for choice. In handling the women's championship two years ago the Baltusrol club scored a great success and its course is up to all championship requirements. Secretary Adams of the Nassau Country Club has informed Secretary Ballou that no action has been taken as yet by the Nassau committee in regard to the championships. The links is in ideal condition and the clubhouse is being doubled in extent, so that it will be one of the largest and most complete country clubs in the East. As the "runner up" in the voting for two years, the Nassau golfers would seem to have the first claim on the amateur meeting this time, and the conditions existing prove how well the tournament could be managed there. To last night the clubs to state they did not care for a championship this year were the Garden City Golf Club, Country Club of Brookline, Allegheny Country Club, Ardsley Club and Philadelphia Country Club.

The executive committee of the Metropolitan Golf Association did not meet yesterday, but it will do so just before the annual meeting to-night at the Metropolitan Club. C. F. Watson will preside at the annual meeting, which will be held at 9 o'clock. There has been some canvassing in a quiet way by the committeemen regarding a nominee for the presidency to fill the vacancy on the ticket, but no action has been taken in an official way. Former Judge Horace Russell, one of the oldest members of the St. Andrews, Garden City and Shinnecock Hills clubs, has been suggested for the office, and he is the choice of a majority of the players who were asked yesterday to give their views on the situation. There was a general opinion, however, that the executive committee would come to a wise decision in the matter.

Seymour Dunn, who began his career at the Lawrenceville links here, and has since been the professional at Paris, has been engaged by the new club at Brussels. He is the youngest son of the late Tom Dunn.

According to the *Court Journal*, "the question of caddies at Windsor has been settled in a very satisfactory manner, and one which is characteristic of the King's thought for his employees. Lads were selected from the sons of parents residing on the estate and some pains have been taken to make them something more than mere club carriers; they have now learned enough to be of real service to the players." It is to be hoped that the caddies remember that a lost ball is a lost hole, even though the King may lose the match. Golf rules know no favorites.

YALE MAY PLAY FOOTBALL HERE

Intimation That Game Has Been Arranged With Columbia on the Polo Grounds.

It was intimated at Columbia University yesterday that the long negotiations with Yale looking toward a football game between the two institutions in this city next autumn had been crowned with success. The alumni of both institutions brought pressure to bear upon the undergraduate managers owing to their desire to see the annual game at the Polo Grounds. Yale's objections to the Polo Grounds as a playing field were removed by an offer of certain Columbia graduates to put the field in the best possible condition for football.

The date for the game is said to be either Oct. 17 or Oct. 24, although several football man on Morningside Heights professed total ignorance of the arrangements. Yale declared her willingness to meet Columbia again provided the game did not come too near her contests with Harvard and Princeton. When the teams first met the game was regarded as a practice contest for the New Haven team, but in subsequent years the Columbia team has come forward considerably and has either beaten or scored against Yale in every game played. By arranging a game this year early in the season Yale's plans will not be materially altered, and the Blue admits that it has no longer any fault to find with the men who play on the Columbia team.

The date of the Princeton-Columbia game is still to be decided, as Nov. 3, the date supposed to have been reserved for Princeton, has been offered to the University of Chicago in the hope of inaugurating a series of annual games between the West and the East, to take the place of the Chicago-Pennsylvania games which have been abandoned.

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