HOOKER TO BE INVESTIGATED.

THE ASSEMBLY SO DECIDES BY A UNANIMOUS VOTE.

The Judiciary Committee's Resolution Provides for a Full Investigation—State Bar Association and the Bar Associations of This City, Brooklyn and Jamestown to Be Represented at Meetings.

ALBANY, Feb. 1.—Some day next week, to be determined upon as soon as responses to notifications which are to be sent out to-morrow are received, the Assembly Judiciary Committee will begin the investigation of the charges made that Supreme Court Justice Warren B. Hooker of Fredonia has been guilty of conduct unbecoming a member of the Judiciary. This will be the third investigation of the kind held since 1889. That it will be a thorough and searching investigation is now conceded. As a result Justice Hooker will either be impeached or vindicated. As stated in THE SUN to-day, former Deputy Attorney-General Henry B. Coman of Madison county will be the counsel for the committee. Henry Lammert, the stenographer of the Assembly, has been appointed stenographer of the committee to take the testimony.

To-night the Judiciary Committee outlined its future course as far as possible. To convince the people that nothing is to be covered up, this resolution was adopted:

Resolved, That the Bar Association of the City of Jamestown, the Bar Association of the City of New York, the Brooklyn Bar Association and the New York State Bar Association be notified of the time and place of all hearings before this committee or any sub-committee thereof in the matter of investigation of the accusations against Mr. Justice Hooker, and that each of said associations be invited to cooperate with this committee and its counsel in the matter of procuring witnesses and evidence material and relevant to such investigation.

The resolution adopted by the committee at its meeting yesterday afternoon was reported to the Assembly this morning and was adopted unanimously. The resolution follows:

Whereas the Bar Association of the city of Jamestown, Chautauqua county, heretofore, and on or about the 16th day of January, 1904, presented to the New York State Bar Association a resolution accompanied by a statement respecting certain accusations against the Hon. Warren B. Hooker, a Justice of the Supreme Court of this State, which resolution and communication was referred to the grievance committee of said New York State Bar Association, and;

Whereas said grievance committee did on or about March 1, 1904, refer said resolution and accompanying statement to a sub-committee of five members of such grievance committee with power to investigate the matters contained in said resolution and statement, as connected therewith, and report to said grievance committee their proceedings and recommendations thereof, and

Whereas said sub-committee, so appointed, did thereafter make an investigation of such matters, and on the 12th day of November, 1904, did make report to said grievance committee of its proceedings containing certain findings of fact, with the recommendation that a further investigation be had by the Legislature before a tribunal having compulsory process, and

Whereas the grievance committee of said New York State Bar Association did thereafter and on the 18th day of January, 1905, at the annual meeting of said association, held in the city of Albany, make report to said association, agreeing with and confirming said findings of fact, but without any recommendation in relation thereto, which report was agreed to and accepted by said association; and

Whereas the said Warren B. Hooker, on the 23d day of January, 1905, addressed to the Hon. S. Fred. Nixon, Speaker of the Assembly, a communication in writing signed by him, requesting a legislative investigation for said accusations against him, and the matters connected therewith, which communication, together with a copy of the proceedings of the sub-committee of said grievance committee of said New York State Bar Association accompanying the same, was on the 23d day of January, 1905, referred to the Judiciary Committee of the Assembly, which committee has duly considered the same;

Resolved, That the Judiciary Committee of the Assembly be and is hereby authorized and instructed to inquire and fully investigate in regard to the truth of the accusations against said Warren B. Hooker contained in said communication of the said Jamestown Bar Association, and all matters relating thereto or allied therewith, and all other matters affecting the fitness of said Warren B. Hooker to hold the high office of Justice of the Supreme Court, and to report to the Assembly with all convenient speed the proceedings had and testimony taken by said committee, together with its opinion thereon, and such recommendations as such committee make in the matter, that said committee be and is hereby given and granted all the power and authority given and granted to a committee of the Legislature or either House thereof by the legislative law, may sit in such place or places within the State as it may deem necessary and proper for the convenience of witnesses or otherwise, may send for persons and papers, compel the attendance of witnesses, take under oath oral testimony, and receive written evidence, and may for that purpose employ such counsel, a stenographer and other assistants at it may need. That the Sergeant-at-Arms of the Assembly shall attend said committee, serve such papers, and perform such other duties as the committee may require, and that said committee report to the Assembly on or before March 15, 1905.

The Democrats were not satisfied with this resolution and wanted it to state specifically that the New York City Bar Association, the Brooklyn Bar Association and the Jamestown Bar Association might be represented by counsel. Minority leader Palmer offered an amendment to that effect. This caused a debate of over an hour's duration. Chairman Fish and other members of the Judiciary Committee said that the Committee would notify these associations when the hearings would be held and also invite them to be represented.

Mr. Fish also said that the hearings would be open to the public and protested against any suspicion being entertained of their trying to cover anything up. Mr Fish implored for confidence in the committee and said that the investigation would be complete and thorough.

Assemblyman Cahn (Tam.), a member of the Judiciary Committee, said that it had been agreed that the associations be permitted to be present. He said he had confidence that the majority members did not intend to cover anything up, and he took issue with the minority leader. He and Assemblyman Bird were the only Democrats to vote against the amendment.

Assemblymen Ogden and Hooker (Reps.) could see nothing wrong in having the bar associations represented by counsel. Mr. Ogden said if the counsel for these bar associations wanted to conduct the investigation so much the better. Mr. Hooker declared that while he had confidence in the committee, still there were plenty of people and some newspapers that would view their actions with distrust.

Majority Leader Rogers laid great stress on the fact that the request for an investigation had emanated from the man who was to be investigated, and he thought the Democrats were trying to make political capital out of the amendment. He added that there was too much suspicion put on the acts of the Legislature by what he was pleased to term unthinking people and some newspapers.

Assemblyman Tompkins (Tam.), although admitting that Justice Hooker had asked for the investigation said it had not come until after the whole matter had been presented to the State Bar Association and the people of the State were familiar with the case in its every form.

The Palmer amendment was lost by a vote of 93 noes to 36 ayes. Messrs. Hooker and Ogden were the only Republicans to vote for it.

Then Assemblyman La Rue (Rep., Jefferson), who was one of the three Republican Assemblymen to vote for a legislative investigation at the State Bar Association meeting, offered an amendment. It gave the Jamestown Bar Association the right to be represented at the investigation by counsel.

Up to this time Speaker Nixon, although a very close friend of Justice Hooker, apparently acted impartially, but now he assumed a most arbitrary manner. He even directed Assemblymen Fish to raise a point of order, and before that gentleman could frame the words the Speaker had declared the point well taken and ruled the amendment out of order.

Assemblyman McKeown (Dem., Kings) jumped to his feet and protested. Speaker Nixon held that the amendment was practically the same one as defeated. But the Speaker reversed his decision and permitted the amendment to go before the House. But he put it to a vote without giving Mr. La Rue an opportunity to make a statement when he asked permission to do so.

Mr. La Rue said the reason he offered the amendment was that he thought as the charges were first made by the Jamestown Bar Association they should be permitted to be represented by counsel, and also be permitted to examine and cross-examine witnesses.

This was voted down by a vote of 78 noes to 47 ayes. These Republicans voted for the amendment: Messrs. Agnew, Foster, Hooper, La Rue, Newton, Ogden, Pendry, Perham, Pratt and Stanley.

When the judiciary committee met this evening it adopted the resolution as given above. The minority members of the committee wanted it amended so as to provide that the associations should have the right to be represented by counsel who could examine and cross-examine witness. This, however, was voted down.

It is likely that the first hearing will be held next Wednesday. The majority of hearings will be held in Albany, although the committee may elect to sit in Fredonia once or twice.

There has been a suggestion that the judiciary committee may not find it convenient to complete its work by March 15 and that an extension of time to report will be asked for. If the Hookerites in the Legislature, led by that eminent and clean statesman Assemblyman Arthur C. Wade, are figuring that an early adjournement of the Legislature about April 1 will witness the Assembly judiciary committee still at work taking testimony in the Hooker inquiry they reckon not on the influence of the bar associations, who are now thoroughly aroused over this question.

TO CHANGE RAPID TRANSIT LAW.

Important Amendments Introduced by Senator Gardner of Kings.

ALBANY, Feb. 1.—Important amendments to the New York city rapid transit law were introduced to-day by Senator Frank J. Gardner (Rep., Kings). The amendments are favored by the Rapid Transit Commission. It is held by many persons that when new subways are built provision should be made at the same time for the construction of pipe galleries to be owned by the city. A permissive provision to that end is the first amendment proposed.

The rapid transit act does not permit a lease to be made of a road built for and owned by the city for less than thirty-five years. The second proposed amendment eliminates this restrictive provision.

The rapid transit act requires a minimum deposit of $1,000,000, irrespective of of the estimated cost of construction. The third amendment proposed modifies this requirement as follows:

"If in any case the cost of construction embraced in a contract is estimated by the said Board of Rapid Transit Railroad Commissioners at the sum of $10,000,000 or less, the contract may, in the discretion of the said board, fix the amount of such deposit at such a sum less than $1,000,000 as the said board may determine; but in no case shall such deposit be less than 10 per cent. of the contract price of such construction."

The Rapid Transit act allows certain exemption from taxation to the operating company. It is proposed to eliminate this provision.

NO DIRECT TAX THIS YEAR.

Gov. Higgins Says Not if He Has a Supply of Blue Pencils.

ALBANY, Feb. 1.—Gov. Higgins's attention was called to-day to the fact that there is a movement in certain quarters favoring apparently a return to a direct State tax in view of the inability of the State's revenue raising laws to produce sufficient annual income to meet State expenditures. The Governor was asked if he had changed his mind and was ready to accept a proposition for a direct tax. "No, I have not changed my mind," he replied.

"In any event you won't be obliged this year to return to the State tax, will you?"

"No, I won't be obliged to return to it this year, or as long as I have a supply of blue pencils," was the Governor's rejoinder.

Gov. Higgins held another conference at the Executive Mansion to-night with the Republican leaders in the Legislature. He said that the conference was not called by him for any special purpose, but that its intent was to keep the Governor in touch with the progress of legislative matters generally. As a matter of fact, this was another of the conferences which have been held since the Legislature met to endeavor to solve the problem of suggesting legislation to be passed at this session for raising an additional $6,000,000 annually for the support of the State government by indirect taxation. A conclusion probably will not be reached for some days yet. Meanwhile legislative measures, especially those contemplating expenditures of State moneys, are held in abeyance.

SAVED FROM THE DEATH CHAIR.

Gov. Higgins Commutes the Sentence of George Smith to Life Imprisonment.

ALBANY, Feb. 1.—Judges Vann and Bartlett of the Court of Appeals called on Gov. Higgins to-day and directed his attention to the case of George Smith, the convicted Churchville wife murderer, who is confined in Auburn Prison, under sentence to die in the week beginning Feb. 20. Smith is 78 years old and has spent the last eight years in prison. His case has been before the Court of Appeals twice. He was convicted on circumstantial evidence, and Judges Vann and Bartlett wrote opinions dissenting from the judgment of conviction. They went to the Governor to-day to tell him that they believe the case a proper one for executive clemency.

To-night Gov. Higgins commuted the sentence to life imprisonment.

PROHIBITS RAISING FARES.

A Bill That Will Interest Long Island Railroad Commuters.

ALBANY, Feb. 1.—Commuters on the Long Island Railroad will be interested in a bill introduced to-day by Assemblyman Sullivan (Dem., Queens), and which is to be introduced by Senator Keenan (Dem., Queens), having for its object the restoration of mileage book passage rates on the Long Island Railroad. The bill provides:

"A corporation operating a steam surface railroad in the counties of Kings, Queens, Nassau and Suffolk shall not charge a greater fare for transporting any passenger and his baggage on any railroad operated by it in such counties than was charged by such corporation for so transporting any passenger and his baggage on any such railroad on the first day of January, 1905."

To Abandon Kings County Penitentiary.

ALBANY, Feb. 1.—The Senate Cities Committee has reported favorably Senator Cooper's bill providing for the abandonment of the present Kings county penitentiary building and site and their sale. The proceeds are to be used in erecting a new penitentiary on one of the islands belonging to New York city.

IT'S SQUARE!

THE HERITAGES OF THE HORSE

HE SHIES OR BUCKS BECAUSE HIS WILD ANCESTOR HAD TO.

His Natural Gait Is a Trot—He Learned to Run to Avoid His Enemies—He Is a Speed Machine, Geared to Run Strictly Fore and Aft—One Leg Always Tucked In

The first of six illustrated lectures on the evolution of the horse by Henry Fairfield Osborn, Da Costa professor of zoology in Columbia University and curator in the American Museum of Natural History, was given last night in the museum hall. In this lecture Prof. Osborn considered the horse as an animal mechanism and aided the perception of his hearers by means of the stereopticon and a moving picture machine.

"We do not have to go to the rocks to study the horse in past ages," said Prof. Osborn. "He can be studied as he is to-day. A horse does not shy because he is pernicious. Shying is a reflex act inherited from the period when he was a wild animal and when such an act was the means of saving his life.

"Bucking also is an ancient reflex act, resulting from the instinct to throw off the enemy which sprang upon his back. Horses which carry their heads high inherit the habit from ancestors who were on the lookout for enemies of the herd. A horse's ability to go back over a long trail is a heritage of the time when they were obliged to go many miles from grazing to water. A few years ago fifty horses escaped from a train which was taking them into northern Canada and returned 400 miles to the place whence they had come.

"The horse is successful in competition with the forces of nature. Its hair, for instance, is a watershed grained the same way in all forms of the horse, except a certain kind of mountain zebra, whose hair grows the reverse way because for centuries the animal has grazed down hill and the ordinary growth of hair would not protect it from the rain."

With charts, Prof. Osborn showed how the horse, unlike man, is built for speed. It cannot rotate its limbs, which are strictly fore and aft in action, and this rigidity is conducive to speed. It has the gaits of most of the other animals, ambling like the elephant, pacing like the camel and running with the hound. It cannot, like the bound, straighten itself out in running. The limbs of the horse are extended only in leaping obstacles. In all other gaits at least one of the legs is kept within the length of the trunk.

"The horse is by preference a trotter," said Prof. Osborn. "That is the gait he naturally adopted for travel. He took to running to avoid his enemies. Running is an accelerated canter."

Moving pictures were shown of the wonderful cavalry troops of Russia, where the horses are grouped by color, those of one company being white, the next black, the next bay, and so on. Italian cavalrymen were shown fording a stream and rushing up a steep hill, and the scene was so vivid that the spectators applauded loudly.

Prof. Osborn has studied the horse in many parts of the world. Arab colts, he says, will make friends with a stranger and investigate his pockets, but a Siberian colt will always keep on the other side of its dam.

Next Monday he will speak of the horse in relation to the idea of evolution.

THE EXCISE BOODLE FUND.

Senate Committee to Consider the Jerome Bribery Presentment.

ALBANY, Feb. 1.—The Senate Judiciary Committee met immediately after the adjournment of the Senate this afternoon and took up for consideration the New York county Grand Jury presentment and testimony regarding the disposition of the $23,000 excise boodle fund, the destination of which District Attorney Jerome has been trying to learn. The committee unanimously decided to appoint a sub-committee to look over the testimony and prepare a report to the Senate. This sub-committee comprises Senators Davis, of Buffalo, Armstrong of Rochester and Marks of New York.

BAKER AROUSED AGAIN.

He Refers to One of the President's Advisers as a Confessed Violator of Law.

WASHINGTON, Feb. 1.—Mr. Baker (Dem., N. Y.), repeating himself in a speech before the House of Representatives to-day, was more specific and sensational than usual. He characterized the President's chief adviser on the railroad rate question as a self-confessed violator of the law, and could scarcely find words with which to express his disgust at the spectacle presented of the President lecturing Congress and the people upon their duty to respect the law.

The remarks were made in the course of general debate on the Post Office Appropriation bill, into which the railroad rate discussion had been injected by Messrs. Shirley (Dem., Ky.) and Sibley (Rep., Pa.). Mr. Shirley opposed giving the Interstate Commerce Commission the right to make rates, and Mr. Sibley advocated a postponement of action until a committee could investigate the subject and prepare a suitable measure for the consideration of Congress.

When the committee of the whole arose it had approved twenty of the twenty-six pages of the bill without materially changing its provisions.

The conference report on the Fortifications Appropriation bill was agreed to and another conference asked for on the one remaining item of differences between the two Houses—the Senate amendment requiring a report in detail to Congress of the proposed fortification of the harbors in the insular possessions of the United States.

Postmaster-General Wynne Will Be Here To-day.

WASHINGTON, Feb. 1.—Postmaster-General Wynne will go to New York to-morrow night. He will spend Friday with Postmaster Willcox, returning to Washington Saturday. Mr. Willcox has advised the Department that he is now prepared to submit to the Postmaster-General all the facts relative to the needs of the New York Post Office. While the Post Office Supply bill now pending in the House does not carry adequate appropriations for stations in New York, it is understood that increased amounts will be provided for when the bill reaches the Senate. Postmaster-General Wynne is proceeding on the theory that Congress will deal liberally with the New York Post Office.

Bill to Prevent Political Contributions by Banks and Corporations.

WASHINGTON, Feb. 1.—Mr. Shober (Dem. N. Y.) to-day introduced a bill making it unlawful for any bank or any corporation engaged in interstate commerce to contribute money to a political party or candidate for public office. Penalty for violation is $5,000, and officers or stockholders assenting to a contribution are to be liable to a fine of $1,000.

CHAS. W. MORSE HERE SILENT

WON'T TALK OF DIVORCE CASE OR OFFER FOR FRENCH LINE.

It's Understood That He Will Go Before the Grand Jury Next Tuesday—Deutschland Heard That 300,000 People Had Been Slain in St. Petersburg Massacre.

Charles W. Morse arrived here from Europe yesterday on board the steamer Deutschland of the Hamburg-American Line. There was no one with him except his valet. He occupied a cabin de luxe, and on the way over played bridge with C. L. Waterbury, Bernard Gallagher and Noyes C. Worcester. The games were for a few cents a point, and Mr. Morse was a loser.

Mr. Morse did not care to discuss the famous Dodge-Morse case, and the only statement he would make was that he had come back to face any charge that might be made. When asked if the indictment of Messrs. Hummel, Fursman and others was a surprise to him, Mr. Morse showed some irritation.

"I have nothing at all to say," he said. One reporter asked him if he knew where his wife, the former Mrs. Dodge, was. "Please don't ask me any more questions," said Mr. Morse. Another subject on which he refused to be drawn out was his reported negotiations in Paris for the purchase of the French Line. He said he was very pained to hear of the death of Frank Croker.

"I knew him very well, and I never knew a brighter young fellow," he said. He added that he would try to see Mr. Croker and express his sympathy. Mr. Morse, from being interviewed, turned interviewer, and was particularly interested in finding out how many persons had actually been killed in St. Petersburg. So were most of his fellow passengers, for the reason that on the way across the Deutschland met the Ryndam of the Red Star Line and were told by her that 300,000 persons had been massacred in the Russian capital. The ship's paper printed that and it was circulated all over the ship.

Waiting for Mr. Morse when the Deutschland reached her pier on the Hoboken side yesterday forenoon were ex-Mayor Van Wyck and John F. Carroll. They gave him an effusive greeting. Then each took one of his arms and escorted him to a carriage. Mr. Morse was driven over to his house on Fifth avenue. Later he went to his private office, in the building occupied by the National Bank of North America, at 41 Wall street. He had a long talk with his counsel, Samuel Untermyer, in the afternoon, and after Mr. Untermyer got back from seeing Mr. Morse, James M. Beck and Mr. Untermyer had a talk in the latter's office. Mr. Beck is the legal representative of Mrs. W. H. Gelshenen, who sailed for Egypt while Mr. Jerome's men were trying to subpœna her. Mrs. Gelshenen went via Naples, from which place Mr. Morse took the Deutschland eight days ago.

Neither Mr. Untermyer nor Mr. Beck would say a word about the Dodge-Morse case. Mr. Untermyer said:

"Mr. Morse has resolved to make no statement either personally or through me about this case or about other affairs of his."

Mr. Morse sailed for Europe early last December, some weeks before Charles F. Dodge, his wife's former husband, was brought back here, and before the resumption of the present activity in the case by the District Attorney. Before a previous Grand Jury Mr. Morse refused to answer certain questions regarding the marital complications of his wife and himself on the ground that the answers would tend to incriminate him, and Recorder Goff upheld him in his refusal. Mr. Morse is to appear before the February Grand Jury on Tuesday, according to the understanding which the District Attorney has with Mr. Untermyer and by reason of which Mr. Morse was not served with a subpœna yesterday when he arrived here.

STATEHOOD BILL DISCUSSED.

A Little Passage at Arms Between Senators Teller and Dillingham.

WASHINGTON, Feb. 1.—Mr. Clark (Dem., Mon.) made a speech against the Statehood bill in the Senate to-day, directing his opposition to the proposed union of Arizona and New Mexico. Mr. Dillingham (Rep., Vt.) followed in favor of the bill, and indicating that the limited agricultural resources of Arizona and the scarcity of water precluded the development of that territory to a position justifying it in becoming a separate State.

This aroused the wrath of Mr. Teller (Dem., Col.), who charged the Vermont Senator with unfairness and untruthfulness. He said he did not cast any reflections upon the sincerity of Mr. Dillingham, but he questioned the authenticity of his information. Mr. Teller declared that the agricultural resources of Arizona were vastly in excess of those of Vermont, and the increase in the number of farms and farm values much greater. In fact, Vermont during the twenty years between 1880 and 1900 had lost ground, both in the number of farms and the value of farm products, according to the statistical abstract. Mr. Teller read figures to prove this statement.

Mr. Dillingham replied with some vigor, defending his State and referring to a eulogy of Vermont delivered by Mr. Teller himself some years ago.

The Senate at 4:35 went into executive session and then adjourned until to-morrow.

REPUBLICANS JUBILATE.

The Congress Campaign Committee Rejoices Over the Result of the Election.

WASHINGTON, Feb. 1.—A meeting of the Republican Congress Campaign Committee was held last night to jubilate over the results of the election last November, the chief one being the choice of the largest Republican majority in the House of Representatives with one exception in its history. Every one present made speeches congratulatory of the services of Chairman Babcock of Wisconsin and Secretary Overstreet of Indiana, closing with Rip Van Winkle's famous toast, which was drunk with much enthusiasm.

Chairman Babcock, who has been at the head of the committee since 1894, formally announced to his associates that they must look for a new chairman in 1906, expressing a belief that twelve years of continuous service was all that could be reasonably expected of him. The announcement that he would retire was followed by a similar one from Secretary Overstreet, who has acted with Chairman Babcock in the last four years. Their successors will not be chosen until next year, when a new committee will be appointed.

Two Congressmen Critically Ill of Pneumonia.

WASHINGTON, Feb. 1.—Representatives S. W. Smith of Michigan and Marsh of Illinois are critically ill of pneumonia at their apartments here. Their physicians pronounce their conditions grave and Mr. Marsh's family has been summoned from his home in Illinois.

Nominated by the President.

WASHINGTON, Feb. 1.—The President sent to the Senate to-day the following nominations:

To be Consul-General—William Martin of New York, at Hankau, China.

To be Consuls—James C. Kellogg of Louis Louisiana, at Barranquilla, Colombia; Daniel S. Kidder of Florida, at Nanking, China; James Johnston of New Jersey, at Algiers, Algiers.

To be Register of Land Office—Walter L. Cohen, at New Orleans, La.

Navy—To be Commander, Lieutenant-Commander Clifford J. Bousch; to be a Lieutenant-Commander, Lieut. George R. Slocum.

To be Associate Justice of the Supreme Court of Hawaii—Arthur A. Wilder of Hawaii.

To be Postmasters—Archibald K. Fowler, Caldonia, N. Y., and Thomas O. Jefferson, Federalsburg, Md.

BROKAW BROTHERS

ESTABLISHED NEARLY HALF A CENTURY

THE cloths we use are made by woolen mills whose standing in their respective lines is unquestionably the highest. The quantities we consume annually is sufficient reason, apart from every other, to secure to us absolutely the lowest prices and the highest values they can make. Our customers share this advantage.

Subway Station just at our door.

ASTOR PLACE AND FOURTH AVENUE

WHO SHOULD FIX THE RATES?

Pointed Question Put by Senator Elkins to James J. Hooker.

WASHINGTON, Feb. 1.—"What would you do if all your fortune were invested in railroad stocks and bonds and Congress should enact a law giving to a disinterested party, some one who had no interest in making your investments profitable, the power to make the rates on which your dividends depend?"

This was one of the questions put to James J. Hooker, chairman of the Receivers and Shippers' Association of Cincinnati, by Senator Elkins, before the Committee on Interstate Commerce this morning.

Mr. Hooker said this was a purely hypothetical case, as he had no money invested in this manner.

"But if you had," pursued Mr. Elkins, "would you favor such legislation and would you hold your stocks or sell them if such legislation were enacted? I am just curious to know what you would do in such a case."

"I would do what the holders of stocks and bonds will do," was the reply. "They will hold them until they find out the effect of such legislation; if it is injurious, then they will have the law repealed or amended, or sell their holdings."

"Well, it might be a little late," commented Senator Elkins, "to sell after a twenty-point drop or more. I know men who own half a railroad, men who own a third and men who own a quarter, and I am of the opinion that these men intend to sell their holdings if the rate making power is taken from the railroads and given to persons who are not financially interested in making the railroads pay dividends."

Mr. Hooker thought the traffic managers who made the rates were badly informed on the subject. They had not kept pace with the evolution of business, which required a thorough knowledge of all conditions bearing on the particular business in which up to date men are engaged. Such knowledge had not yet struck the traffic departments of the roads.

"Do you think it would strike the Interstate Commerce Commission first?" asked Senator Dolliver.

"I do," answered Mr. Hooker.

"Humph!" said Mr. Dolliver.

Mr. Hooker said he thought that to believe the gloomy forebodings of J. J. Hill of the Great Northern as to the effect of the proposed legislation, was to cast reflections on Mr. Hill's intelligence.

SANTA FE ILLEGAL REBATES.

The Interstate Commission Refers Its Findings to the Department of Justice.

WASHINGTON, Feb. 1.—The Interstate Commerce Commission to-day completed its report on the rebate investigation involving the Atchison, Topeka and Santa Fé Railroad and the Colorado Fuel and Iron Company. It holds that violations of the law had been practised, and refers the further prosecution of the defendant companies to the Department of Justice. The report and findings will be delivered to Attorney-General Moody to-morrow.

Commissioner Prouty, who heard most of the evidence in the case, prepared the report, and it was agreed to unanimously by the other commissioners. It shows that for years the railroad company has received less than its published rates for shipments of coal from the Colorado Fuel and Iron Company over the Atchison, while the competitors of the Colorado company were compelled to pay higher rates.

Paul Morton, Secretary of the Navy, who was in control of the traffic arrangements of the Atchison at the time this secret rebate order was issued, is not mentioned in the report of the committee. The report says that while the published tariff on coal from Trinidad to Deming, as filed by the Atchison with the Interstate Commerce Commission, was $4 a ton, $1.10 was refunded to the Colorado Fuel and Iron Company, giving that shipper a decided advantage over all competitors, and if continued would have resulted in a complete monopoly of all the coal business in southern Colorado and New Mexico at Santa Fé and connecting points.

The recommendation to the Attorney-General is couched in positive terms. It was said here to-night that if Mr. Moody fails to take speedy action in prosecuting the two offending companies under the Elkins Anti-Rebate act, the matter would be presented to Congress and an investigation demanded. As this is one of the most important cases ever brought before the commission, and involves great interests, all the evidence in the case has been ordered printed. This will bring the whole matter fresh before the members of both houses and will supplement the report written by Commissioner Prouty, giving Representatives and Senators complete information on which a demand for a Congress investigation could be based.

FOR THE INAUGURAL PARADE.

Gen. Grant Designates Troops in His Department That Are to Take Part in It.

WASHINGTON, Feb. 1.—Orders have been issued by Brig.-Gen. Grant, commanding the Department of the East, designating the troops which are to take part in the inaugural parade on March 4. They are: From Fort Hamilton, the Fifth Artillery Band; from Fort Jay, the Second Battalion, Eighth Infantry and band; from Fort Slocum, three companies of the Eighth Infantry; from Fort McHenry, Md., one company of the Eighth Infantry; from Plattsburg Barracks, N. Y., one battalion of the Fifth Infantry; from San Juan and Henry Barracks, one battalion of the Porto Rican regiment; from the Artillery District of Maryland and the Potomac, each two companies of coast artillery; from Fort Monroe, two battalions of artillery and the Fourth Artillery Band; from Fort Myer, Second Battalion Field Artillery, first squadron Seventh Cavalry and band, and Company B Signal Corps; from the Washington Barracks, Second Battalion of Engineers and band.

Commissioner of Patents to Be Retained.

WASHINGTON, Feb. 1.—It was officially announced at the White House this afternoon that Frederick I. Allen, the Commissioner of Patents, would be retained in his present office during the new Administration.

ART SALES AND EXHIBITIONS. | ART SALES AND EXHIBITIONS.

"Last Day and Night View."

"Second only to the display and sale of the Waggaman Art Treasures." —*Herald.*

The American Art Galleries

Madison Square South, New York.

To-morrow (Friday) Night at 8:30

AT UNRESTRICTED PUBLIC SALE BY ORDER OF EXECUTRIX,

At Mendelssohn Hall,

Promptly at 8:30. Doors Open at 8.

(Admission by card, to be had free of the managers.)

The Kauffman Collection.

Valuable Modern Paintings and Sculpture

"A collection of unusually, even unimpeachable quality—A collection of pictures agreeable to live with or among."—*The Sun.*

"The collection leaves an excellent impression. There are many pieces in it which, if not of great importance, are, at all events, thoroughly artistic and full of charm.

"The works by the Barbizon painters are especially satisfactory."—*Tribune.*

"The late Mr. Kauffman brought together a collection having a high level of excellence. If his eighty-eight oils and water colors contain no single picture like the Mauve at the Waggaman Sale—it makes up for their absence by a number of extremely beautiful works of Modern Masters."—*Times.*

Free View This Day and Evening,

9 A. M. to 6 P. M., and 8 to 10 P. M., and until Noon To-morrow (Friday).

The Sale Will Be Conducted by Mr. Thomas E. Kirby of

THE AMERICAN ART ASSOCIATION, Managers,

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PIANOS AND ORGANS. | PIANOS AND ORGANS.

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AIMED AT CORPORATIONS.

House Committee on the Judiciary to Report the Littlefield Bill.

WASHINGTON, Feb. 1.—The House Committee on the Judiciary to-day ordered a favorable report on the Littlefield bill, requiring all corporations engaged in interstate commerce to make annual reports to the Bureau of Corporations on or before Feb. 1 concerning the operations of the preceding calendar year.

The reports are to show the name of the corporation, date of its organization, where and under what statutes organized, if consolidated naming constituent companies, with the same kind of information as to constituent companies; if reorganized, all the facts about the reorganization, amount of bonds, authorized capital, number of shares, par value, whether common or preferred, amount paid in, how much, if any, paid for in cash, and in fact, everything about the business of the company, its earning capacity, market value of property and products, and a full, true and correct copy of all rules, regulations, by-laws and articles of incorporation, so as to show the management of its business.

In addition the companies are to submit to the inquisition authorized by the interstate commerce law to be made into the affairs and operations of railroads.

Failure to make returns makes the corporation liable to an order sued out by the Attorney-General to restrain it from doing business. The Commissioner of Corporations before June 30 of each year is to prepare abstracts of these reports for free distribution. Failure or refusal to answer questions propounded by the Commissioner creates a liability to fine of not less than $500 or more than $5,000.

The committee amended the bill so as to exempt railroads, which now are required to report to the Interstate Commerce Commission.

Movements of Naval Vessels.

WASHINGTON, Feb. 1.—The monitor Arkansas has sailed from Charleston for Key West, the gunboat Bennington from Acajutla for Acapulco and the gunboat Nanshan from Cavite for Hong Kong.

The cruiser New York has arrived at Bahia, the destroyer Stewart at Santo Domingo City, the gunboat Yankton at Provincetown and the battleship Maine at Tompkinsville.

Forbids Federal Officers From Becoming Officers of Trusts.

WASHINGTON, Feb. 1.—Representative Shober (Dem., N. Y.) to-day introduced a bill forbidding any officer of the United States acting as trustee, director or other officer of any corporation of any kind, the whole or principal part of whose property consists of bonds of a so-called trust or of the stock or bonds of a corporation whose stock and bonds exceed $1,000,000.

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Anti-Injunction Bill Killed.

WASHINGTON, Feb. 1.—The Grosvenor bill forbidding the issuance of restraining orders or injunctions in disputes between employees and employers without a hearing was laid on the table by the House Committee on the Judiciary to-day. The vote to table it was 8 to 4, Mr. Brantley of Georgia, a Democrat, voting with seven Republicans. The committeemen considered the bill a futile attempt on the part of the legislative power to curtail the powers of the judiciary.

Coinage at the Mints.

WASHINGTON, Feb. 1.—The coinage executed at the United States mints in the month of January amounted to $8,578,352. Of this amount, $7,819,050 was in gold, $681,012 in silver and $78,290 in five cent and one cent pieces. In addition to this coinage, 5,386,000 special silver coins for the Philippines were turned out.

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