THE SENATE ON ITS METTLE.

ITS FIGHT WITH THE PRESIDENT HAS ONLY BEGUN.

Indications That It Will Declare the Santo Domingo Arbitration Protocol Illegal —Resolution Pending for an Investigation of History of the Agreement.

WASHINGTON, Feb. 13.—The fight on the part of the Senate against the President was only begun with the action of the upper House on Saturday in amending the arbitration treaties in the face of the President's warning that if they were changed in any way he would let them die then and there. Developments were plenty to-day to indicate that the Senate is on its mettle and intends to see the thing through to the end, in the hope that once and for all the limitations upon the Executive as a part of the treaty making and appointing power would be definitely defined and understood.

One Senator of long experience said that the Senate had been uneasy for some time over what it regarded as the failure of the President to understand that the Constitution imposed certain duties upon the Senate which it was obliged to fulfil, and now that the first step had been taken in the action on the arbitration treaties it was intended to dispose of all other points of difference with the President, on the theory that the lesson, if not well taught, might be ineffective.

In amending the arbitration treaties by an overwhelming majority, without regard to party lines, the Senate laid down the constitutional interpretation that no agreement between the United States and a foreign nation could be binding upon the United States unless it had the approval of the Senate. This naturally brought into question the legality of the award rendered by the court of arbitration which adjusted the claim of the Santo Domingo Improvement Company of New York against the Dominican Government.

The arbitration was conducted in accordance with a protocol which was not submitted to the Senate; but of far greater importance, in view of the Senate's attitude, is the fact that under the arbitral award the United States Government has taken possession of Dominican ports and is collecting the revenues there, using United States officers for the purpose, thus assuming national obligations without the advice and consent of the Senate.

Senator Bacon of Georgia, a member of the Committee on Foreign Relations, who was one of the first to insist that no agreement to arbitrate under the treaties with European countries would be valid unless ratified by the Senate, to-day made the first move in the direction of ascertaining whether the President was acting in conformity with the Constitution in assuming national responsibility for the collection and disbursement of revenues belonging to a foreign State without the Senate's advice and consent.

Mr. Bacon introduced a resolution calling for an investigation of the circumstances attending the assumption of control of Dominican custom houses by the Executive Government of the United States, and it was referred to the Committee on Foreign Relations without debate. In view of the Senate's demand that all agreements which committed the Government to the assumption of obligations toward another Government should be submitted to the Senate for ratification, it is probable that the Bacon resolution, or some form of it, will be adopted. The resolution follows:

Whereas on the 31st day of January, 1903, there was signed by W. F. Powell, Chargé d'Affaires, on behalf of the United States, and by Jno Foo Sanchez, Ministro de Relaciones Exteriores, on behalf of the Republic of Santo Domingo, a protocol of an agreement between the United States of America and the Dominican Republic, in words as follows, before the resolution recited the protocol; and

Whereas it has been publicly alleged and generally understood to be true that in pursuance of the protocol, and of the award by the arbitrators made in pursuance thereof, one or more custom houses of the Dominican Republic have been taken possession of by officers of the United States and persons subject to their direction and control, by whom and by which moneys and customs duties at the ports at which the custom houses are situated are now being collected for the payment of the amounts specified in said award; therefore be it

Resolved, By the Senate, that the Committee on Foreign Relations be and it is hereby authorized and directed to make investigation and report to the Senate as follows:

First—Whether the said protocol of an agreement, if authorizing the award as aforesaid, is a valid and binding agreement or convention between the United States of America and the Dominican Republic, without having been made by and with the advice and consent of the Senate, as prescribed in Article II, section 2, of the Constitution of the United States.

Second—Whether it is competent under the Constitution of the United States for any agreement, convention or protocol not made by and with the advice and consent of the Senate, but solely through and by the executive department, or an officer thereof, with a foreign Government, and to constitute a constitutional agreement, by and under which the United States Government shall be authorized and empowered to take possession of the custom houses of such foreign Government and to administer the same through its officers, employees or agents, and to assume the responsibility for the collection of such customs duties at such custom houses and the disbursement of the same and to become accountable therefor to such foreign government and to the creditors thereof; and, furthermore, to hold such custom houses until the moneys awarded under said arbitration shall have been fully collected, and to hold the said custom house by the authority and power of the United States through its officers, employees or agents, either civil, military or naval.

Senator Brown is a Democrat, and his action may not therefore be regarded as of such significance in showing the temper of the Senate, as the fact that the Committee on the Judiciary to-day agreed informally to report to the Senate that in its opinion recess appointments made by the President, under the contention that a "constructive recess" existed between the adjournment of the special session of the present Congress and the beginning of the first regular session, were illegal.

The special session ended at noon on Dec. 6, 1903, and the regular session was begun at the same hour. Persons nominated by the President in the special session, whose nominations were not confirmed in that session, were given recess appointments by him on Dec. 6 on the theory that there must have been a recess, constructively or theoretically, between the adjournment of the special session and the beginning of the regular session. This contention was bitterly fought, particularly in connection with the nominations of Gen. Leonard Wood to be a Major-General and W. D. Crum, a colored man whom the President had named for the collectorship of customs at Charleston, S. C.

On Dec. 11, 1903, Senator Tillman, who was fighting Crum's nomination, introduced a resolution, which he subsequently modified, calling on the Judiciary Committee to report what constituted a recess of the Senate and what were the powers and limitations of the Executive in making appointments in such recess.

The Judiciary Committee appointed a sub-committee to consider the matter and this sub-committee submitted its conclusions to-day. The sub-committee consisted of Senators Spooner, McComas and Nelson, Republicans, and Bacon and Blackburn, Democrats.

Three separate reports were submitted, and while they differed in some respects all united in the conclusion that President Roosevelt's contention that there was such a thing as a "constructive recess" was wrong, and he had therefore no right or authority to keep in office under recess appointments persons whose nominations had failed with the special session. The committee discussed the three reports, and the views exchanged showed plainly that the report presented by Mr. Spooner met with the views of a majority of the members.

Mr. Spooner held that the persons given military and civil appointments by the President between the convening of the regular session and the date of their confirmation were not legally in office. In spite of the opinion of the Attorney-General to the contrary. When it was seen that Mr. Spooner's views met with the approval of his committee colleagues the suggestion was made that as Senator Platt of Connecticut, the chairman of the committee, was absent, it would be a proper courtesy to postpone formal action on such an important matter until Senator Platt was present. This suggestion was agreed to, and the committee will adopt Mr. Spooner's report at its next meeting.

The Senate has become nettled over the fact that the President has given to the press several letters addressed to Senators in regard to the arbitration treaties. Many Senators complained to-day that the President had taken this course in an attempt to influence the Senate through putting his side of the case before the country and arousing public sentiment in favor of his contentions, while the Senate was bound to keep silence because the treaties came under the head of executive or secret business.

As a result of discussion on this subject to-day it was decided that the Senate should make a public response to the President. Several prominent leaders, notably Messrs. Lodge and Spooner, are preparing a statement setting forth the reasons for the Senate's action in amending the arbitration treaties. It is expected that this will be completed to-morrow, and it is planned to have it indorsed by the Senate and given to the press. Such a course is unusual, probably unprecedented. It illustrates the feeling among Senators, without respect to party, concerning the President's claim that he has the right to arbitrate with foreign countries without the Senate's consent.

END OF ARBITRATION TREATIES.

The President Regards the Senate Amendments as Amounting to a Rejection.

WASHINGTON, Feb. 13.—In reply to numerous inquiries at the State Department this morning Mr. Hay made in substance the following statement:

"The President regards the matter of the general arbitration treaties as concluded by the action of the Senate on Saturday. He recognizes the right of the Senate to reject a treaty either by a direct vote in that sense or indirectly by changes which are incompatible with its spirit and purpose. He considers that with the Senate amendment the treaties not only cease to be a step forward in the cause of general arbitration, but are really a step backward, and therefore he is unable to present them in this altered form to the countries with which we have been in negotiation."

Secretary Hay's statement demonstrates very clearly that the President has always intended to carry out his threat of refusing to go further with the treaties if the Senate altered them in any way. In his letter to Senator Cullom, made public on Saturday, he indicated that this would be his course. In the debate in the Senate it was remarked that the President did not really mean to discard the treaties entirely if they were amended. The statement issued from the State Department to-day carries out President Roosevelt's avowed purpose.

It is probable that there will be no more arbitration treaties submitted to the Senate. The Japanese treaty is already signed, but it is quite probable that no further action will be taken on it, as it is identical with those which were amended and would undoubtedly be amended in turn. Sir Chentung Liang-Cheng, the Chinese Minister, called at the State Department this morning and conferred with Secretary Hay about the Chinese treaty, which has been in process of negotiation for some time. It is probable that these negotiations will cease.

MAY AGREE ON STATEHOOD BILL.

Mr. Sibley Believes He Can Bring the Thirty-three Insurgents Into Line.

WASHINGTON, Feb. 13.—Representative Sibley of Pennsylvania, who ever since the Republican conference on the subject of Statehood has been endeavoring to persuade the thirty-three Republicans who voted against Speaker Cannon's resolution providing for sending the Statehood bill direct from the House Committee on Territories to conference, believes he will bring them all into line before the end of the week. When they agree to act with the majority of their party the House leaders will present a special rule providing for the adoption of the Speaker's plan.

The Senate conferees will report to the Senate favoring recession on their part from the amendments which are obnoxious to the House. Then, if the Democratic Senators will permit a vote on a motion to recede, the bill as it passed the House will be agreed to, and Oklahoma and Indian Territory will come into the Union as one State and New Mexico and Arizona as another.

Representative Wallace, an Arkansas Democrat, inspired by the action of the Senate in adopting the Kearns amendment taking 7,000 square miles from Arizona and adding the strip to Utah, to-day introduced a bill in the House providing for the annexation to Arkansas of the territory of the Choctaw and Cherokee Indians, provided, of course, that the Cherokees and Choctaws and Arkansas consent.

The bill provides that the consent may be given at any time within two years after the passage of the proposed bill by enactment of suitable legislation.

OUR FIRST NAVAL HEROES.

President Recommends Monuments to John Paul Jones and John Barry.

WASHINGTON, Feb. 13.—President Roosevelt to-day recommended to Congress an appropriation of $35,000 to defray the expenses of excavating in the abandoned cemetery of St. Louis, Paris, for the purpose of exhuming the body of John Paul Jones, which, according to documentary evidence discovered by Ambassador Porter, was buried there. He also recommended that Congress emphasize the value set by the American people upon the achievements of naval commanders in the war for independence by providing for the erection of monuments to John Paul Jones and John Barry, whose bodies now lie in undistinguished graves.

"These two men," says the President, "hold unique positions in the history of the birth of our navy. Their services were of the highest moment to the young republic in the days when it remained to be determined whether or not she should win out in her struggle for independence. It is eminently fitting that these services should now be commemorated in a suitable manner."

Ball at the British Embassy.

WASHINGTON, Feb. 13.—The British Ambassador and Lady Durand gave a ball this evening at the embassy. About one hundred couples danced, the guests being asked for 10 o'clock. The Ambassador and Lady Durand and Miss Josephine Durand were assisted in receiving their guests by Miss Barnes of New York, their house guest.

Mr. and Mrs. Wayne MacVeagh entertained a dinner company this evening.

Major Hardin Acquitted.

WASHINGTON, Feb. 13.—Major Edward E. Hardin, Seventh Infantry, has been acquitted by a general court-martial of charges brought against him on account of the escape of thirty prisoners, resulting in the death of several guards from Malahi Island, in the Philippines. Major Hardin was in charge of the military prison on Malahi Island when the prisoners escaped. Upon trial he was found blameless.

Nominated by the President.

WASHINGTON, Feb. 13.—The President sent to the Senate to-day the following nominations:

Daniel W. Williams of Ohio, to be Consul of the United States at Cardiff, Wales.

William C. Whipple of Arkansas, to be United States Attorney for the Eastern District of Arkansas.

Joseph Pinkham of Idaho, to be assayer of the United States Assay Office at Boise City, Idaho.

To be Postmasters—New York, George W. Armstrong, Ballston; New Jersey, Edward N. Sutton, Ocean City; Pennsylvania, Alfred R. Houck, Lebanon.

TO PROTECT NIAGARA FALLS.

RESOLUTION SUGGESTS TREATY WITH GREAT BRITAIN.

Minority Leader Palmer Offered It, but on Assemblyman Wade's Objection It Went Over for a Week—Hearing Next Week on City Lighting and Water Bills.

ALBANY, Feb. 13.—Assemblyman Wade of Chautauqua county to-night, by objecting to a resolution introduced in the Assembly by Minority Leader Palmer, placed himself in the position of standing as the champion of the grabbers of Niagara Falls. Mr. Wade has had his whack at legislation in regard to the power companies that want to seize Niagara Falls. He introduced a bill imposing a State tax on the power companies for the power generated from the Falls. The effect of this bill would be to legalize every power company and to encourage the Legislature to grant more rights in order to secure more revenue.

The Niagara power companies are seeking more power this year from the Legislature. Senator Cassidy, a new member from the Chemung-Schuyler-Tompkins district, was prevailed upon to introduce a bill which gave these power companies the right to condemn property for their own purposes and which would give the power companies the right to run a line across the State. Minority Leader Palmer considered that in view of the bill being introduced in the interests of the power companies something should be done, and he accordingly introduced this resolution:

Whereas it is now generally understood from expert statements, based upon careful examination of the situation, that there are in contemplation many schemes to abstract from the Niagara Falls and river, above the cataract of Niagara Falls, water for the manufacture of power for commercial purposes, which threaten not alone to despoil this natural scenic wonder of its beauty and grandeur, but to imperil the very existence of the American falls, and

Whereas there is a suggestion now being considered looking to the imposition of an annual State tax upon the use of this water for commercial power purposes, which if consummated will tend to encourage and legalize permanently the policy of despoiling these falls by making such spoliation a valuable source of revenue to the State, now therefore, in view of the paramount duty of the American people to preserve these falls in all their scenic majesty,

Resolved (if the Senate concur), That we memorialize the President and Congress of the United States, requesting that they by treaty or otherwise, enter into negotiations with his Majesty's Government of Great Britain, looking to some joint action for the preservation of Niagara Falls from further wastes and diversion of the water thereof.

As this resolution is practically the same as one passed by both branches of the Legislature last year, with the exception of the reference to the taxation scheme, Mr. Wade's objection for immediate consideration to-night came in the nature of a surprise to many. Then they thought about his bill introduced earlier in the session and thought some more.

Assemblyman Sheldon introduced a resolution calling upon the Commissioner of Health to report to the Assembly what effort his department has made for the enforcement of the pure health law in regard to the adulteration of foods and medicines, and whether additional facilities or enactments are necessary for the enforcement of the Pure Food law in this State. Minority Leader Palmer wanted to discuss it and it went over for a week.

Assemblyman O'Neill (Rep., Kings) introduced a bill which is aimed at a practice in vogue in Brooklyn. In that judicial district it is common for Justices of the Supreme Court to appoint their stenographers and sectaries as referees, much to the disgust of the lawyers. Mr. O'Neill's bill prohibits this practice.

The Assembly to-night advanced to a third reading Assemblyman Prentice's bill giving the Goddard Anti-Policy Society the penalties collected from a conviction in a policy case upon evidence furnished by the society.

The Assembly also progressed to third reading the bill appropriating $20,000 for Supt. Morgan of the metropolitan elections district to keep a permanent force of deputies.

Senator George R. Malby, chairman of the Senate Finance Committee, announced to-night that his committee would not take action on the resolutions providing for an investigation of the New York city lighting question until after the hearing before the Senate Miscellaneous Corporations Committee Thursday afternoon, on Senator Fitzgerald's 70 cent gas bill, and after the hearing next week before the Senate Cities Committee on Mayor McClellan's two bills, one to establish a municipal lighting plant and the other to extend the city's water supply.

Senator Malby said the various phases of the New York city lighting question first would be fully considered by the different legislative committees before a plan of relief would be evolved. He said that the gas companies had been asked to present certain figures regarding the cost and production and that if these figures were not forthcoming it might be found necessary to send a legislative investigating committee down to New York to get this information.

Senator Gardner's Brooklyn Automobile bill has been lost in the blizzard. He had expected the bill would be in Albany to-night and ready for introduction. It did not put in an appearance, however, and he sent tracers out after it. He expects to have it in Albany so as to introduce it to-morrow.

Senator Cooper (Rep., Brooklyn) has started a backfire to stop the progress of Senator Elsberg's bill substituting medical examiners for Coroners in the various boroughs in New York city after Jan. 1 next. He introduced a bill to-night continuing the Coroners in office. It provides for only two in Manhattan borough, two in Brooklyn and one each in the three other boroughs.

Senator Cooper succeeded in having the bill advanced to a third reading and referred to the Cities Committee before any one became aware of its object. Senator Elsberg's bill is in the Committee of the Whole in the Senate.

Senator Marks introduced a bill amending Section 793 of the Code of Civil Procedure by permitting the court to place on the preferred calendar actions brought by executors, administrators, trustees and guardians. This section of the code also made libel suits preferred causes, but the Appellate Division declared the clause unconstitutional in so far as it made it mandatory for the court to prefer certain actions and did not give the court any discretion.

PATENT LETTER CATCHER.

Test to Be Made of a Device to Be Attached to Street Cars.

WASHINGTON, Feb. 13.—Postmaster-General Wynne to-day issued an order for a trial exhibition of the letter catcher, a postal device attached to street cars, in which letters may be deposited while the cars are in motion. Experiments were made here with the letter catcher several months ago, but its adoption was opposed for various reasons. The patentee of the device says that labor unions opposed its use on the ground that if attached to street cars it would result in complications in the event of strikes on the part of street car employees. The patentee says that the letter catcher would provide a rapid mail system in cities and that it is particularly adapted for cities of the first class. Postmaster-General Wynne has directed that an experiment be made with the letter catcher on the street cars of Des Moines, Ia.

Walton Novelty Works Burned.

WALTON, N. Y., Feb. 13.—The Novelty works were burned this morning. Nothing was saved except the shipping room and repair shop. All the machinery and most of the stock were destroyed. The loss is between $50,000 and $60,000. Two hundred men are thrown out of work.

RAIDED BEFORE DAWN.

Seven Squads of Uncle Sam's Soldiers Arrest Saloonkeepers at Fort Hamilton.

Uncle Sam descended upon the saloonkeepers at Fort Hamilton in force yesterday morning with warrants for their arrest for receiving stolen goods, the property of the United States Government. Seven men were arrested and arraigned before United States Commissioner Benedict in the Federal Building, Brooklyn. All were admitted to bail for a hearing next Monday.

Secret Service Agent John L. Helme, who has been gathering evidence against the saloonkeepers for the last six weeks, was at the head of the raiding parties. He started out from the Government reservation at 5 o'clock in the morning and after dividing his force into seven parties marched to the entrance of as many saloons in the vicinity. Each party was composed of a sergeant and a squad of four men, accompanied by a Secret Service man with a warrant.

The squads marched up to the hotel entrance, grounded arms, and the sergeant demanded admittance. In every case the man wanted was in bed, and when aroused and informed that he was wanted by a squad of United States soldiers and a warrant as well was not in the best of humor.

Among the men arrested was Ivan Levine, proprietor of the Hotel Bellman, who is official interpreter of the Court of Special Sessions. He was very indignant, despite the fact that the provost guard that raided his place last week found a large quantity of shoes, blankets, shirts and hats, gloves and other property of the Government in a room off the main building of his place. He declared that he was innocent of wrongdoing, having purchased the place only a few weeks ago, and that whatever Government property was there had been left by his predecessor.

It was said at the reservation last night that there were a number of the men under suspicion, as well as certain non-commissioned officers, and that there would be several arrests later.

In one of the raids at Bath Beach on Saturday the provost guard under Capt. Blakeman marched up to a saloon and, after making a search of the premises and removing a pair of blankets from the bed of the proprietor, compelled the bartender, who was arrested, to remove his shoes, which were of the regulation army make, and they were confiscated. Many caps, gloves and blankets were taken from drivers on their carts in the streets. Fur gloves of the soldiers stolen from the storehouse are doing duty on the hands of the drivers of milk wagons, coal carts and other vehicles of the business men of Fort Hamilton, Bay Ridge and Bath Beach. These are all subject to confiscation.

THE SCHENECTADY REVIVAL.

Plans to Continue It for Weeks and Perhaps Months—Interest Increasing.

SCHENECTADY, Feb. 13.—Yesterday was another red letter day in the religious circles of Schenectady. The work of aggressive evangelism continued each day last week—noons and evenings. Yesterday it received fresh impetus from the presence of Dr. Samuel McBride of New York at the Emmanuel Baptist Church—one of the scenes of the mighty labors and results of the last few weeks. In the morning Dr. McBride preached to a large congregation, but at the evening service his audience more than taxed the capacity of the building. The interest was intense. Many were deeply impressed at both services. There were snowstorms both morning and evening, but snowstorms do not weaken Schenectady's anxiety to hear the plain old Gospel preached and sung. Dr. McBride's meetings will continue each evening next week.

Perhaps the most important meeting of the day was the one held at the close of the regular Sunday afternoon meeting for men in the Y. M. C. A. hall. Invitations had been sent to the various city churches to send a delegate to confer as to a continuance and an increase of this work of aggressive evangelism. In the January campaign nineteen churches showed more or less interest; but no less than twenty-seven churches responded to this last call. Several of the city ministers were present, but the delegates were all laymen. That is one of the most striking features of this revival in Schenectady. The laymen are leading, the ministers gladly following.

The meeting was presided over by Mr. Allen W. Johnston, treasurer of the Schenectady Savings Bank, while many of the delegates were well known business men and officers of the General Electric Company and the American Locomotive Company. Practically all the twenty-seven delegates took part in the meeting, which was earnest and inspiring from start to finish. Strong indorsements of the work done by the city ministers during the past five weeks were given, but it was felt that the work has now reached such proportions, and the great results foreshadow such greater results, that evangelistic help from outside is needed, and needed right away. A committee of five, with Olney Redmond as chairman, was appointed to confer with the Schenectady Ministerial Association on this point and the work generally, with a view to immediate and continued action. It is not a question of weeks, but months, of energetic work which this lay association has in mind.

HIS BODY HUNG FROM THE TIES.

Negro Porter Run Down by Express Train on Brooklyn Elevated Road.

The body of a man hanging head down from the ties of the structure at the south end of the Union street station of the Fifth avenue elevated road in Brooklyn drew a large crowd at 7:30 o'clock last night. Policeman Horter ran up the station stairs, halted a Bay Ridge train that had just pulled into the station, and with the assistance of the crew and a number of citizens got the body of the man from between the ties. He had been killed instantly, probably by an express train of the Bath Beach division that had passed about fifteen minutes before the body was seen hanging under the structure.

The dead man was Charles Meyers, a porter, 35 years old, of 204 Myrtle avenue. He had been sent across the track by the station agent to obtain tags with which to mark the money bags for the money car that gathers up the day's receipts in the evening. He crossed the tracks once in safety and was sent, shortly after 7 o'clock, for a second supply. He must have been hit by an express train and his body rolled over and over to the end of the platform, where it fell between the ties and was discovered by persons in the street below.

DEATH RECALLS OLD ROMANCE.

Mr. Lawrence's Grandfather, a British Captain, Eloped With Sarah Livingston.

James Ricketts Lawrence, who died on Sunday last at the age of 84, was the grandson of Capt. James Ricketts of the Sixtieth Foot, British Army, who in the revolutionary war eloped with Miss Sarah Livingston, daughter of Peter Van Brugh Livingston. Miss Livingston was in Scotland when she ran away to be married to the British Captain. Until the war was over the grandmother and grandfather of Mr. Lawrence went to Jamaica, where the Rickettses had plantations. John Tharp Lawrence, father of James Ricketts Lawrence, served as a midshipman on board Lord Collingwood's ship under Nelson at Trafalgar. Mr. Lawrence was born in Elizabeth, N. J., at his father's country place. He married Miss Selina Richards of Philadelphia. He is survived by four children, Mrs. Gilliat Schraeder, George Franklyn Lawrence, Benjamin Bowden Lawrence, the mining expert, and Mrs. Anthony Ferry. Until about thirty-five years ago Mr. Lawrence was in the wholesale coal and iron business in this city. He lived at 216 East Eighteenth street.

SUPPOSE THE LOOP WERE BUILT

DAILY TROUBLES OF MANY THOUSANDS WOULD VANISH.

A Double Roundaround Railroad Passing Homes and Shops Instead of Shuttle-Stop-Transfer-and-Jam Arrangement That Threatens to Become Homicidal.

Such weather as New York has had for the last two days makes those who cross the bridges long for the elevated loop. Those who came across the Brooklyn Bridge groaned as they descended into the slop at the Manhattan terminal and set out for their places of business. Those who work in the great wholesale district west of Centre street, in the region of Worth, Canal and Grand streets, realized that if the loop were built they would not have to leave the bridge cars until they reached the station nearest their shop.

The crossers of the Williamsburg Bridge, denied even the privilege of the elevated, are worse off. They get out at Delancey street and trudge through the slush to work. A loop system would carry them from the eastern sections of Brooklyn straight across the bridge, with the privilege of getting out at Allen street, the Bowery, Howard street, Worth street or the City Hall. Such as go north on the east side elevated lines will find the Second and Third avenue stations very accessible, and the end of the journey could be reached without exposure to the weather.

At night, with a belt system such as the loop would provide for the main lines of the Brooklyn elevated, the accommodations would be just as good. It would be easy to reach both bridges from the stations named. There are a great many persons who work in the financial district and live in the rapidly growing section that is reached by the Broadway (Brooklyn) line. Nowadays, at the end of their work they join the crush at the Brooklyn Bridge, are shuttled to the Brooklyn terminal there to enter another jam and proceed to the Myrtle avenue line. The route thus taken to their homes is anything but direct.

When the loop is built it will carry these people northward from Park Row and across the Williamsburg Bridge to their home territory without transfer.

There will be no shuttle trains and no tail switching. Trains will run 'round and 'round the great belt whose eastern quarter is the junction of the Broadway and Fulton street lines in Brooklyn with interior loops for the Myrtle and Lexington avenue lines.

Valuable as the loop will be as soon as it is completed, its worth will be increased nearly one-half when the Manhattan Bridge is finished. That bridge must have a City Hall terminal and this will be supplied by the loop. Its connection with the Brooklyn Bridge, however, is not nearly so necessary as the connection of the present bridges, for the Manhattan will be merely an auxiliary of the Brooklyn Bridge while the Williamsburg Bridge feeds and is fed by a northern district far removed from the eastern termini of Bridges 1 and 3.

If the Rapid Transit Commission indorses the loop plan consents must be got along the route favored, whether through Centre street or through Baxter street. The Appellate Division probably will be asked for a commission to attend to this.

There will be some minor protests from people who object to elevated structures, but these are not likely to receive much attention from those who know that the bridges cannot be connected with a subway and who realize that the connection must be made before Greater New York can get the benefit of three bridges costing $60,000,000.

Tripling the number of trains run between Manhattan and Brooklyn and establishing an express service between the boroughs are a bit more important to Greater New York than preserving the alleged beauty of Centre, Grand and Clinton streets. It will be said, of course, if the aesthetes residing in the invaded district move away in disgust, but there will be fewer fainting women at the Brooklyn Bridge and less unaesthetic profanity from the men.

GOV. HUNT'S WIDOW DEAD.

Lived to Be 90, Surviving Her Husband by 58 Years.

Mary H. Hunt, widow of Washington Hunt, who was elected Governor of New York in 1850, died yesterday at her home, in the Berkeley, 20 Fifth avenue, where she had lived for the last twenty-five years. Mrs. Hunt was 90 years old and was in vigorous health until five days ago, when she was stricken with pneumonia. She is survived by a brother, the Rev. Henry B. Walbridge, D. D., and her sister, Mrs. Elizabeth Wolcott. Mrs. Hunt's only child, a son, died in Rome shortly after the death of his father, in 1867.

Washington Hunt was elected State Comptroller in 1849, and in 1850 ran against Horatio Seymour for Governor. He won, but the next time Mr. Seymour defeated him. He was prominent in Whig councils and in 1860 was offered the Democratic nomination for Vice-President, but declined. He was prominent in the Protestant Episcopal Church, and Mrs. Hunt was interested in church and mission work in this city.

TO FIGHT THE RATE BILL.

The D. & H. Appeals to Commercial Bodies to Aid in Defeating It.

ALBANY, Feb. 13.—The Delaware and Hudson Railroad Company is sending to the various boards of trade and other commercial bodies along the lines of the road a circular letter appealing to them to come forward and fight the railroad rate bill pending in Congress. It is contended that "all individual effort, the competitive efforts of all railroads for a local industrial development, through their industrial departments will be completely nullified by Government control of rates and the consequent solidarity of local rates."

A personal letter to the secretary of each commercial body is sent urging that the organizations hold meetings to protest against the passage of the bill.

Court Calendars This Day.

Appellate Division—Supreme Court—Calendar for Tuesday, Feb. 14, 1905, at 1 P. M.—Nos. 31, 32, 23, 24, 26, 27, 28, 11, 13, 33, 10, 25, 40, 41, 45.

Supreme Court—Special Term—Part I.—Motion calendar called at 10:30 A. M. Part II.—Ex parte matters. Part III.—Case unfinished. Motions—Demurrers Nos. 714, 716, 539, 600, 726. Preferred causes—Nos. 2398, 1474, 1292, 2223. General calendar—Nos. 777, 1426, 656, 959, 1792, 833, 1721, 1587, 1590, 1425, 1690, 1245, 1602, 1605, 1621, 1638, 1639, 1640, 1644, 1669, 1671, 1679, 1680, 1708, 1720, 1724, 1733, 1698, 635, 1003, 710, 1018, 1626, 1652, 1642, 1750, 1343, 1303, 1568, 1473, 1012, 1571a, 1365a, 1603, 1607, 1609, 1612, 1615, 1616, 1618, 1622. Part IV.—Case unfinished. Cases from Part III. Part V.—Case unfinished. Cases from Part III. Part VI.—Case unfinished. Elevated railroad case—No. 1193, McPhilip vs. Interborough Rapid Transit Company. Trial Term—Part II.—No day calendar. Part III.—Case unfinished. Nos. 298, 119, 1987, 101, 695, 84, 328, 434, 579, 531, 532, 537, 538, 539, 279, 1996, 465, 540, 546, 547, 551, 557, 563, 564, 565, 567, 177, 420, 580, 624, 210, 568, 571, 572, 578, 581, 583, 585, 587. Part IV.—Case unfinished. Cases from Part III. Part V.—Case unfinished. Cases from Part III. Part VI.—Case unfinished. Cases from Part III. Part VIII.—Case unfinished. Nos. 311, 202, 175, 417, 418, 475, 585, 278, 627, 229, 178, 1718, 420, 564, 368, 299, 376, 406, 2828, 446, 193, 443, 2584, 146, 2767, 445, 2492, 234, 400. Part VIII.—Case unfinished. Cases from Part VII. Part IX.—Case unfinished. Cases from Part VII. Part X.—Case unfinished. Nos. 938, 1049, 1551, 2776, 691, 1436, 972, 473, 467, 1117, 807½, 983, 867, 761, 881, 1157, 1357, 1378, 362, 710, 566, 1383, 1237, 712, 1609, 1396. Part XI.—Part III.—Adjourned until Monday, Feb. 20, 1905. Part XII.—Clear. Cases from Part X.

Surrogate Court—Chambers—Motion calendar called at 10:30 A. M. Jesse M. Lee, Solomon Schindler, Maria A. Becker, Edward A. Du Vivier, Daniel Miller, at 2:30 P. M. Trial Term—Nos. 2063, 2085, 2075, 2080, 2081, 2083.

City Court—Special Term. Court opens at 10 A. M. Motions. Trial Term—Part I.—Case unfinished. Nos. 9866, 10396, 5903, 6549, 641, 5553, 3835, 3911, 2756. Part II.—Clear. Nos. 823, 329, 3812, 3872, 3873, 3015, 3016, 3912, 3813, 3914, 3915. Part III.—Case unfinished. Nos. 1027, 708, 728, 731, 4056, 2167, 1191, 3819, 1027, 2818, 2558, 3941, 541. Part IV.—Case unfinished. Short causes—Nos. 10533, 10144, 10006, 10589, 6600, 10385, 9272, 9961, 10152, 9847, 9819, 9431, 7022, 1060, 10432, 8062, 4251, 9842, 10332, 10440, 10450, 10641, 10644, 10277, 10918, 10622, 10708, 9902, 10305, 10671, 10678, 10847, 7681, 6343, 10427, 10628, 10629, 10572, 10662, 8412, 10707, 10596, 10543, 8649, 10558, 10661, 10691, 10186, 10526, 10623. Equity cases—No. 252. Part V.—Nos. 8536, 8561, 8753, 8587, 8589, 8592, 8593, 8594, 8601, 8604, 8606.

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WHENCE THE HORSE AND WHY

PROF. OSBORN TRACES ITS HISTORY FROM FOSSILS.

Many Changes in Form Due to the Pruning Knife of Nature—Great Loss in Toes and Bones, but Teeth Increased—Some Important Specimens From Texas.

With the fourth of the Morris K. Jesup lectures on the horse delivered at the American Museum of Natural History last night by Prof. Henry F. Osborn, the fossil history was completed and the subject brought down to existing horses.

The museum, it was announced, is planning to have before long a complete history of the horse, in specimens, and to establish the fact that horses originated in America.

"The Whitney explorers, said Prof. Osborn, "found in the years 1899-1901 in Texas on the edge of the Staked Plains many extinct species including the elephant. It is there that the only true American horse of the Pliocene era was found. Six skeletons of the *Equus Scotti* were found there. A mare with five colts, apparently overtaken, either by a blizzard or a sandstorm, perished there.

"The chief changes in the series of ancestors of the horse in the course of evolution are by increase and decrease. The number of toes decrease until now the horse has but one, the number of teeth and cusps increase. The eohippus, the earliest form we know, had 219 bones; the equus has 169 bones, showing a loss of 50. The eohippus had 46 cusps in six molar teeth; the equus has 72, a gain of 26.

"Horses, we find, branch off from each other on different kinds of grounds and in seeking different kinds of food. We find the conservative, or Tory, hypohippus content to lead the ancestral browsing life. On the other hand, there is the hipparion, or antelope horse, that seeks the newer kinds of food—the grasses. The former, therefore, evolve slowly, like a freight train, the latter rapidly, like a limited express. Somewhere between them come the little browsing horses, comparable to an ordinary express train, and of these I shall speak as the true horses.

"The moderates are always apt to outlive the extremists. This gives rise to many races of different degrees of evolution living together. And this fact solves the difficulties of earlier zoologists who did not take this fact into consideration.

"And, then, natural selection, or the survival of the fittest, the great pruning knife of nature, enters in. The fast, the well built, the alert day feeders are picked for the plains; the cautious, the slow, possibly the night feeders, for the forest. Elimination of the least fit is constantly going on, and finally when a general change of plant conditions comes about, or some new enemies come in, a whole race will be eliminated upon the perfection of which nature has been laboring perhaps millions of years.

"Such an elimination, or extinction, overtook both the little browsing horses and the forest horses at the close of the Miocene Age in this country, and there were left only the neohipparions and the protohippus or true horse stock. There is still a missing link in the chain of true horses in America; and before we can possibly claim for this country the honor of the complete ancestry of the horse we must find this link. The chances are strongly in favor of our finding it."

WANDERINGS OF PASTOR HAAS.

Says He Travelled About for Days Like One in a Dream.

The Rev. Frederick E. C. Haas, pastor of the German Lutheran Church in Mulberry street, Newark, who returned home on Sunday after an absence of ten days, said yesterday that he had no idea of deserting his family or going away on the day he started out from his home to take a walk and did not return. He walked a little way and then determined, he says, to go to New York and get a supply of confirmation catechisms, which were needed in the church.

The monotonous rumble of the train, he says, soothed him into a state of semi-consciousness. He had begun to worry about his money affairs just before taking the train, but soon after the cars began to move he lost all knowledge of where he was or what he was doing. Like a dream, he says, were the next few days. He knows he travelled, got off trains, slept, ate, got on more trains and continued going, until, one day, he fell while walking on a slippery pavement and sprained his wrist. The pain seemed to restore him to his normal self, and he found to his consternation that he was in Chicago. He then remembered that a clergyman whom he knew lived there, the Rev. Mr. Hattendorf, and he sought him out.

Pastor Haas declared that he had no intention of leaving his family. He has not yet been permitted to see his wife, who is dangerously ill in the German Hospital. To-night the trustees of the church will meet in secret session to hear what Mr. Haas has to say. After the services next Sunday morning the trustees will submit a report to the congregation, and members of the church will be allowed to vote upon whatever action may be proposed in the case. It is reported that formal charges have been prepared against the pastor by the trustees, which contain a severe arraignment of the minister chiefly because he did not inform the trustees of his financial difficulties before borrowing money elsewhere.

Women Georgeites Have a Dinner.

The Henry George Women's League held its annual dinner last night at Reisenweber's. The league is devoting itself to carrying out Henry George's ideas and those of Henry George, Jr. The speakers were Miss Amy M. Hicks, vice-president; Dr. David Blaustein, superintendent of the Educational Alliance; Miss Colderon, who read a poem of Bliss Carman; Mrs. Mary Church Terrell, Alfred J. Boulton and Henry George, Jr.

JOTTINGS ABOUT TOWN.

William Heuck, a ticket chopper employed in the subway at Canal street, was held at the Tombs yesterday charged with the larceny of twenty six tickets. A private detective said he saw Heuck pick up the tickets that passengers had dropped on the floor instead of in the box, and put them in his pocket.

Bubbles of Joy

The most wholesome of wines is champagne. The most wholesome of champagnes is

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