BLOW AT DAKOTA DIVORCES.

IMPORTANT DECISION BY THE U. S. SUPREME COURT.

It Holds That a Divorce, in Order to Be Beyond Legal Attack, Must Be Obtained in the State in Which Both Parties Reside—Four Justices Dissent.

WASHINGTON, April 16.—The United States Supreme Court to-day, by a bench divided five to four, held that divorces obtained in States which do not have jurisdiction over both parties to the marriage are not enforceable outside the State granting the divorce, under the clause of the Constitution providing that each State shall give full faith and credit to the decrees of another State. The effect of the decision, therefore, is that a divorce like those obtained in South Dakota, by the acquisition of temporary residence for that purpose, is valid in the State in which the couple resided only so long as its legality is not attacked. It follows, therefore, that a divorce in order to be beyond attack must be obtained in the State of which both parties are recidents.

The case was that of John W. and Harriet Haddock, who were married in New York city on June 14, 1868, and lived together three months, when Haddock deserted her and went to Connecticut to live. In 1881 he obtained, on the ground of desertion, a divorce in Litchfield, Conn., service being made on the wife by publication and the mailing of notice to her former residence in Tarrytown. He afterward married. In 1899 Harriet Haddock brought suit in the New York courts against her former husband, and notice was served on him personally. A divorce was granted her on the ground of desertion, with $780 a year alimony, the court refusing to recognize the Connecticut divorce, on the ground that the notice was poor. The New York Supreme Court affirmed that judgment and denied the claim of Haddock that the New York courts were bound by the Connecticut decree under the constitutional requirement as to giving full faith and credit to the decrees of the courts of other States.

The case was brought to the Supreme Court of the United States mainly on that question. The opinion to-day, delivered by Justice White, after stating the various points in the case which had been settled by previous decisions of the court, says that, the husband being then a bona fide resident of Connecticut, the courts of that State had power to give effect to the decree it granted; that as New York was the domicile of the wife and of matrimony, from which the husband fled, her domicile continued there; and that as she was not constructively present in Connecticut and did not appear in the divorce proceedings the Connecticut court did not acquire jurisdiction over her.

The question, therefore, was whether, under these circumstances, the decree could be enforced in New York through the invocation of the clause requiring full faith and credit. It depended on the jurisdiction either of the subject matter or of the person of the defendant, without which the courts of another State were not required by virtue of the full faith and credit clause of the Constitution to enforce such a decree.

"The wide scope of the authority which Government possesses over the contract of marriage and its dissolution," says Justice White, "is the basis upon which it is argued that the domicile within one State of one party to the marriage gives to such a State jurisdiction to decree a dissolution of the marriage tie which will be obligatory in all the other States by force of the full faith and credit clause of the Constitution. But the deduction is destructive of the premise upon which it rests. This becomes clear when it is perceived that if one Government, because of its authority over its own citizens, has the right to dissolve the marriage tie as to the citizens of another jurisdiction it must follow that no Government possesses as to its own citizens power over the marriage and its dissolution. For if it be that one Government, in virtue of its authority over marriage, may dissolve the tie as to citizens of another Government other Governments would have a similar power, and hence the right of every Government as to its own citizens might be rendered nugatory by the exercise of the power which every other Government possessed.

"This would result that those who wished to violate the marital obligations would go to the State having the most lax laws to obtain divorces, destroying the rights to the other party to the marriage contract, to the overthrow of the laws and public policy of the other States."

The opinion quotes from sixty or seventy controlling decisions of the State courts, running back to the year 1800, as showing by an overwhelming preponderance that the limited recognition given by most of the States to divorce decrees obtained in States which had jurisdiction alone over the plaintiff was wholly inconsistent with the theory that such limited recognition was based upon the operation of the full faith and credit clause of the Constitution, but on the contrary was consistent only with the conception that such limited recognition as is given is based upon State comity.

"No clearer demonstration can be made of the accuracy of this statement," says Justice White, "than the obvious consequence that if the full faith and credit clause were now to be held applicable to the enforcement in the States generally of decrees of divorce of the character of the one here involved it would follow that the law of nearly all the States would be overthrown, and thus it would come to pass that the decisions which were relied upon as establishing that the due faith and credit clause applies to such decrees would be overruled by the adoption of the proposition which it is insisted these decisions maintain.

"The only escape from this conclusion would be to say that the law of the States, as shown by the decisions in question, would remain unaffected by the ruling of the full faith and credit clause because not repugnant to that clause. This would be, however, but to assert that the full faith and credit clause required not that full faith and credit be given in one State to the decrees of another State, but that only a limited and restricted enforcement of a decree in another State would fulfil the requirements of that provision of the Constitution. To so decide would be to destroy the true import of the full faith and credit clause. Thus, in its ultimate aspect the proposition relied upon reduces itself to this: Either that the settled law of most of the States of the Union as to divorce decrees rendered in one State, where the court rendering the decree had jurisdiction only of the plaintiff, must be held to be invalid, or that an important provision of the Constitution must be shorn of its rightful meaning.

"Without questioning the power of the State of Connecticut to enforce within its own borders the decree of divorce which is here in issue, and without intimating a doubt as to the power of the State of New York to give to a decree of that character rendered in Connecticut within the borders of the State of New York, and as to its own citizens such efficacy as it may be entitled to, in view of the public policy of that State, we hold that the decree of the court of Connecticut, rendered under the circumstances stated, was not entitled to obligatory enforcement in the State of New York by virtue of the full faith and credit clause."

Justices Harlan, Brewer and Brown united in a dissenting opinion, and Justice Holmes delivered a separate dissent. Justice Brown thought this was a case that should be treated separately and not be used as a general principle, for it was apparent that the only object of the wife was to obtain alimony. The majority position, he declared, was a backward step in American jurisprudence. Justice Holmes based his dissent in part upon the fact that the majority decision would result in the bastardization of so many innocent children. He also looked upon it as a reversal by the court of its former opinion as expressed in Atherton vs. Atherton.

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NIAGARA POWER MEN HEARD.

They Argue That Congress Has no Right to Interfere With the Diversion of Water.

WASHINGTON, April 16.—The House Committee on Rivers and Harbors to-day heard some of the opponents of the Burton bill for the preservation of the scenic beauty of Niagara Falls.

J. H. Henson, an attorney representing the Niagara County Irrigation and Water Supply Company, which plans to divert 17,900 cubic feet of water a second from the falls, was heard first in behalf of the legal rights of that company, which is chartered under the State of New York. He asserted that Congress had no right to interfere with the diversion of the water of any river, provided such diversion did not interfere with the rights of navigation.

Such use of the water as his company proposed, he said, would not interfere with navigation. He contended that the company was entitled to the use of so much of the water of Niagara as it desired by reason of riparian rights. This was a principle centuries old and one which the courts had always supported.

How the scenic beauty of the falls could be improved H. L. Cooper, a civil engineer representing the same company, then proceeded to show. He said that after deducting the quantities consumed by present power plants the flow over the American Falls would be 25,000 cubic feet per second. His company purposed increasing it to 40,000 cubic feet per second by making an excavation for 500 or 600 feet and to a depth of three or four feet in the bed of the river above Goat Island. This would increase the volume of water flowing over the American side by diverting it from the Horseshoe Falls, where the average amount of water going over the crest is about 190,000 feet per second.

The amount of water which his company wanted to use would lower the amount of water going over the crest by about three inches, which, he said, would be practically imperceptible.

JULIAN'S BRIBERY STORY.

Warrant Issued for Another on Charge of Giving False News for Publication.

The examination of Louis E. Julian, formerly an investigator in the employ of the Metropolitan Street Railway Company, who was arrested in March, charged with giving false and libellous information concerning the company to a newspaper, was continued before Magistrate Wahle in the West Side court chambers yesterday afternoon. The case had been postponed to get the testimony of the newspaper man to whom Julian was alleged to have given the story. Before the examination ended James L. Quackenbush, general counsel for the railway company, asked for a warrant against another man whose name figured in the testimony. It was later arranged over the telephone that the man should go before the Magistrate this afternoon to be served with the warrant.

The contention of Julian's counsel, both yesterday and at previous hearings, has been that the alleged libellous story was not given by Julian, but by Robert L. Turk, a lawyer, of 35 Nassau street.

Scott MacRaynolds, a reporter of the New York *American*, which printed the story in question, said on the stand that Julian went to the newspaper office on February 15, and was turned over to him by the city editor to give him the details of an alleged bribery story. He said that at the instance of Julian, both he and Julian went to the office of Robert L. Turk, who was attorney for the plaintiff in the case of Keenan against the Metropolitan Street Railway Company. MacRaynolds said that he had taken extensive notes of the details given him by Julian, and that Turk gave him additional information, being prompted by Julian. The story concerned an alleged attempt to bribe Dr. Wolfert Nelson of the Astor House, which Dr. Nelson stoutly denied.

John W. Howe, assistant city editor of the *American*, responded to a subpœna served on the *American*, calling for documents bearing on Julian's connection with the bribery charges. He had two pay vouchers, one of which was dated February 16, the day the story was printed, and called for $7.50. Mr. Howe said that he understood this was in payment for the alleged bribery story, but wasn't certain. He said that Mr. Michaelson, the city editor, who gave the voucher, is now in San Francisco.

During the progress of the examination, ex-Assistant District Attorney Clarke, who appeared for Mr. Quackenbush, arose and said:

"Your Honor, I will ask for a warrant against Julian if he doesn't quit threatening me from the other side of the table while I am conducting this examination. He has been making remarks all afternoon, and roaring about what he would do with me because I didn't file certain affidavits in the case, which were the complainant's property and didn't have to be filed with the other papers."

Julian arose to speak, but was ordered to sit down. The Court sustained Mr Clarke in his contention that the papers need not be filed.

Ralph M. Holland, Julian's attorney, asked that the case be dismissed on the ground that the story was not given by Julian. The Court read a part of Section 274A of the Penal Code, which stated that any one implicated in the giving out of an alleged libellous article was responsible. Counsel then objected to a further examination on the ground that the Magistrate issued a warrant for Julian on insufficient evidence. The motion was denied.

The examination will be continued May 7.

The Weather.

The storm had entirely disappeared off Nova Scotia by yesterday morning and left all the county from the Atlantic Coast to the Rocky Mountains to the dominance of a high pressure area central over the lower Ohio and middle Mississippi valleys.

The weather was fair except for light rain in northern Texas and showers on the north Pacific Coast.

It was cooler in the Atlantic States, the Ohio and Tennessee valleys and the Lake regions, but in all the country west of the Mississippi Valley it was warmer. Freezing weather had entirely disappeared.

In this city the day was fair and slightly cooler; wind, light to fresh northwesterly; average humidity, 52 per cent.; barometer, corrected to read to sea level, at 8 A. M., 30.15; 3 P. M., 30.15.

The temperature yesterday, as recorded by the official thermometer, is shown in the annexed table:

	1905.	1905.		1905.	1905.
9 A. M.	57°	49°	6 P. M.	55°	39°
12 M.	55°	48°	9 P. M.	53°	38°
3 P. M.	56°	41°	12 Mid.	52°	33°

Lowest temperature, 46° at 6 A. M.

WASHINGTON FORECAST FOR TO-DAY AND TO-MORROW.

For eastern New York, New Jersey and Delaware, fair to-day and warmer in the interior; fair and warmer to-morrow; light northwest winds, becoming variable.

For the District of Columbia, Maryland and eastern Pennsylvania, fair to-day and to-morrow, with rising temperature; light north winds, becoming variable.

For New England, fair to-day, and warmer in west portion; fair to-morrow, and warmer in west and south portions; variable winds.

For western New York and western Pennsylvania, fair and warmer to-day and to-morrow; winds becoming southeast and fresh.

HOUSE PASSES BANK BILL.

IT EXTENDS LIMIT OF LOAN TO ONE INDIVIDUAL.

It Also Passes the Free Alcohol Bill and the Bill Extending to Jan. 10, 1909, the Taking Effect in the Philippines of Laws Regulating the Coastwise Trade.

WASHINGTON, April 16.—Under suspension of the rules in the House of Representatives to-day the bill was passed amending the National Banking law so as to permit banks to lend to one individual or corporation an amount equal to 10 per cent. of the surplus of the bank as well as 10 per cent. of the capital stock, the total sum thus loaned, however, to be in no case in excess of 20 per cent. of the capital stock.

Advocating the passage of the bill, Mr. Shartel (Rep., Mo.) said that the measure in principle had been recommended by every Comptroller of the Currency for many years and was desired by banks and business men. The passage of the bill, he said, would increase the loanable capital of national banks by about 33 1-3 per cent.

Mr. Gillespie (Dem., Tex.) opposed the bill on the grounds that its tendency was to restrict the number of persons to whom the banks would lend money, that it was intended to reduce the cost of administration of the banks and that no specific penalty for violating the law was provided in the bill.

The bill was passed by a vote of 193 to 7.

Mr. McKinlay (Rep., Cal.) asked unanimous consent, which was granted, for the consideration of a bill providing for the storage of surplus water from Sacramento River for irrigation purposes, and it passed without objection.

The bill to permit the withdrawal, free of tax, of alcohol rendered unfit for beverage or liquid medicinal purposes by the use of a denaturizing agent was called up and consigned under a motion of Mr. Payne of New York to suspend the rules for its passage.

Mr. Payne explained the purpose of the bill to be to introduce into manufacture and as a source of light, heat and power alcohol free of tax. Every nation, he said, which taxed alcohol spirits gave free alcohol to the arts, sciences and manufactures, except the United States. It was estimated that fifty million gallons would be denaturized in the first year of the operation of the bill, and this, Mr. Payne said, would require 8,000,000 gallons of wood alcohol.

The bill was opposed by Mr. Young of Michigan. He said the unanimity with which the bill was supported, in his opinion, was "but a measure of the misinformation, false hopes and abounding optimism which prevail not only in the House but throughout the country on the subject." He believed it would destroy the wood alcohol industry, and he protested against its passage, as threatening the existence of $20,000,000 of capital in his own district.

The bill was passed, 221 to 7.

The bill to extend from June 30 next until January 10, 1909, the taking effect in the Philippine Islands of the laws regulating the coastwise trade, which was reported by Mr. Crumpacker of Indiana from the Committee on Insular Affairs about a week ago, was passed—17 to 217.

In a colloquial controversy with Mr. Cooper as to the constitutional status of the Philippine Islands Mr. Littlefield of Maine, amid laughter, spoke of the "incoherent and inconsistent majority of one by which the Supreme Court decided that the islands belonged to but were not a part of the United States.

Mr. Crumpacker said it was time that the United States began to treat the Philippine Islands with some regard for the interest of their people. He reiterated Mr. Cooper's assertion that it was cruel to maintain a 75 per cent. duty against Philippines products and then impose the coastwise laws on the islands. That would be simply to crush their commerce.

Other bills passed were: To authorize the construction of dams across Rock River, Ill., to develop water power for Rock Island; appropriating $400,000 for the improvement of the mouth of Columbia River; amending the law regulating the issuance and protection of trade marks, changing the practice in the Patent Office in relation thereto, by directing the Commissioner of Patents to make classes of merchandise upon which trade marks may be issued.

At 6.15 the House took a recess until 11:30 to-morrow, at which time the national quarantine bill will be taken up under suspension of the rules. Upon this action a question long mooted was definitely decided by Speaker Cannon—"What constitutes the House?" He construed it to be the total of the members, aside from those who had not been sworn in, not resigned nor died nor service terminated by the House. In this case this number is 381, of which 191 is a quorum.

CHINESE MINISTER IN TROUBLE.

He Oversteps Bounds of Diplomatic Propriety by Criticising a Congressman.

WASHINGTON, April 16.—The bearings before the House Committee on Foreign Affairs on the Foster bill to amend the Chinese Exclusion act were published to-day and disclose a letter written by the Chinese Minister to John Foord, secretary of the American Asiatic Association, criticising certain statements made by Representative Denby of Michigan, a member of the committee. The letter is regarded as one which oversteps the bounds of diplomatic propriety and has been the subject of much comment among members of the House interested in the exclusion law.

They declare that had the communication been written by any other diplomatic representative than the Chinese Minister it might be the sufficient to warrant this Government in asking for his recall, but this Government has always been most lenient toward the Chinese representatives and because of this the incident may be overlooked. It is regarded, however, as in direct violation of the rule which prohibits foreign representatives from mingling with legislative matters.

While S. D. Webb of New York, a merchant interested in the Chinese trade, was before the committee, in questioning him upon the certificates issued by Chinese officials to Chinamen emigrating to this country Mr. Denby took occasion to say that if certificates were fradulent Chinese officials must have knowledge of the fraud and that they were issued at the connivance of Chinese officials. He further intimated that these certificates had been a matter of bargain and sale by Chinese officials, and that American Consuls had been deceived by them.

These and other statements of like import were called to the attention of the Chinese Minister by Mr. Foord, and it is the Minister's reply to Mr. Foord which has caused the controversy which may be brought to the attention of the State Department. In his letter the Minister seeks to arraign Mr. Denby, and he concludes as follows:

"Consequently, I consider the intimation of Mr. Denby that but for the vigilance of the immigration officers there would have been 'a traffic in bringing in illegal Chinese, which would have enriched thousands of officials, and our country would have overflowed with [illegible] under the exclusion law', as an emanation from a fertile imagination, rather than a trustworthy judgment founded on cold facts."

The letter has aroused deep feeling, especially among those members who are most interested in keeping up the bars against Chinese immigration.

District of Columbia Appropriation Bill.

WASHINGTON, April 16.—The District of Columbia appropriation bill was reported to the House to-day. It carries an expenditure of $9,280,453, as against $9,704,881 appropriated for the current year. The estimates for the coming year were $11,461,520. Included in the bill is an appropriation of $100,000 for a tuberculosis hospital for the indigent poor of the District.

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CHORAL UNION SINGS WELL.

A Spirited Performance of Mendelssohn's Oratorio "St. Paul."

Mendelssohn's "St. Paul" was sung at Carnegie Hall last night at the annual concert of the People's Choral Union. The chorus was one of liberal size, numbering something like six hundred voices. It was plentifully supplied with tenors and basses, so plentifully that there was ground for wonder that the ancient and respected Oratorio Society does not acquire the commendable habit of borrowing a few of them to eke out the scanty substance of its male choirs.

There were numerous good sopranos and contraltos, too, and when the composer gave the entire chorus opportunity to let loose the rivers of its tone in streaming chord successions there was a sound as of many waters. It was a big, penetrating human tone and it made the welkin, or whatever corresponds to a welkin in the mystic crannies of Carnegie Hall's acoustics, ring joyously. It is something uplifting to hear a chorus sing with such spirit, with such boldness, with such spontaneity. The graduates of Mr. Damrosch's free singing classes are manifestly music lovers and they sing *con amore*.

In the fugato passages there was not so much freedom of style, and there was room for suspicion that many of the choristers were a little timid about this part of their task. But on the whole it was good choral singing and stirred up the small audience. There is plenty for the chorus to do in "St. Paul," for Mendelssohn wrote generously for it in this work, while he did not rise to the dramatic heights of "Elijah" in the solo parts.

The solo singers last night were Mrs. Mihr-Hardy, soprano; Janet Spencer, contralto; Cecil James, tenor; Frank Croxton, barytone, and E. A. Jahn, bass. Mrs. Mihr-Hardy is a newcomer on the local concert platform, and perhaps she is still suffering from that curious nervousness which attacks the confident singers of other cities when they look into the faces of New York auditors. At any rate there was a good deal of uncertainty in the soprano's singing last night. Some of this was in the matter of pitch and some in the matter of style. The general results were lame and impotent.

Janet Spencer is making commendable progress in the art of tone formation and phrasing. Her intonation used to be faulty, but last night she held the pitch with loving firmness. She sang "But the Lord Is Mindful of His Own" beautifully in so far as voice, phrasing and nuance were concerned. Color and more intimate expressiveness will probably come in time. Temperament—but temperament is after all a wayward and rebellious thing, and perhaps we may be thankful for a certain cool restfulness of which temperament might rob this flowing and delicious voice.

Cecil James struggled manfully with the prosaic duties of the tenor narrator. Mendelssohn never did a better thing for musical art than when he abolished this official in "Elijah" and turned him out of the fold of oratorio for the rest of time. After Bach the tenor narrator was an impossibility. Bach set him on a musical pinnacle to which no other composer could hope to climb. Mr. James may at some time have seen Bach's pinnacle, but as through a glass darkly. He saw even Mendelssohn's dimly.

Mr. Croxton does not seem to advance along the flowery path of legato. He sang "Consume Them All" in a manner that would have delighted Bayreuth and opened the gates of Wahnfried to him. It would, however, probably have astonished Mendelssohn. Mr. Jahn, by a merciful dispensation of the parts, had little to do. The New York Symphony Orchestra supplied the instrumental support with the assistance of Frank Seely at the organ, and Frank Damrosch conducted.

FOR BILLIARD CUE MURDER.

Two Accused of Killing Bronx Saloon Keeper in Quarrel on March 30.

John O. Walsh, who said he lived at 167 East Sixty-third street, and William J. Chapelle of 663 Eagle avenue, The Bronx, were arrested last night by three Bronx detectives on suspicion of having murdered Ferdinand Stickels, a saloon keeper, at Westchester and Eagle avenues on the morning of March 30. Stickels was assaulted with a billiard cue and killed.

Chapelle told Detective Sergeant Sam Price that he and Walsh went to Stickels's saloon and that Walsh and Stickels had a quarrel over a small debt of long standing. Walsh and he hurried off and went to New Haven, Hartford and Boston. When they spent all their money they returned.

GRAPE-NUTS.

THANKSGIVING PSALM

A Rhythmical and Grateful Chant.

A teacher in a Terre Haute public school, joins in the chorus:

"Teaching is a business which requires a great deal of brain and nerve force. Unless this force is renewed as fast as expended the teacher is exhausted before the close of the year. Many resort to stimulating tonics for relief.

"For 3 years I struggled against this almost complete exhaustion, getting what relief I could from doctor's tonics. Then in the spring of 1903, I had an attack of la grippe and malaria which left me too weak to continue my work. Medicine failed to give me any relief, a change of climate failed. I thought I should never be able to go back in school again.

"I ate enough food, (the ordinary meals, white bread and vegetables,) but was hungry after meals.

"I happened at this time to read an article giving the experience of another teacher who had been helped by Grape-Nuts food. I decided to try Grape-Nuts and cream, as an experiment. It was a delightful experience, and continues so after a year and a half of constant use.

"First, I noticed the disappearance of hunger after meals.

"In a few days that tired feeling left me, and I felt fresh and bright, instead of dull and sleepy.

"In three months more than my usual strength returned, and I had gained 15 pounds in weight.

"I finished the year's work without any kind of tonics—was not absent from duty even half a day.

"Am still in the best of health, with all who know me wondering at the improvement.

"I tell them all, 'Try Grape-Nuts!'" Name given by Postum Co., Battle Creek, Mich.

There's a reason.

SITUATION ON THE RATE BILL.

CONFERENCE OF DEMOCRATIC SENATORS TO BE HELD.

The Necessary Signatures Were Obtained Yesterday—The President Accepts Democratic Amendments for a Limited Court Review and Fifty-three Votes Are Claimed for Such a Provision.

WASHINGTON, April 16.—The rate bill situation took on a new phase to-day, when there was a successful renewal of the effort to secure a conference of the entire Democratic membership in the Senate for the purpose of determining what the course of the Democrats should be with respect to the pending measure. When the suggestion of a Democratic conference was first made a week or so ago it was not encouraged and was presumed to have been abandoned. To-day, however, the advocates of the idea managed to secure the number of signatures necessary to have the conference called.

The principal development of the day was the announcement that President Roosevelt had accepted in part the amendment of Senator Bailey, the Democratic leader, providing that a rate fixed by the Interstate Commerce Commission should not be suspended by any inferior court pending the determination of an appeal from the commission's action. The President, it was stated, was in favor of the no suspension clause of Mr. Bailey's amendment, but opposed to the provision contained in it for a broad court review. It was stated also that if it were found impossible to secure the adoption of Mr. Bailey's amendment in the modified form mentioned the President would prefer the amendment of Senator Mallory of Florida along the same lines, and, failing that, the amendment for expediting judicial hearings in rate cases offered by Senator Simmons of North Carolina. Both Mallory and Simmons are Democrats.

The radical advocates of rate legislation among the Democrats claim that they have made a canvass of the Senate with the result of ascertaining that 24 Republicans and 29 Democrats are in favor of limiting the reviewing power of the courts over rate fixing orders. These figures differ materially from these of the liberal review Republicans, who still maintain that they have 39 or 40 Republicans and about 10 Democrats on their side. A majority of the Senate is 45. It is admitted by the radical Democrats that Senators Morgan and Pettus of Alabama and Senators McEnery and Foster of Louisiana are for a liberal court review. They decline to concede any more of their number.

The conservative Republicans laugh at the claim that twenty-four of their party will vote for a limited court review provision. They say that fifteen is nearer the number.

It is evident that the attempt is being renewed to form a coalition of the Republican and the Democrats who favor limiting the authority of the courts over the orders of the Interstate Commerce Commission. The conference of the Democrats is mainly for the purpose of trying to agree upon a limited review amendment.

Republican Senators said to-day that should the Democrats decide to act as a party the effect would be to bring into the ranks of the Republican conservatives several of their party colleagues who are now understood to be in favor of a limited review. Senators Nelson of Minnesota and Long of Kansas, both limited review Republicans, had conferences to-day with Democratic Senators, and said afterward that several Democratic converts to the Long amendment to curtail the authority of the courts over rates had been made.

OBITUARY.

Ernest Benjamin Kruttschnitt, chairman of the Democratic State central committee of Louisiana, and one of the leaders of the Louisiana bar and of public opinion, died in New Orleans yesterday, aged 52. He was a native of New Orleans and a nephew of Judah P. Benjamin, who left the United States Senate in 1861 to become Secretary of State under Jefferson Davis. Graduating from Washington and Lee University, young Kruttschnitt became for a short time professor of history there. On returning to New Orleans he entered the legal profession and soon became one of the most distinguished members of the bar, being engaged in nearly all the great cases in the State. Always active in politics, he rose to great prominence in 1892, when, as chairman of the Anti-Lottery Democrats, he led that faction to victory and crushed the regular Democracy. It was thought at the time that Kruttschnitt would be sent to the United States Senate, but he determined to stick to the law. Mr. Kruttschnitt took a prominent part in the suffrage campaign of 1898 and was president of the constitutional convention of that year and mainly responsible for the grandfather clause under which most of the negroes in Louisiana were disfranchised, and which has since been adopted in other States.

Charles A. Jackson, a lawyer in this city, died yesterday at his country home at Stamford. He became one of the heads of the County Democracy in the closing days of that organization and was its last president before it went out of existence when its members returned to Tammany Hall. Mr. Jackson was associated in the County Democracy with such men as Maurice J. Power, Abram S. Hewitt, Edward Cooper and Hubert O. Thompson. He was one of the last to believe that there was no usefulness left in the organization. At a meeting held in Cooper Union about 1888, then it was decided by the greater number of the leaders of the County Democracy to disband, he announced from the platform: "I will be the last to turn out the lights of this organization," and he declared that he would never go back to Tammany Hall. Yet within a few weeks after this announcement he was back in the fold with the rest.

Rowland Minturn Hall, a lawyer, died yesterday at his home, 15 West Eighth street, of paralysis. He was the son of David P. Hall and Caroline Minturn Hall of this city. Mr. Hall was graduated in 1856 from Harvard, where he was a member of the Hasty Pudding and Porcellian clubs. After graduation he studied law and practised with his father at 54 William street. At the outbreak of the civil war he joined the Third Regiment, New York Cavalry, as second lieutenant, and in 1863 was promoted to a captaincy. He left the army in 1864 on account of illness and resumed his law business. In 1868, on the death of his father, Mr. Hall formed a partnership with his brother, David Prescott Hall, which continued until eighteen months ago, when he was stricken with paralysis. He had a second stroke on Saturday. Mr. Hall was unmarried. A sister, Frances Minturn Hall, lived with him.

Announcement was made yesterday of the death of Henry Berolzheimer at Nurnberg, Germany. Mr. Berolzheimer was 69 years old and was born in Fuerth, Bavaria. He was the founder of the Eagle Lead Pencil Company, now an American concern, which his two sons, Emil and Philip, control. The elder Berolzheimer established a pencil factory in Fuerth when he was a young man, but many years ago he moved the field of operations to this country, because this country excelled in the production of graphite. Mr. Berolzheimer lived here two years after moving his business here and before turning over the active management to his two sons. His death followed a long illness.

Clarence E. Bruen, son of former Mayor Edward E. Bruen of East Orange, N. J., died at his father's home in that city, on Saturday night, of tuberculosis which he contracted from an automobilist with whom he had been travelling last summer. He was a member of the junior class in Princeton University. He had remarkable mechanical ability, and when but 16 years of age constructed a complete working model of the battleship Kearsarge, 5½ feet long, propelled by two motors. He was 21 years old.

Lockjaw resulting from an injury received in a fall a few days ago caused the death on Sunday night of George Courtney at his home in Orange, N. J. He was 70 years of age. While working on the roof of his house on April 4 he fell a distance of thirty feet, breaking his arm. Three daughters, Mrs. Clara Beck, Mrs. Jennie Higinbotham and Mrs. Emma Robinson, and two sons, George Courtney, Jr., and David K. Courtney, survive him.

William F. David, for many years engaged in the manufacture of inks and sealing wax in New York city, died at the Masonic Home in Utica Sunday night, at the age of 70 years. At one time Mr. David was a man of considerable wealth and was prominent in yachting circles in New York and vicinity. He had been an inmate of the Masonic Home for less than one year. The remains will be interred in Beechwood Cemetery, New Rochelle.

The Rev. Edward McCosker, one of the oldest priests of the Newark diocese, died at the St. Joseph Hospital, Paterson, on Sunday. He was born in Ireland in 1822. He came to this country in his youth and was educated for the priesthood at Mount St. Mary's Seminary, Maryland. He was ordained by Archbishop Kendrick, June 18, 1859, and was made a curate at St. Peter's Church in New Brunswick.

Charles H. Lester, 47 years old, died of pneumonia on Sunday at his home in Montclair, N. J. Mr. Lester was a member of the firm of Whitall, Tatum & Co., this city, and belonged to the Hardware Club, the Montclair Golf Club, Montclair lodge of Masons and the Knights of Pythias. A wife, one son and a daughter survive him.

The Rev. John Wesley Gorse, who in his fifty-two years ministry in the Methodist Church filled charges in Greene, Ulster, Rockland, Schoharie, Delaware and Sullivan counties, died in Catskill, N. Y., yesterday in his eighty-first year. He was a native of Balton, England.

Montgomery Dengee, who had been in the showcase business forty years, died on Sunday at his home, 436 Carlton avenue, Brooklyn, in his sixty-seventh year. He was prominent in the affairs of the Hanson Place Baptist Church. He leaves a widow and two sons.

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