

TO FIGHT STRIKE WITH MILLS RUNNING

Paterson Will Pay Envelope Against Pleadings of the I. W. W.

MOB HALES HAYWOOD

Leader, Arrested and Bailed, Goes in Fury to Exhort His 5,000.

PATERSON, April 28.—The silk mill men of Paterson are going to set a day for reopening their mills, man them with as many strikers as will return to work, and run them with armed guards to protect the workmen if they can get enough strikers back to work.

The mills and dye plants will ask Sheriff Radcliffe to swear in a host of deputy sheriffs that day. They intend a decisive trial of strength with the Industrial Workers of the World.

Big Bill Haywood, leader of the strike, was taken from an Erie Railroad train by three constables at Passaic this morning to prevent a riot over his return to Paterson. A mob greeted Miss Flynn and Carlos Tresca at the station. Haywood, twitching with rage, got bailed and went to a hall to be cheered by 5,000 strikers.

John Reed, a writer for the American Journal, who lives in Washington Square, New York, was arrested while gathering material for a story and sentenced to twenty days in the county jail.

Haywood left Jersey City this morning on the 9:30 train. He knew there was excitement ahead, but it didn't worry him. He had as fellow passengers Elizabeth Gurley Flynn and Carlos Tresca. The big leader decided to soothe his feelings by smoking a cigar on the trip to Paterson, but all the seats in the smoker were filled and he had to content himself with a dry smoke in one of the rear coaches.

Constables Watson, Lowett and Jordan got on the train with him, but they didn't disturb the I. W. W. leader until after they had crossed the Passaic River bridge. Then one of the constables took Tresca's place alongside Big Bill and Tresca dropped into a seat with Miss Flynn.

As the train stopped at the Passaic station Haywood pulled down his slouch hat over his eyes, turned up his coat collar and stepped off with the officers into a merry little downpour.

He was hustled into an automobile waiting at the station platform and whisked to the county jail in Paterson at a speed that made the rain bespattered constables blush for the automobile laws.

When the train pulled in at 10:02 the Erie was on time too! A crowd of 5,000 men and women were standing in the rain ready to give Haywood an old-fashioned I. W. W. welcome. As Miss Flynn and Tresca alighted and disappeared into the swirling mob a strange procession started up Main street, chanting and booning. The "hoos" were for the A. F. of L. and other institutions that the I. W. W. just naturally doesn't like.

While this was going on, Haywood was being searched, booked and locked up in the county jail. Difficulties were encountered in getting acceptable bail and it was not until noon that afternoon that two sureties were found whose bonds Sheriff Radcliffe could accept.

Big Bill was raging mad by this time. When he was admitted to the Sheriff's private office to sign the bail and he shook all over. He was so worked up that after he started to write his name he could not make his fingers work.

"I don't remember," he said, jumping up, "that I ever before was so mad in all my life. It makes me hot all the way through after coming here to help the workers of Paterson to get treatment like this."

Then ex-Assemblyman Henry Mahon, a Paterson lawyer who is looking after the interest of the strikers, patted him on the back and he finished his signature, walking out a free man. He stood a moment on the jail steps to oblige a camera man and started a procession to Turn Hall.

At 12 o'clock he was greeted enthusiastically by a packed house and the feet of the noon whistles.

Miss Flynn finished her speech before he started to tell again how indignant he was.

"I have been arrested many times," he said, "but always for something. I was arrested for smoking a cigarette. Now I have been arrested for inciting assault on the police."

"The papers give us credit for conducting the most remarkable strike that has taken place in the United States. We have all advised against violence. Everywhere it has been the police and the detectives who have been determined to make trouble in Paterson."

Proprietors of silk mills and dye plants began today the task of finding out through committees of employees of each plant how many strikers will be willing to return to work on a certain day if all the mills and dye houses are opened. If a sufficiently large number respond, the employees guarantee that ample protection will be given the workers and pledge that any grievances existing will be given a fair hearing and proper consideration after they (the strikers) have returned to work.

As soon as the committees report back a special date will be set for the mills to start.

STIRS UP SILK WEAVERS.

Miss Flynn Wants Eight Hour Day in North Hudson.

Elizabeth Gurley Flynn and Carlos Tresca, the I. W. W. agitators, got a big ovation from 2,500 men and women weavers employed in the north Hudson towns when they appeared last night at a mass meeting at Liberty Hall in Spring Street, West Hoboken. Some of the women weavers in New Jersey and hugged and kissed Miss Flynn after she finished her speech.

Miss Flynn said she wanted all the north Hudson weavers to take part in the May day celebration in New Jersey and New York. After the turnout in West Hoboken, she said, all hands will go to Kroeb's hall where the proposition will be discussed of striking for an eight hour day.

"This time is the time," she said, "None of the bosses is going to strike with the iron fist! We'll show them our strength!"

"Can you come here, Miss Flynn?" a weaver called out.

"I certainly will, with bells on," replied Miss Flynn.

FIND ADMISES IN PLENTY.

Many Men Offer Aid to Suffering Cause.

The search for forty-eight handsome men to represent the States in the suffrage passport at the Metropolitan Opera House on May 2 has resulted in a sheaf of letters from self-confessed Admises. Here is a specimen:

"DEAR LADIES: Believing I reach all the qualifications of the ideal man, I take the liberty of addressing you. I am an American, 25 years old, 6 feet 3 inches tall and weigh 212 pounds. Broad shoulders and small waist. Should be pleased to attend a suffrage passport. I have no other of myself. Hoping I have not made a mistake and addressed the wrong party, I am, Very respectfully yours, 'J. B. DE L.'"

None of the applicants has been considered for modesty has been one of the prime requisites for a place in the Admises line, though Mrs. Raymond Brown forgot to mention it in giving out her requirements. The search has been long and arduous, but the male chorus finally selected is so modest that their names will never be given to the world on the programme. They have the first rehearsal at the State suffrage headquarters, 180 Madison avenue, to-night.

Though the opera house is nearly sold out, fifteen seats have been secured and presented to the scrubwomen, who will be there long after the diamond horse-show is dimmed.

The committee expects that the showing in the horse-show will be as brilliant as on the first night of the opera.

CAN'T ESCAPE DEBTS BY REORGANIZATION

Corporations Must Pay Unsecured Creditors, Says the U. S. Supreme Court.

WASHINGTON, April 28.—The United States Supreme Court in an opinion read by Associate Justice Lamar which was adopted to-day by a vote of 5 to 4, laid down the rule that stockholders and bondholders in a corporation cannot defeat the claims of unsecured creditors by reorganizing the corporation.

The decision, in the opinion of corporation lawyers, will have a far-reaching effect in preventing the repudiation of obligations through reorganizations of corporations.

The five who joined in the majority opinion were Justices Lamar, McKenna, Day, Hughes and Pitney. A vigorous dissenting opinion was read by Justice Lurton and concurred in by Chief Justice White and Justices Holmes and Van Devanter. Justice Lurton characterized the majority opinion as "unfair."

The case involved a claim of more than twenty-five years standing, in which Joseph P. Boyd was the creditor. The original claim was for \$23,675, but it grew to \$71,000, with interest and costs.

The judgment affirmed to-day by the Supreme Court was against the Northern Pacific Railway Company, which took over the Northern Pacific Railroad Company under a reorganization plan. The Northern Pacific Railroad Company was held as the debtor on account of its acquisition of the Ceur d'Alene and Navigation Railroad Company, against which the claim was made originally.

The case was admitted to be a test case. Two questions were involved. One was whether or not Boyd, the creditor, had been diligent in prosecuting his claim, and on this the court divided. The majority opinion held that he had been unusually diligent and Justice Lurton for the minority characterized his methods as "unfair."

The other question, and this is the more important one, was whether or not the transfer of the property of the old Northern Pacific Railroad Company, when it was an insolvent concern, to the reorganized Northern Pacific Railway Company could defeat the claim of unsecured creditors if they were non-assenting. The majority opinion holds that such a sale is void in equity regardless of the motive with which it was made.

The minority opinion holds, on the other hand, that the objects of securing a receivership and a sale and reorganization of a great property that has become insolvent would be defeated if the rule laid down by the court is to be applied in the future. The minority holds that when a great corporation has become hopelessly insolvent it will be impossible to resuscitate it and restore its life if all forms of claims should be recognized as valid against those who acquire the property.

In the majority opinion Justice Lamar held that the transfer of the property to the reorganized company "was not a moral fraud, but the decree by which stockholders of the old company secured an interest in the new company does not necessarily operate against unsecured creditors of the old company."

"For if such contract reorganization was consummated in good faith and in ignorance of the existence of the creditor, yet when he appeared and established his debt the subscribing interests of the old stockholders would still be subject to his claim in the hands of the reorganized company."

When there is a fraud in the decree, the appellants insisting that in other cases a judicial sale operates to pass a title which cuts off all claims of unsecured creditors against the property."

Justice Lamar pointed out that the reorganization plan made "no arrangement for paying unsecured creditors, but the new organization purchased \$14,000,000 of unsecured claims from the old Northern Pacific."

Justice Lamar declared that "stockholders cannot defeat unsecured creditors by transferring property from themselves to themselves."

REJECTS ANHUT'S PLEA.

Justice Seabury Holds Request for Immunity Not Well Founded.

Justice Seabury in the Criminal Branch of the Supreme Court yesterday denied the special plea advanced by John N. Anhut, the lawyer indicted for an alleged attempt to get Harry K. Thaw out of Mattawan by bribery and set May 12 for his trial.

Arthur Palmer, attorney for Anhut, accompanied him to court and urged Justice Seabury to accept a plea of special immunity on the ground that Anhut had previously testified before Gov. Sulzer's commission of inquiry regarding the accusation on which the attempted bribery is based.

"No practice has been established regarding such a plea and the defendant's rights are fully protected under his plea of not guilty," Justice Seabury said.

TORTURE AT AUBURN TO GO TO GRAND JURY

Governor May Designate Attorney-General to Prosecute Prison Officials.

FEARS LOCAL POLITICS

Investigator's Report Shows How Punishment Cells Drove Men Insane.

AUBURN, April 28. Gov. Sulzer will prosecute every official at Auburn State prison who is guilty of the crimes of immorality, brutality, waste and violation of law disclosed by the investigation of George W. Blake, Executive Investigator. Information to this effect came from the Executive Chamber to-night.

The evidence will be turned over to the District Attorney of Cayuga county for presentation to the Grand Jury.

Gov. Sulzer was so affected by Mr. Blake's original report that he ordered certain parts of it expunged as unfit for publication. The original report contains testimony in support of a charge made by Blake that Auburn prison was "a veritable hellhole and certain of its directors and officers criminals."

The evidence gathered by Mr. Blake has already been whittled into shape for presentation to the Grand Jury of Cayuga county, and Gov. Sulzer intends to see that nothing political is done to retard the action of the wheels of justice.

The wardenship of Auburn prison has for years been a position of political power. Warden Benham is the political leader of Cayuga county and exercises a strong influence in adjoining counties. Charles C. Battigan, friend of Thomas Mott Osborne, is looking for the job.

In the face of the influence wielded by the warden of Auburn Gov. Sulzer expects to meet some opposition when he turns the evidence over to the District Attorney for presentation to the Grand Jury.

If necessary, the Governor will displace the present District Attorney and designate Attorney General Carmody to present the evidence. This the Governor can do and will do, if he finds political opposition to an investigation.

Nothing in the Blake report so moved the Governor as the criticism of Dr. Gerin, the prison physician. Eighteen children were born in Auburn prison during the last eighteen years, five of these during the reign of George W. Benham, the present warden. The prison matron testified before Mr. Blake that in not a single instance did Dr. Gerin personally attend a childbirth. The news of the death of a child in the prison was suppressed, and even Col. Scott, so far as the prison matron knew, did not feel called upon to investigate the circumstances surrounding it.

Here is some of the testimony taken by Mr. Blake from a man he knows is trustworthy:

Q. Did you ever notice the condition of any of the men after leaving these cells? A. I have.

Q. What was it? A. They were exceedingly nervous. I have often gone down to visit the men while they were in the cells and looked through the little openings, and it was so dark in there that I could not see them, and a great many of them have broken down, some of them are affected for life.

Q. So far as you know, a man is punished in the cells, is it not? A. Yes, whether he is a strong man or a weak man. I have never known of any distinction being made.

Q. Is the punishment of this character necessary? A. I should say that it was not. I should say they should have enough water to drink, and enough bread to eat, and I think they should have bedding to lie on.

Q. They were punished in a threefold manner: by depriving them of water, light and by creating physical discomfort? A. Yes, that is what I mean. They have their square chanked, which leads to insanity. I have seen boys break down completely and beg to me to get them relief.

Q. Is it your opinion that a man might remain normal throughout his life and become insane through this treatment? A. Yes, through being square chanked. Yes, I know it.

Q. How often was the superintendent here? A. Well, I do not know, he was here three months ago.

Further testimony was to the effect that one man is now confined in one of these cells who is on the verge of insanity.

Gov. Sulzer said to-day that the disclosures made concerning the method of punishing prisoners to a point where they lose their reason would result in a complete change in the punishment scheme, the appointment of men who are known to be humane and the complete abolition of every remnant of the thirteenth century code in vogue now to make prisoners mortal.

PRISON OFFICIALS REPLY.

Dr. John Gerin and the Warden Ignore Cruelty Charges.

AUBURN, N. Y., April 28. Warden George W. Benham and Prison Physician John Gerin of Auburn prison replied to-day to the attack made upon them by Investigator George W. Blake, each giving out typewritten statements, which they said, covered their positions.

Neither officer discussed the allegation that many convicts have been driven insane by brutal treatment in the prison.

Dr. Gerin's written statement reads: "I have the inclination and the desire of entering into a discussion of my treatment and management of my patients, whether in or out of prison. I have done in the prison only what a good physician would or should do, that which my judgment indicated was to the best interests of health and life."

"In every well conducted hospital or institution adverse criticism and fault finding is no novelty. It is over three years since any child was born in the women's prison. Every child born in the women's prison and every mother had proper care."

"I have served under six different superintendents, three different wardens and three wardens. Every child born in the women's prison and every mother had proper care, and only now my brutality and incompetency is discovered."

dered his resignation most urgently. He said: "Only within the last two weeks I have offered to waive the legal question as to whether or not I was in authority to receive the resignation by agreeing to turn the prison over to Judge Potter, who is the Governor's representative in the Prison Department, upon condition that he would furnish a receipt for the money, inventories, &c., so that I might engage in other work for which I was selected last January, but this up to the present time has not been accepted."

"With reference to the method of purchasing supplies the records will clearly show that an articles of supply, with the exception of a very few small items, are purchased after competitive bidding and contracts awarded to lowest bidder."

"As to the means of maintaining discipline, our methods of correction are specifically prescribed by law, and it is the same system that has been in vogue since 1859, when the yoke, buck paddle, cat of nine tails and other similar forms of punishment were abolished."

"In reference to the criticism of the care of the sick, my attention has never been called to any instances where it appeared that such conditions existed as are so elaborately and sensationally described in the committee's report. My personal observations, however, have been that the prison physician has given his best time and talent to the care of the sick. The reports, which are filed with me each month, show that during the past year over 11,000 treatments were administered to the inmates of the men's prison and 4,400 at the women's prison, and that the average number of deaths annually during the past eight years was nine at the men's prison and two at the women's prison."

"It seems strange that this prison having been investigated from top to bottom and from all sides by various commissions, during the past eight years, accounts including transactions of upwards of ten million dollars periodically audited by expert accountants both from the various investigating committees and the State prison's office, the general policy and method of the care of the sick, as furnished examined and approved by numberless experts on the subject from all over the country, it now develops that the whole thing is wrong."

SIR WILFRED PEEK IS A VICTIM OF CUSTOMS

Englishman Not Allowed to Bring in Family Plate to Fiancee.

Sir Wilfred Peek of Devonshire, England, arrived yesterday by the Red Star liner Lapland with a lot of family plate and other presents for his fiancee, Miss Edwina Thornburgh of St. Louis, whom he expects to marry in that city on May 7.

He is accompanied by his mother, Lady Peek, his two sisters and H. A. Benyon, who is to be best man at the wedding.

Sir Wilfred was unaware that the customs laws of the United States will not permit anybody, foreigner or native, to bring in gold or silver plate manufactured abroad unless duty is paid on it. The plates, including eight gold dishes, were examined by an inspector, who called the attention of Deputy Surveyor John P. O'Connor to it.

O'Connor, after examining the presents, some of which were from English friends of Miss Thornburgh, told Sir Wilfred that he would have to pay duty amounting about 45 per cent. of the value.

Sir Wilfred expressed astonishment at this, saying that he did not intend to keep any of the articles on this side, but was going to return with his bride and all her presents to his home in Devonshire.

When he and his bride, who will go to Elmhurst and to the West on a honeymoon, get back to New York, where they will sail for England, they will take the presents along with them. Until then the bride must be content with descriptions of the presents from the bridegroom and his family.

ACTOR HAYES IN PRISON

Intended to Sail for England Without Paying Alimony.

Edmond Hayes, who plays in vaudeville, tried to get a writ of habeas corpus from the New York authorities yesterday before they could serve an order of arrest for contempt of court in failing to pay alimony to his wife, Mrs. Hayes, a decree of separation last summer and is in a hospital. Her husband owes her \$1,000.

Hayes heard that the order had been issued and fled, first to the city and then to Maryland. He came out at a time he thought was five minutes of midnight, when he could be arrested in a civil suit, but the coroner was five minutes after midnight and Deputy Sheriff Hays served the order.

Hayes protested and drew a revolver. The actor was taken to Ludlow street and removed to the hospital yesterday afternoon, when he was released on a bond for \$4,000.

WOMEN APPEAL FOR WOMEN.

Sulzer Asked to Sign Bill Giving More Money to Reformers.

The women's conference of the Society for Ethical Culture, representing all the women's organizations affiliated with the society, sent to Gov. Sulzer yesterday an approval of the bill appropriating \$500,000 for the Bedford State Reformatory for Women. The bill is awaiting the Governor's signature.

The fact which had the most weight with the conference was that the Bedford Reformatory has accommodations for 300 women, but is now trying to do reform work for 500 women under conditions that menace the health and morals of the inmates. The City Magistrates have been asked to commit no more women to the institution.

SPARKS FROM THE TELEGRAPH.

The schooner Senator, bound from the Salisbury fishing grounds for Provincetown, Mass., was stranded opposite the Wood End life saving station yesterday. The crew of fourteen was saved.

At the first signs of warm weather, spring fever, poor appetites, pale, sallow, pimply faces and that tired, drowsy, overworked feeling remind us of the urgency of taking preventive measures to ward off sickness and give us energy and good health. At this season of the year no one should neglect taking a good tonic to purify the blood and build up the body with strength and energy.

No better tonic can be had than the good old-fashioned one made at home at small cost by dissolving an ounce of karene (which you can obtain at any drug store) in one-half pint alcohol, adding one-half cupful sugar and hot water to make a full quart.

A table-spoonful before each meal will do wonders for those who feel "all gone" after the strain of winter or who feel sick and yet don't know just what the matter.

JARDINE, WEALTHY, DIED IN SQUALOR

Forsook Family Thirty Years Ago and Lived in Bowery as 'William Smith.'

LEFT MORE THAN \$100,000

Body Found in Morgue About to Be Buried in the Potter's Field.

In all likelihood the will of Dudley Jardine will be admitted to probate some time this week, letters testamentary will be issued and little will remain to be done before a group of distant cousins and four institutions receive proportionate shares of considerably more than \$100,000. So far \$100,000 has been found; there is a belief that more will be found.

Behind the routine proceedings in the Surrogate's court looking to the settlement of the Jardine estate there lies a story unique in the court records. It is of a man of wealth, of education, a musician, son of the founder of a great organ manufacturing firm, who thirty or more years ago chose to forsake his friends, his relatives and his family to go and live in Bowery lodging houses under an assumed name.

Occupying a room for which he paid \$1.25 a week, buried in the bowery of restaurants, dressed in the meanest of clothes, he passed his nights and spare time in this environment, only occasionally seeking a little mission library where his sole friend was the librarian.

His name totally unknown to all about him, his wealth never suspected, he lived, and in his last illness he went to a charity cot in a hospital from which his body was taken to the Morgue. From there it would have gone to the Potter's Field had it not been for an inquiry of his old friend, the librarian of the mission, who, searching through the papers in his room, found his true name and thus discovered a distant relative. The body now lies in the family plot in Trinity Cemetery.

Even then relatives who were discovered would have buried the body as that of a man who left nothing in this world if a notice had not struck the eye of another man in whose custody a will had been placed twenty-two years ago. He got in communication with the family and more memoranda revealed safe deposit vaults and the wealth.

Dudley Jardine died on March 14 in his seventy-fifth year. He was the son of George Jardine, founder of the organ building firm of George Jardine & Sons, makers of some of the largest pipe organs in the country. There were three sons, Edward and Joseph P. Jardine being the two others. All were associated with their father.

The other brothers had long since died and Dudley Jardine had retired from the firm when thirty years or more ago he developed the eccentricity which finally blotted him out of the memory of his family. He left his home to go to the Bowery and found a cubbyhole of a room in a lodging house under the name of William Smith and there he spent the remainder of his life.

He did not give up his business although he had developed the eccentricity which finally blotted him out of the memory of his family. He left his home to go to the Bowery and found a cubbyhole of a room in a lodging house under the name of William Smith and there he spent the remainder of his life.

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SHIPMAN TO BE STATE REGENT.

Democratic Caucus Picks Him to Succeed Philbin.

ALBANY, April 28.—The Democratic Senators and Assemblymen caucused at midnight and named Andrew J. Shipman of New York city for election as Regent of the University of the State of New York to succeed Supreme Court Justice Eugene A. Philbin. His term will expire in 1920.

It seemed to be the opinion that the Legislature will adjourn finally on Friday if possible and by Saturday next certainly.

Andrew J. Shipman is a lawyer at 11 Wall street. He is 56 years old and was born at Springfield, Va. He studied at Georgetown College in the District of Columbia and then at New York University, from which he was graduated in 1878. He was admitted to the bar and soon afterward was engaged in the United States customs service. Mr. Shipman has made a particular study of Russian affairs. He speaks several European languages. He is a Catholic and a Democrat.

WILLS AND APPRAISALS.

WILLIAM C. LESTER—Suffrage Fowler decided yesterday that he has no power to hear a contest of the will of William Lester, a real estate broker who died in 1910 leaving over \$400,000, on the ground that he has already admitted the will to probate. Lester, who was over 80 years old, left all to his young wife, Grace Felix Lester, a real estate broker who died in 1910 leaving over \$400,000, on the ground that he has already admitted the will to probate. Lester, who was over 80 years old, left all to his young wife, Grace Felix Lester, a real estate broker who died in 1910 leaving over \$400,000, on the ground that he has already admitted the will to probate.

B. Altman & Co.

are now holding an important Special Sale of Women's Tailor-made Suits at \$25.00 to 42.00 Regular prices \$38.00 to 80.00

The following Special Sales will be continued this day (Tuesday):

Women's Paris Gowns, Dancing Dresses, Riding Habits and Brocaded Linen Robes; Misses' and Girls' Commencement, Class-day and Graduation Dresses; Black Crepe de Chine and Men's and Women's Linen Handkerchiefs.

A Sale of Men's, Women's and Children's Umbrellas will also be held.

Women's Shoes will be on Sale this day (Tuesday) at the following