

FIRED UPON THE ALLIANCE.

AN ALLEGED OUTRAGE COMMITTED BY A SPANISH MAN-OF-WAR.

The Spanish Colors Were Saluted by the American, but Not Being Satisfied the Spanish Flag, Black Cartridge and Letter Sent a Solid Shot at the Vessel—Statement of the Alliance's Commander New York, March 12.—The firing of the Spanish man-of-war at the steamer Alliance is likely to lead to serious complications. The owners of the line are very indignant at the insult, and say they will demand a reason for the attempt to stop an American mail steamer on the high seas in time of peace. The following letter has been sent to Secretary Gresham:

"The American mail steamer Alliance under my command, while on her homeward voyage from Colon to New York, was, on the morning of March 8, off the east end of Cuba. At 8:30 a barkentine-rigged steamship was sighted under the land bearing directly for us. At 7:15 she set her colors, proving to be a Spanish gunboat. I immediately ordered the American ensign hoisted on the Alliance and saluted the Spaniard, which salute was duly returned by her. I then saluted once more and supposed the matter was at an end.

But about five minutes later the Spaniard fired a blank cartridge and a few moments later another one, followed shortly afterwards by three solid shots, all of which fell short of the Alliance, but showing conclusively that the Spaniard was firing at us. I, being fully six miles off-shore, and on the high seas, paid no further attention to the Spaniard, but kept to my course. The Spaniard kept up the chase, although gradually dropping astern, fully twenty-five miles.

I desire to know if the Spaniard had any right to fire on my ship, with the probable chance of endangering the lives of the passengers and crew under my charge or compel me to heave-to, as he probably intended.

I respectfully ask for information on that subject, as I did not and do not propose to heave-to, thereby losing time on my voyage, to oblige Spanish gunboats or any others except in cases of distress.

Respectfully, JAMES A. CROSSMAN, Commander."

The story told by the ship's officers is that at daylight last Friday about 6:30, while going through the windward passage for the Caribbean sea to the Atlantic a ship was seen coming out from the land at Cape Mays, the eastern point of Cuba. The stranger laid her course with the evident object of intercepting the Alliance and at 7 o'clock she hoisted the orange and crimson colors, which, taken with her build and general appearance, left no doubt in the minds of those aboard the Alliance that she was a Spanish man-of-war.

No sooner were the gunboat's colors seen at her mizzen peak than Captain Crossman of the Alliance ordered the stars and stripes to be hoisted on the jack staff over the taffrail and dipped three times in salute. The marine courtsey was returned in kind by the man-of-war and the Alliance's ensign was uncut from the halyards and stowed. Hardly had this been accomplished than the Spaniard again displayed her colors, and, as a mark of extra politeness, Captain Crossman ordered the Alliance's flag to be run up and dipped again, and then left flying. Again was the salute acknowledged and then to the amazement of those aboard the American ship a blank cartridge was fired from the warship's forward port gun.

The shot was probably meant as an invitation to the Alliance to heave-to, but Captain Crossman had no intention of obeying the summons. He remarked to Executive Officer Russell, who was on duty:

"The Spaniard seems to be firing a shot."

Then Captain Crossman kept on his course. Soon afterwards another blank shot was fired, which the captain greeted by saying:

"All right. Let him shoot to his heart's content."

A third shot was fired, but this time it was shot in earnest. It was a solid shot and not a harmless blank cartridge with which the gunboat next charged her forward port rifle, and she yawed from her course that the gun might be aimed at the flying Yankee.

The course of the shot could be seen where it ricocheted along the water, before finally going to the bottom, a full quarter of a mile short of its mark. Still Captain Crossman kept his course and waited for the gunboat to overtake him if she could. The black smoke began to pour from the gunboat's funnel and the water around her bow began to heap up in a way that showed that her fire was being vigorously forced and steam pushed up to its big heat limit. The gunboat fired a second solid shot ten minutes later and a third after another equal interval of time.

Both shots struck the water in plain sight. But observation through the glass showed that she was gradually falling astern, and after a chase lasting twenty-five miles she gave it up and laid away on her course.

Captain Crossman was very indignant over the occurrence when seen here. He said:

"We were from six to eight miles off shore when the occurrence took place and not in Spanish jurisdiction. We were southward of Cuba when we first sighted the warship and far away from Guantanamo, where I understand they have been having trouble in that country. I had seen in the Panama Star and Herald, before I sailed from Colon, a dispatch stating that gunboats were cruising along the eastern coast of Cuba to prevent the landing of filibusters in consequence of this I took pains to keep off my ordinary course. I usually pass within a mile of Cape Mays. If I had been within a marine league shore I would have stopped my

ARGUING THE INCOME TAX.

NO TIME SET BY THE COURT IN WHICH DEBATE WILL END.

Attorney General Olney, and Messrs. Carter and Choate address the Court at Great Length and Give Good Arguments for and Against the Bill.

Washington, March 12.—The announcement that Attorney General Olney, Hon. James C. Carter and Hon. Joseph H. Choate of New York would address the supreme court upon the income tax law attracted a large attendance at the session of the supreme court of the United States to-day.

Before Attorney General Olney, who was the first speaker, entered upon his argument, Chief Justice Fuller notified him that he might proceed without regard to any limitation of time, as the period for hearing had been extended by the court.

Attorney General Olney devoted his argument on the part of the United States to the constitutional questions which the several plaintiffs alleged to be involved in the cases presented. Many of the objections raised seemed to him to be simply perfunctory, taken pro forma, and by way of precaution.

No time, he thought, need be expended in discussing the averments that the income tax law was an invasion of vested rights and took property without due process of law. These propositions were simply generalities.

Turning to another question he said suppose it to be true that the income tax law undertook to ascertain the incomes of citizens by methods which were not only disagreeable, but were infringements of personal rights. The consequence would be not that the law was void, but that the hotly denounced inquisitorial methods could not be resorted to. Similar considerations would apply to the objection that the law was to be pronounced void because taxing the agencies and instrumentalities of the governments of the several states. It had not yet been definitely adjudicated and it was by no means to be admitted that the income of state and municipal securities were not taxable by the United States when assessed as part of the total income of the owners under a law assessing income generally and not discriminating between such securities and others of the like character.

But, suppose the contrary was the result, that would not prove that the law was bad in toto, but that it was bad only as to the income of state and municipal securities.

The attorney general contended that if a man right in these observations, the constitutional contention of the plaintiffs summed down to two points. One is that an income tax is a direct tax and must be imposed according to the rule of apportionment, and the other is based upon the alleged violation of the constitution with regard to uniformity. I do not stop to discuss the question what the constitutional rule of apportionment is. I do not think I ought to delay the court for any considerable time with the question whether an income tax is direct or indirect. Whether an income tax is what the constitution describes as a "direct tax" is a question as completely concluded by repeated adjudications as any question can be. It is not a direct tax within the meaning of the constitution unless five concurring judgments of this court have all been erroneous.

The attorney general denied that any hand tax was aimed at or attempted by the statute—there was no lien on land for payment. The whole scope and tenor of the statute showed the contemplated subject of taxation to be personal property, and nothing else. Discussing the meaning of the word "uniform," as applied to the collection of impost, excises, etc., he declared that the word had a territorial application, and no other. He said:

A federal tax, which is not a poll tax nor a tax on land, must be the same in all parts of the country. It cannot be one thing in Maine and another thing in Florida. The law providing for such a tax must be like a bankruptcy law or a naturalization law. It must have the same operations everywhere, wholly irrespective of state lines.

The attorney general said that it was quite beside the issue to argue in this or any other case that congress had mistaken what public policy required. On that point congress was the sole and final authority and its decision once more controlled every other department of the government. No exemption was made by the statute in favor of a class that was not based on some obvious line of public policy, and that class being established, one uniform rule was applicable to its members. It is manifest that in this distinction between people with incomes over \$4,000 and those with incomes under that amount congress was proceeding upon definite views of public policy and was aiming at accomplishing a great public object. It was seeking to adjust the load of taxation to the shoulders of the community in the manner that would make it most easily borne and most lightly felt. So with business corporations. Their net incomes were taxed at the standard rate of 2 per cent, but undiminished by the standard deduction of \$4,000. The result might be that a man in business as a member of a corporation was taxable at a little higher rate than a man in the same business by himself or as a co-partner.

It was common knowledge that corporations are so successful an agency for the amount of business and the accumulation of wealth, that a large section of the community viewed them with intense disfavor. When, therefore, this income tax law made a special class of business corporations and taxed their incomes at a higher rate than that which applied to the incomes of persons not incorporated, it recognized existing social facts

and conditions which it would be folly to ignore. The attorney general spoke not quite an hour, and was followed by Hon. James C. Carter, who was the last speaker in the argument to support the tax. He stated in the outset that he appeared for the Continental Trust company, which had instructed him to admit and plead the constitutionality of the law. He was admitted in the demurrer to the complaint of Mr. Hyde, its stockholder, and was admitted outside the demurrer.

This corporation, said Mr. Carter, was one of those wealthy concerns which might be supposed to be adversely affected by the operation of the law. But he was glad to be able to believe that there were some wealthy men who were ready and willing to come forward and contribute the proportion of the revenues of the government, which was their obligation.

Mr. Carter devoted some time to a humorous, semi-sarcastic review of the propositions advanced by Mr. Edmunds. He said that when that master hand swept over the strings, the true melody of the piece came out and he was not disappointed to find that the topics suggested to the court for its consideration were political economy, sociology and general legislative discretion. Proper enough they may be for discussion before a legislative assembly, but what would a judicial tribunal do with them?

Mr. Carter said he would not introduce those topics of political economy; but they having been presented, he would present some views in relation to the general subject. The proper rule for taxation, he said, was that it should be laid with regard to the taxpayer's ability to pay the tax. And that ability was not to be determined by the amount of property he has, but by how much he had to spend. If in laying the tax the legislature should make mistakes, the remedy did not lie in an appeal to the judiciary. "This court," Mr. Carter said, "is not the only depository of the rights and privileges of the people. The great trustees thereof are congress and the legislatures of the several states."

Mr. Carter expressed his regret that the people had not sent better men to the late congress, but asked how it could be helped. If the result was a defection in the quality of legislation, "which I do not believe, at least," he said, "with an air that convulsed the court and spectators with laughter, 'I am not one of those that believe here.' The people must take the consequences of their choice of members of congress. Mr. Edmunds, said Mr. Carter, believed that there was a plan of relief by calling upon the judges of this court to revise the work of congress. He could not agree with his learned friend in the expediency or desirability of the plan. There was no certainty, with all deference, he said, that the legislative duties would be better done by the court. The legislature in the imposition of taxes for centuries had been governed by the consideration of cheapness, ease and effectiveness in its collection.

Human nature was so constituted that it endeavored to throw off a burden it could escape. This gave rise to contests between the rich and the poor and in all such contests the poor would inevitably go to the wall. We had heard in the argument that the rich were the class who needed relief from the taxing power, but it was not so. Before the income tax was enacted, the government had some \$500,000,000 a year for its expenditures, three-fifths of which came from impost duties. These Mr. Edmunds said had not been contributed in any great amount by the poor, but Senator John Sherman had declared that the poor paid nine-tenths of them. The agitation in behalf of the poor people in this regard led to a political revolution which in fact, however, resulted in the maintenance of this gigantic scheme of injustice practically unchanged, but modified or moderated to the extent of from thirty to fifty millions of taxes to be collected from the wealthier portion of the community.

TROOPS ARE ORDERED OUT

WILL BE ON THE SCENE OF THE LEVEE RIOTS THIS MORNING.

Several Negroes Were Killed in the Picked Battle and They Were Shot Down Like Dogs by the Frenzied Mob Which Attacked Them.

New Orleans, La., March 12.—Another bloody riot occurred along the levee this morning, between St. Ann and Dumaine streets. Three men were killed outright, while a number were wounded.

The killing was done by a mob of white men, numbering about two hundred, who were armed with pistols and Winchester. The negroes were about to start to work on the steamer Engineer, when the white men approached from all directions. Many of them poured volley after volley into the negroes. The negroes were given no quarter and were shot down like dogs. Several innocent persons also suffered. Among those killed was Jules Clee Carabe, a shoemaker, who happened to be in the vicinity. James Bane, the purser of the Engineer, was standing on the levee, when the attack was made and he received four rounds in the head and another in the arm. His wounds may prove fatal. The shooting occurred a few minutes after 7. There was a dense fog prevailing and this afforded the white men an excellent chance to do their bloody work. There were only six policemen on the scene and no arrests were made, as the police were so badly frightened.

The attack was composed of two parties. One crowd appeared at the corner of Dumaine street and the other came from the corner at St. Anne street. Corporal Devanny, who was in charge of the police, ordered the mob to disperse, but no attention was paid to him and the mob grew larger. Suddenly a shot was fired. The first report was followed by five or six, and the firing became general. The smoke and fog combined made the scene almost as dark as night. The negroes were on board the ship and had just raised the tarpaulin off hatch No. 2 when the attack was made. They were taken completely by surprise and their cries were pitiful. Many sought refuge aboard the ship and many ran down the wharf and escaped. One negro jumped under the wharf. It is said that 200 shots were fired. After the shooting the attackers hurried off. After their departure a large number of police appeared and cleared the wharf of the crowds which had gathered. Search was then made for the dead and wounded. Cambabe was found dead in front of a store at St. Anne and Decatur street, to which place he ran before he fell. Blood was gushing from a terrible wound in the head.

One negro was found dead on the levee at the head of St. Louis street. He lay in a pool of blood, which came from a large wound in his head. The negro was crawling from the scene when shot. Another dead negro was found some distance away from the first. He had crawled under a tank and there died. The names of these negroes are not known.

The purser was about to go aboard the vessel for safety when he was fired upon. Three policemen were in front of Mr. Bane and they knelt down behind some freight. One man shoved the barrel of a pistol in close proximity to Mr. Bane's head and fired. The purser fell bleeding and was again fired at and wounded.

Captain Wood of the Engineer was on deck and saw the conflict. He says that the scene was like a battlefield. After the shooting the captain sent Mr. Bane to the hospital. Captain Wood denounced the shooting as an outrage, and Mayor Fitzpatrick appearing, Captain Wood paid his compliments to his honor in unmeasured terms.

Mayor Fitzpatrick gave the police strict orders to arrest suspected rioters. There was also trouble at another point this morning, Rose, Howe & Morrow and Eley, Dempster & Co. have ships in the neighborhood of Philip street, and this morning both firms were to continue the loading of their vessels. Shortly after 7 o'clock a dozen or more negroes appeared on the levee and were proceeding toward the ship preparatory to beginning their work. Suddenly two gangs of white men came out of Philip and Spang streets and several shots were fired. One negro staggered and fell, and the rest ran in terror in every direction. The white men, after they had fired, quickly disappeared. The wounded man is William Campbell. He was taken to a hospital.

Governor Foster was in consultation with the representatives of the commercial bodies until midnight. He then stated that he had received a telegram of inquiry from Secretary Gresham, which he was not willing to give out for publication before to-morrow. The governor has issued a proclamation calling out the militia to preserve order, and they will be on the levee Wednesday morning.

His Right Arm Cut Off. John Bradshaw, aged about twenty-five, head brakeman in the night switching gang in the Consolidated road yard in this city, fell down between the cars while pulling a coupling pin about 1:30 o'clock this morning. The wheels passed over his right arm cutting it off between the wrist and the elbow.

The Report Rejected. Bridgeport, March 12.—The report of the charter committee was presented to the aldermen to-night at their meeting and was rejected, the vote being 9 to 3. The councilmen tabled the matter without taking action.

Hurt by a Falling Wall. Waupun, Wis., March 12.—Fire here this morning destroyed several business houses. Six persons were seriously hurt by a falling wall.

OBJECT TO ASSESSMENT.

RETRENCHMENT AND REFORM COMMITTEE MET LAST NIGHT.

Claims Made Against Board of Compensation—Its Acts Declared Invalid—Public Morgue Recommended—Selection and Lamp Committee Head Brief Sessions.

The meeting of the committee on retrenchment and reform, held at the city hall last night, was unusually interesting and at times exciting. Every member of the committee was present, as were also Charles B. Matthews and Charles T. Coyle of the board of compensation, Felix Chillingworth, James Bishop, M. E. Chatfield, Henry G. Newton, L. J. Matthews, Lucius Rowe, James Clark, J. M. Lea and Burton Mansfield.

The meeting was called for the purpose of acting upon the communication of Councilman Chillingworth and others concerning assessments of benefits and damages for Boulevard sewer, between Derby avenue and Elm street. The communication sets forth that the board of compensation, which made the assessments, was not a legally constituted body, owing to the fact that it was composed of only two members, when the charter requires that there shall be three and that therefore it was not legally able to do any business.

After the communication had been read Councilman Chillingworth asked that the records of the board of compensation taken at the hearings on the extension of the sewer be submitted to the committee. It was also claimed that several of the parties affected by the assessment had never received any notice of the hearings and that the board had done its work without any proper authority from the city.

In reply to these allegations, Mr. Matthews said that while the board of compensation was willing and anxious to shed any light on the matter that they could, it was not possible to produce the records last night as they had not been notified that they would be wanted and consequently had not brought them with them. He also said that most of the gentlemen interested had been present at the hearings and he had heard no complaints that they had not been notified. One of the gentlemen whom it was claimed had not been notified was A. H. Hurlbut. In reference to this Mr. Coyle stated that he had left a notice of the hearing at the place of business of A. H. Hurlbut with a lady clerk. Mr. Hurlbut denied that he had ever received such notice and said that his lady clerk also denied having received any such notice. At this Mr. Bishop raised the point that the notice left was not a legal notice anyway, as the law required that a notice of a hearing should be left at the place of abode of the party notified. It was, however, claimed by Mr. Coyle that the law allowed a notice to be served at a man's place of business as much legality as though it were served at their place of abode.

In reference to the claim that the board was not legally constituted Assistant City Attorney Matthews quoted from section 49 of the charter, which reads as follows: "The action of a majority of the members of said board of compensation, in office at any time, shall, in all cases, be deemed the action of the whole board, as fully as if every member thereof were present and participated in such action." He also said that members of the board had consulted Attorney Tilton Doolittle and Corporation Counsel Ely in reference to the matter and had been advised that they could legally act.

Attorney Bishop, however, claimed that the board of compensation was practically a judicial board and that he could produce any quantity of authorities and decisions to support his claim that when it is provided that a board shall be composed of three members persons should have an opportunity to be heard before three instead of two.

"Well, gentlemen," said Alderman Keyes, "as I understand it this committee is here for the purpose of rehearing the entire matter of the assessment on the sewer. Mr. Chillingworth has asked for the records of the board of compensation. These are not obtainable to-night. Can't you go ahead without the records?"

"I will under protest," replied Councilman Chillingworth, and the hearing began. Those who expressed themselves as opposing the present assessment were A. H. Hurlbut, Lucius Rowe, and others who claimed that their property had not been benefited to the amount assessed against them by the board of compensation. At the conclusion of the hearing the committee took no action other than to decide to visit and inspect the locality on Friday.

It was voted to recommend the establishment of a public morgue to be located in the rear of the police barn at headquarters.

SELECTMEN SHORT SESSION. The town fathers held an eight minute session last evening at which all were present. Nothing but routine business was transacted. Town Counsel Goodhart was present and stated that the matter of the proposed court house for Waterbury was now before a committee of the general assembly and that the hearing on the proposed consolidation of the city and town of New Haven would take place March 26. Many of the selectmen will be present at the hearing.

COMMITTEE ON LAMPS. The first meeting for the year of the committee on lamps was held last evening at which all the members were present except Chairman Lambert. Owing to his absence no action was taken by the committee deciding to hold another meeting in the near future.

FEDERAL FIREMEN'S BALL.

Pleasant Social Evening at Warner Hall Last Evening.

The fifteenth annual concert and ball of the New Haven Veteran Volunteer Firemen's association was held in Warner hall last evening. The Philharmonic orchestra and the Samedai banjo club gave a concert from 8 to 9. The following was the program:

March—United States..... Herman Selection—Behind the Scenes..... Bendix Banjo club—Belle of Chicago..... Sousa The grand march was led by George W. Corbusier and Miss Corbusier followed by seventy-five couples. Among those present were Mrs. E. B. Bradley, Mrs. J. C. Bartholomew, Mrs. Charles N. Nettleton, Miss George Allen, Miss Susie Cook, Miss Cass Wilcox, Mrs. Kennedy, Mrs. Tyler, Miss Conis, Miss M. A. Ferris, Miss Ruth Ellis, Miss Mable Parker, Miss Shaw, Miss Bassett, Miss Bradley, Miss P. Grietwale. The following were the committees: Floor committee—George W. Corbusier, chairman; Charles E. Hall, Henry Hall, Charles C. Hall, E. B. Bradley, J. C. Bartholomew, George W. Bean, Henry C. Howd.

House committee—J. C. Bartholomew, chairman, William N. Johnson, Charles H. Mead, George B. Miller, Henry Martin, William H. Lawrence. Reception committee—Charles A. Nettleton, chairman, B. H. Douglass, A. H. Hurlbut, N. D. Sperry, George H. Coe, Joel E. Bassett. Executive committee—George W. Corbusier, chairman, E. B. Bradley, George H. Coe, J. C. Bartholomew, Henry T. Mix.

NEW HAVEN SYMPHONY ORCHESTRA First Concert to be Given in Alumni Hall To-morrow.

The first grand concert of the New Haven Symphony orchestra of forty musicians will be given at Alumni hall to-morrow afternoon at 4 o'clock under the conductorship of Professor Parker. The concert master and soloist will be Isidore Troostyck. The concert marks an event in the history of music in New Haven, and the indications are, from the interest taken in this organization and the movement it represents, that the most cultivated music-loving public, that the orchestra will become a permanent institution and an honor to Yale and New Haven.

The following program will be rendered: I. Overture Rosamunde, Op. 26..... Franz Schubert II. Concerto for the violin in G minor, Op. 26..... Max Bruch 1.—Violin, Allegro Moderato. 2.—Adagio. 3.—Finale, Allegro Energico..... III. Two Elgic Melodies for String Orchestra, Op. 24..... Edvard Grieg a.—Herzwerden. b.—Letzer Fruhling. IV. Symphony No. 8 in B flat major Adagio, Allegro, Adagio Cantabile, Menuetto, Finale Presto

CHARGES WERE DISMISSED. Captain Daley of Steamer 5, Charged With Dereliction of Duty.

A special meeting of the board of fire commissioners was held last evening to act upon the charges preferred against Captain William H. Daley of steamer No. 5 by ex-Driver Stephen H. Webster of the same company, who was reduced to a first grade fireman at the last meeting of the board. All the commissioners were present and the charges were considered in executive session until after 11 o'clock.

The charges against Captain Daley specified dereliction of duty in the engine house. After a lengthy deliberation the commissioners decided to dismiss the charges but voted to instruct Chief Kennedy to order Captain Daley to adhere more closely to the rules in future.

STATE OYSTER GROWERS. The Legislative Committee of the State Association—Visit to Hartford Yesterday.

The legislative committee of the State Oyster Growers' association went up to Hartford yesterday and opposed the bill uniting the fish commission, the shell fish commission and the game commission into one commission. The oyster growers opposed any change affecting the shell fish commission. The chairman of the committee on fisheries in the senate reported unfavorably on this bill, uniting all three, and favorably on a bill uniting the fish and game commissions, but leaving the shell fish a separate commission.

Ten members of the legislative committee of the State Oyster Growers' association also went before the committee in regard to the oyster police bill. The members of the committee of the Oyster Growers' association are: Henry C. Rowe of New Haven, Stiles Judson, sr., of Stratford, Dumont Merwin of Milford, Albert Lewis of Bridgeport, David C. Sanford of New Haven, Albert Hoyt of South Norwalk, Henry P. Stagg of Stratford.

HON. JOHN M. DOUGLASS ELECTED. The State Senator Elected to Succeed the Late Thomas F. Pickering.

Middletown, March 12.—Hon. John M. Douglass of this city was to-day declared elected senator from the Twenty-second district to succeed the late Senator Thomas F. Pickering. The special election ordered by Governor Coffin was held to-day in all the towns in the district, and the result gave Douglass a majority of 869, defeating the democratic candidate, Joseph Gladwin of Portland.

The vote in the towns was as follows: Middletown, Douglass 228, Gladwin 302; Portland, Douglass 154, Gladwin 23; Cromwell, Douglass 138, Gladwin 41; Middlefield, Douglass 43, Gladwin 5.

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After the communication had been read Councilman Chillingworth asked that the records of the board of compensation taken at the hearings on the extension of the sewer be submitted to the committee. It was also claimed that several of the parties affected by the assessment had never received any notice of the hearings and that the board had done its work without any proper authority from the city.

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The meeting of the committee on retrenchment and reform, held at the city hall last night, was unusually interesting and at times exciting. Every member of the committee was present, as were also Charles B. Matthews and Charles T. Coyle of the board of compensation, Felix Chillingworth, James Bishop, M. E. Chatfield, Henry G. Newton, L. J. Matthews, Lucius Rowe, James Clark, J. M. Lea and Burton Mansfield.

The meeting was called for the purpose of acting upon the communication of Councilman Chillingworth and others concerning assessments of benefits and damages for Boulevard sewer, between Derby avenue and Elm street. The communication sets forth that the board of compensation, which made the assessments, was not a legally constituted body, owing to the fact that it was composed of only two members, when the charter requires that there shall be three and that therefore it was not legally able to do any business.

After the communication had been read Councilman Chillingworth asked that the records of the board of compensation taken at the hearings on the extension of the sewer be submitted to the committee. It was also claimed that several of the parties affected by the assessment had never received any notice of the hearings and that the board had done its work without any proper authority from the city.

In reply to these allegations, Mr. Matthews said that while the board of compensation was willing and anxious to shed any light on the matter that they could, it was not possible to produce the records last night as they had not been notified that they would be wanted and consequently had not brought them with them. He also said that most of the gentlemen interested had been present at the hearings and he had heard no complaints that they had not been notified. One of the gentlemen whom it was claimed had not been notified was A. H. Hurlbut. In reference to this Mr. Coyle stated that he had left a notice of the hearing at the place of business of A. H. Hurlbut with a lady clerk. Mr. Hurlbut denied that he had ever received such notice and said that his lady clerk also denied having received any such notice. At this Mr. Bishop raised the point that the notice left was not a legal notice anyway, as the law required that a notice of a hearing should be left at the place of abode of the party notified. It was, however, claimed by Mr. Coyle that the law allowed a notice to be served at a man's place of business as much legality as though it were served at their place of abode.

In reference to the claim that the board was not legally constituted Assistant City Attorney Matthews quoted from section 49 of the charter, which reads as follows: "The action of a majority of the members of said board of compensation, in office at any time, shall, in all cases, be deemed the action of the whole board, as fully as if every member thereof were present and participated in such action." He also said that members of the board had consulted Attorney Tilton Doolittle and Corporation Counsel Ely in reference to the matter and had been advised that they could legally act.

Attorney Bishop, however, claimed that the board of compensation was practically a judicial board and that he could produce any quantity of authorities and decisions to support his claim that when it is provided that a board shall be composed of three members persons should have an opportunity to be heard before three instead of two.

"Well, gentlemen," said Alderman Keyes, "as I understand it this committee is here for the purpose of rehearing the entire matter of the assessment on the sewer. Mr. Chillingworth has asked for the records of the board of compensation. These are not obtainable to-night. Can't you go ahead without the records?"

"I will under protest," replied Councilman Chillingworth, and the hearing began. Those who expressed themselves as opposing the present assessment were A. H. Hurlbut, Lucius Rowe, and others who claimed that their property had not been benefited to the amount assessed against them by the board of compensation. At the conclusion of the hearing the committee took no action other than to decide to visit and inspect the locality on Friday.