

FORESAW THE DANGER

Captain Taylor Tried to Have the Colima Lightened.

PROTESTS OF NO AVAIL

Told by His Superior to Take Out the Vessel or Another Would.

CENSURED BY THE SEAMEN.

Verdict Along the Water Front Holds the Company Responsible for the Disaster.

SAN DIEGO, CAL., June 3.—A statement made to-day by the commander of a ship now in port here has caused considerable comment. He said he had been informed by an official of the Pacific Mail dock that Captain Taylor protested vigorously against the overloading of the Colima.

There were ten feet of lumber on the hurricane-deck, and Taylor said that as the coal was consumed and the hold cargo discharged the ship would be top-heavy. Finally Schwerin told Taylor that if he would not take the ship another man would.

CAUSE OF THE DISASTER.

Recognized Authorities Agree that the Colima Was Top-Heavy.

Speculation and theory as to the causes which led to the loss of the Colima have made way for certainty in the minds of nearly all who have any connection with nautical affairs.

It is no longer a question how the Colima and her 180 precious souls were lost, but why? That is the vital question. Why a steamship company should place such a low valuation on the human lives entrusted to its care as to make everything in the management and navigation of its vessels subservient to freight and its transportation. Doubt no longer lingers in the minds of those acquainted with masters of the sea, that the terrible loss of life was the direct result of the hasty and careless handling of the cargo.

Up to within three years ago, the loading of the Mail Company's steamers was done under the direct supervision of trusted and careful employees of the company, but the system was thought to be too expensive. In order to save a few dollars per cargo, the company decided to let out the loading by contract, and bids were accordingly accepted. There was some competition, and as is natural in such cases the company accepted the lowest bid.

Whether or not a contractor who is loading a ship for so much a ton is more likely to hasten his work and slight it than would the foreman in the employ of the company with regular employees under his direction is a question which needs not be answered. Though the contractor would demur to the charge, by implication or otherwise, that he slighted his work, yet the fact remains that he must load any cargo which the company may designate and in such a manner as its officers may instruct. There are those who have no hesitancy in saying that the loading of a passenger steamship under the contract system cannot be as careful and thorough as when done by the employees of the company with a competent man to supervise the work.

Attention was also called to the fact that cargoes differ. That is very true, and a lighter cargo may be much more difficult to load and more dangerous to the ships than one several tons heavier. This may be applied to lumber particularly. The time is fast approaching when lumber and bulky deckloads will no longer be carried on passenger steamers.

After summing up all the facts in possession of the public mind at this time, it is conclusive that the Colima was top-heavy. There was no weather severe enough to wreck a vessel of the Colima's size and stanchness of build. What brought the vessel into the trough of the waves? The captain realized that his ship was too top-heavy to stand any kind of a blow, and sought to wear ship and put back to port in order to rearrange or lighten his cargo. There could be no proof more conclusive, in the opinion of experienced stevedores, who have made a careful study of the facts, so far as known, than that furnished by the ill-advised effort of the captain to avoid the results of the company's avariciousness. It is thought by many that the terrible disaster could have been averted had he kept the steamer's head to the wind and thrown overboard his deckload as fast as possible. By so doing his ship would have been relieved of her unbalancing load and been rendered as seaworthy as ever. In this connection it is advanced, as a possible explanation of the captain's failure to keep his ship to the sea, that some portion of the machinery may have given way. It may have been the main cylinder, mentioned in the CALL of yesterday morning.

But in looking at the fearful affair from all sides and under all possible lights, every conclusion points with a finger of blame to the company and to its manager, Schwerin, who came here from the East to swell its coffers and increase the carrying capacity of its vessels.

Another point in the issue which was brought out yesterday is to the effect that the vessels of the company were loaded without the supervision and survey of the underwriters. Why such has heretofore been the case was not explained. The company may be able to tell.

THE UNDERWRITERS.

They Say the Loading of the Company's Vessels Was Not Surveyed.

Mr. Newell of the Home Mutual and Mr. Rosenthal of the Swiss Marine Insurance Company were unable to throw any new light on the wreck or offer any new theories. They stated, however, that the underwriters had not deemed it necessary to survey the cargo of the Colima. It was therefore impossible for either of them to say anything about the size of the Colima's load or how it was stowed.

CAPTAIN HUNT'S OPINION.

He Attributes the Disaster to the Company's Avariciousness.

"There is too much avariciousness about the conduct of the company's affairs," said Captain Hunt. "The company apparently has no regard for the comfort of its passengers, and too much concern cannot be indulged in to suit me. Of course the Colima was top-heavy. Who can question

it from what is now known of the facts? We cannot tell how much if any of her cargo was taken off at her first stop, but it is more than probable that a portion of the lower deck and hold cargo was removed, and that left the ship in an even worse condition."

SENNETT, MILLER & CO.

The Company Loads Its Ships Without Thought of Bad Weather.

"The company seems to take it for granted," spoke the senior member of the firm, "that the weather and providence will always be with their vessels, regardless of the experience of other ships in the same waters. One would think the company believed the elements regulate themselves in accordance with the size and character of the cargo with which they load their ships. It is as plain as the open page of a volume to me that the Colima was top-heavy. She must have been badly loaded or the accident could not have happened just as it did. To be sure, the breaking of machinery could cause a serious disaster, but that was not the case in this case, though it may have been an incident."

"It was very apparent the captain knew the danger of continuing his trip with his ship so top-heavy, and instead of keeping her head to the wind and throwing off his deckload as quickly as possible, he sought to save his company a loss by putting in to the port he had just left. There, in my opinion, is where the fatal blunder occurred. I was a sailor and master of a vessel for many years, and I can recall many instances in my career where I have put back to port and insisted on having my owners unship portions of the cargo. A captain should never take chances, and particularly on a passenger ship."

"But the fault lies with the company, that allows its vessels to go to sea in an unsafe condition. In England a terrible affair like this would be sifted to the bottom, but, I suppose, here it will be dropped gently and finally pushed up for the sake of the company."

"It is said the company entrusted its loading to stevedores, and never thought it necessary to have its own officers give the work their personal supervision. That may all be true, though it does not alter the fact that the company and the company's officers knew how their cargo was loaded. Many vessels leave port with such badly stowed cargoes that their captains refuse to get into deep water until the ship's cargo has been overhauled. The Colima should have been one of those cases."

JAMES B. CHASE & CO.

They Put in the Ballast, but Can't Speak of the Cargo.

"We put in the Colima's ballast," said Mr. Chase, "but as to the general character of the cargo I cannot speak. It would be unfair for me to criticize when I do not have anything on which to rest my judgment."

"What do you think of the company's policy of carrying lumber on the upper decks?" was asked.

"Well, many of the passenger steamers do the same thing, and I do not think the 30,000 feet of lumber the Colima carried had much to do with the disaster. She may have shifted her cargo, but in rough weather the most securely fastened cargo is liable to shift. Braces might give way or something else occur to render it unsafe in time of heavy seas or a severe blow. Until we know more I do not feel like expressing a more definite opinion. If I had loaded the ship I would know something more about it."

"But what do you think operated chiefly in bringing about the wreck, judging from the way the ship acted in the supreme moment?"

"That's a hard thing to say. There may have been many causes. I think it probable the weather was very heavy."

CAPTAIN METCALF SPEAKS.

His Opinion as to the Vessel's Load and the Weather.

"I do not think there has been any unusual weather," said Captain Metcalf, "though we cannot be certain. As to the cargo, all I know is what I have read in the papers. I have heard it said the Colima was overloaded and topheavy; but how are we to know until the survivors get back? The company does not say so, and, in fact, we would not expect them to make any such admission. I may have my own opinions as to the causes which lead directly to the wreck, but I do not consider it fair to give expression to them until we learn something more of the particulars immediately surrounding the disaster."

MONEY SAID AND LOST.

That Is the Way George Riley Richmond Put It.

George Riley Richmond went into the service of the Pacific Mail Steamship Company when he was quite a young man, and for several years he superintended the loading of the company's ships. About three years ago when the company thought to save money by letting out the loading by contract, Mr. Riley left the employ of the company.

"My opinion is not very difficult to express," said he. "I can give it to you in a very few words."

"I think the company, to begin with, will learn that it has only saved money to lose it again in the loss of their cargoes and ships. It looks to me like an open and shut proposition. They do away with the loading of the ships by their own men, sacrificing thoroughness and care in order to cut off a few dollars' expense per ship by having it done by contract. What the result is and is likely to be we have all seen."

"Then, again, I do not think, and never did think, from the time he entered the service of the company, that Captain Taylor was a competent man. I do not know that others share my opinion, neither do I know that he was a cheap man, but I do know he was not an A1 seaman."

"Do you think, Mr. Richmond, the Colima was improperly loaded and that the wreck was due to her being topheavy?"

"I did not say so yet, but that is what I think, just the same. What other inference is there to be drawn from what I have been saying about the change they made in the system of loading their ships?"

"What is the cost of a ship like the Colima and her cargo in comparison with the paltry sum the company saves annually by having the loading done by contract? It is a penny-wise-and-pound-foolish idea, and like all such ideas, entails loss and disaster on those who submit it to practice."

"The loading of the Colima may not have been worse than many other vessels, but in this instance the ship was undoubtedly topheavy and her cargo was loose. Apart from the shifting of her deckload her stiffening was in all probability shaken and weakened at the first port she entered. Then when she struck the heavy swells the captain saw he was in danger, and showed very poor judgment by trying to wear ship and return to port. Of course he got in the trough of the seas and the ship listed. What could then be done? The cargo was going from side to side like dice in a box, and was all too late to think of doing anything with the deckload."

"The reports about death being caused by

falling spars was incorrect, as the Colima has nothing but the derrick booms used for loading and unloading the cargo. I think you will see the truth of my criticism when I explain further. When the company did its own loading it stands to reason that those high in authority took good care to see that the work was properly done. Though I had it in charge, those above me were on hand to see that everything was as it should be. Now it is different. They may not deem it necessary to keep such close supervision since the thing is done by contract.

"It may be also, that the company will seek to dodge the responsibility by the plea that the loading was out of its hands. But look at it how you will, there is something rotten somewhere."

An effort was made to get some of the employes of Bingham & Co., who loaded the Colima, to talk, but to no purpose. They had been taught their lesson thoroughly.

SHOT BY AN OUTLAW.

An Indian Territory Sheriff Killed While Trying to Make a Capture.

CLAREMORE, IND. T., June 3.—Early this morning before the opening of court Sheriff Musgrave of Coowesoweede District, Cherokee Nation, was mortally shot by outlaw Fred M. Davis.

Musgrave went to the Davis cabin to cause his arrest. As he approached Davis sprang behind a log stable, shot and killed the sheriff, and fled to the woods. A posse of United States Marshals and Indian police are in pursuit.

HEADQUARTERS FOR TRAINMEN.

Several Propositions to the Brotherhood From Several Cities.

GALESBURG, ILL., June 3.—The convention of the Brotherhood of Railway Trainmen to-day considered the propositions from Peoria, Galesburg, Terre Haute and Cleveland for permanent headquarters. Peoria and Galesburg had delegations on business men in the convention. Peoria offered to buy the Brotherhood printing plant, pay interest on Brotherhood funds and furnish rooms for headquarters. The propositions were referred to a committee of five.

TRAIN ROBBERS TRAPPED.

One of a Gang of Indiana Bandits Proves to Be a Detective.

He Follows Them to Their Rendezvous and Single-Handed Takes Them Captive.

SOUTH BEND, IND., June 3.—Freight-train 11, on the Lake Shore, was held up last night between here and Mishawaka. The train was a through merchandise train. When about half way between here and the suburb engineer was compelled at the point of a revolver to stop. Two persons watched him and the stolen goods loaded into wagons.

In the meantime the trainmen for about six miles, when they finally drove into a dense swamp. He followed them and in a short time the party arrived at their rendezvous. He captured them without any trouble, and using one of their teams brought them to town.

Brobst says he thinks there are about twenty in the gang, and that they are all local people. The goods were brought in to-day. Some new captures are expected to-night.

STANTON ABBOTT BESTED.

The English Boy Loses His Fight With Pearce of Philadelphia.

A Rattling Mill, in Which No Time Is Lost by Either Participant.

BOSTON, MASS., June 3.—A thousand persons saw two excellent boxing contests at the Suffolk Athletic Club to-night, in which Leslie Pearce of Philadelphia was given a decision over Stanton Abbott of England at the end of a twenty-round contest, and Patsy Fenton of Boston was declared the superior of Jimmy Powers of South Boston, in a ten-round go. Both contests were clean and scientific, and Referee Daly decided them upon strictly scientific points.

The Pearce-Abbott contest was hard fought throughout. Both men were in excellent condition at 125 pounds. For the first five rounds Abbott did the best work and showed his cleverness in jabbing Pearce apparently at will. From that until the seventeenth round Pearce was the aggressor, and fought like a tiger; but the English lad was too clever to take all the punishment, and this alone saved him from receiving the final touch several times. Abbott was as cool as an iceberg, and fought as if the contest was not limited by rounds, and from the seventeenth to the close of the twentieth round he showed his ability by almost smothering Pearce with a shower of blows from right and left. Abbott rallied too late, however, to recover lost ground, and the decision was regarded as a fair one in every sense.

ZIEGLER UNDER A CLOUD.

The California Cycler's Methods Are Being Investigated.

NEW YORK, N. Y., June 3.—The World to-morrow will say:

The latest report purporting to come from Chairman Gideon of the L. A. W. racing board is that Otto Ziegler, the California racer, is under investigation. It is rumored he demanded \$200 or \$300 from the associated cycling clubs of San Francisco to compete at their event last fall. Ziegler is now East competing at the circuit races.

For many years the Government has given its orders for Royal Baking Powder in preference to all others, it being found by the official examination superior to the others in strength and purity, and the only baking powder that will keep and retain its strength in the climates of the various countries to which it is sent by the departments.

BRISTOW MAY GET IT.

A New Yorker Mentioned for Secretary of State.

SLATEMAKERS AT WORK.

Bayard and Olney Are Still Considered Among the Possibilities.

WAS REFUSED BY WHITNEY.

The Ex-Secretary of the Navy Could Re-Enter the Cabinet If He So Desired.

WASHINGTON, D. C., June 3.—The name of ex-Secretary Bristow of New York is now included in the speculation touching the vacancy in the State Department. There is nothing definite offered in support of the suggestion, and there seems to be a shade of doubt in some quarters as to just where Bristow stands politically at this day.

Bristow has not been prominent in politics for nearly twenty years. In 1884 he was classed among those who, while not subscribing entirely to the Democratic policy, preferred, on personal grounds, Mr. Cleveland to Mr. Blaine, and was said to have voted the Democratic National ticket that year. What his position was in 1888 and in 1892, Mr. Blaine being eliminated from the equation, is not stated. At any rate, Mr. Bristow's disinterest with his old party associates antedates that of the late Judge Gresham, and for that reason, coupled with his ability, experience and location, his name is now brought forward in connection with the State Department succession.

There is still a good deal of Bayard talk. Canvassed from every point of view the Delaware statesman is thought to fill the bill completely. The understanding between him and the President is confidential. They have worked together in all things, and the reason now given as to why Mr. Cleveland, upon taking office the second time, did not again avail himself of Mr. Bayard's services in the State Department is that he could not afford to make that difference between members of his first cabinet. Circumstances were such that he could not call others back, and so he was forced to make an entirely new slate. This belief is, however, that his first thought was of Mr. Bayard when first thought for the second time called him to the White House.

Mr. Bayard, it is said, enjoyed his one term in the State Department. He likes his present post very much, but nobody seems to doubt that he would readily exchange it for the other. Washington suits him, and it is close to Delaware. Mr. Bayard, within easy reach, could render his old friends much assistance in getting the upper hand again.

If the President decides to select one of his present Cabinet officers, Attorney-General Olney is figured out as the most likely man. Postmaster-General William L. Wilson is also mentioned again to-day. He is not yet appointed, John C. Carter of New York is recognized as the possible successor to Olney.

There appears to be little doubt in the minds of the slate-makers that William C. Whitney could have the place if he would only say that he desired it. It is known that the ex-Secretary of the Navy was offered by Cleveland, at the beginning of this administration, any foreign mission in his gift, and that he refused absolutely to even consider the matter. Whitney could also have had a Cabinet place if he had so desired, but he told Cleveland immediately after the election of 1892 that he did not wish to either re-enter the Cabinet or accept a foreign ambassadorship.

DEFICIT OF THE TREASURY.

It Will Amount to About \$44,000,000 for the Fiscal Year.

WASHINGTON, D. C., June 3.—Treasury officials are now confident that the fiscal year, one month hence, will show a deficit of not more than \$44,000,000, and possibly not more than \$43,000,000, which is at least \$5,000,000 less than was expected only a few weeks ago, and \$3,000,000 or \$4,000,000 less than the present figures.

It is shown that the pension payments during June will be at least \$25,000,000 less than for May, and that the payments on account of interest will also be reduced \$1,500,000, with an increase of the internal revenue of \$3,000,000, on account of special liquor, tobacco and oleomargarine licenses, which must be paid before July 1, and with very material reductions in pension and interest payments, it is confidently expected that next month will show a small surplus, with the deficit further reduced to at least \$44,000,000. The month of July, however, is likely to see the deficit increased by at least \$10,000,000, as that month's interest payments will aggregate about \$7,000,000.

Disbursements in every branch of the Government are usually much heavier in July than in any other month, so that, unless the receipts are greatly increased, the deficit on August 1 next will not likely fall much short of \$55,000,000 for the thirteen months.

The health authorities of a number of States have recently made exhaustive examinations of the bakings powders with the uniform result of finding the Royal superior to all others.

GRESHAM EULOGIZED.

The Brazilian Minister's Tribute to the Late Secretary's Character.

WASHINGTON, D. C., June 3.—Expressions of regret at the death of the late Secretary Gresham continue to be received at the State Department.

The Brazilian Government, through Senator Mendoca, its Minister here, has cabled an expression of its sincere sympathy, and in transmitting it the Minister, who was one of the two diplomats who went to Chicago with the body, takes occasion to add a personal tribute to the character of the man with whom he came in close contact during the troublesome days of the Brazilian rebellion. Senator Mendoca speaks of the love of justice, the democracy and honesty of purpose of the late Secretary, backed by strong courage and intellect, which has earned for him the respect and admiration of all the Latin American nations.

The Buffalo Merchants' Exchange has transmitted a set of resolutions adopted May 31.

CHICAGO, ILL., June 3.—For three years Secretary Gresham had not drawn his \$30 a month pension from the Chicago Pension

Office. He has never surrendered it, but for some reason he had not made any call for it. There is an accumulation of \$1100 to his credit. The pension was granted him for wounds received at the battle of Atlanta. Under the laws of the department the accumulation is subject to the order of his widow, and the pension will go to her.

THURSTON'S RECALL.

The Hawaiian Authorities Held Blameless for the Delay.

WASHINGTON, D. C., June 3.—At the request of United States Minister Willis, the Hawaiian Government has been investigating the cause of the delay in the letter asking for the recall of Minister Thurston. Reports made to Minister Damon show the errors by which the letters went to Japan occurred before it passed into the hands of the Hawaiian postal authorities, so they are not chargeable with the delay.

Reports from Hawaii received here show much activity in preparing for an expected filibustering expedition. The Government has sent out the revenue cutter Lebu with a Krupp gun aboard to look after filibusters.

NO DANGER OF WAR.

Colombia Will Take Pacific Means to Gain Mosquito Territory.

WASHINGTON, D. C., June 3.—General Rengifo, Charge d'Affaires of the Colombian Republic, said to-day that he had concluded not to present to the State Department the claims of Colombia to the Mosquito Territory, long held by Nicaragua. He found on examining the instructions from his Government that it left him free to use his own judgment as to urging the case at Washington. He was satisfied the question should be left for negotiation between Colombia and Nicaragua, and that the present status did not call for any representations to the United States, and he has advised his Government accordingly.

General Rengifo says Colombia will take pacific means to urge her claims, and there is no reason to expect recourse to arms.

THE FAILURE OF A TRUST.

Funds Sufficient to Carry on the Business Were Lacking.

The Scheme Embraces the Issuance of New Mortgage Bonds as Working Capital.

BOSTON, MASS., June 3.—In the United States Circuit Court to-day Judge Colt appointed John L. Waterbury of Morristown, N. J., and William E. Strong of Strong & Caldwell receivers of the United States Cordage Company on petition of E. Rollins Morse of this city as the representative of the creditors. It has been known for some time that the company was in financial difficulties. No statement of the condition of the company is obtainable.

The application for the appointment of receivers was due to the fact that the company has not sufficient funds to carry on the business and was unable to arrange for sufficient time to meet the requirements of the occasion. A receiver-ship became necessary.

Messrs. Frank Sturgis, William Barbour and John L. Waterbury, who have agreed to act as a protective committee under the reorganization of the company, have issued a circular, in which they say that the conditions require an immediate introduction of new capital, to be represented by new first-mortgage bonds, which shall be applied to take up underlying loans and as an increased working capital. They submit a plan for reorganization as follows:

The issue of \$3,000,000 first-mortgage, six-per-cent, fifty-year gold bonds.

The issue of \$7,500,000 of consolidated mortgage bonds, 5-per-cent, fifty-year gold bonds, with voting power. These bonds are to be non-cumulative, but to receive 5 per cent interest, payable from profits in any year prior to any dividends on the stock of the company. In any year in which a dividend of 2 per cent is paid on the stock of the company there shall be paid from profits on such consolidated bonds an amount not to exceed 2 1/2 per cent, provided the unpaid interest in arrears on such bonds shall equal such amount, and if not, then to the amount of such bonds that may be so in arrears.

The issue of common stock to the amount of \$12,000,000, holders of the present \$7,500,000 bonds to receive par in new consolidated bonds. Holders, on presenting the stock, shall subscribe at par for new first-mortgage bonds to the amount of \$20 per share, and shall receive 80 per cent in the common stock of the company.

Present preferred stockholders shall subscribe at par for the new first-mortgage bonds to the amount of \$10 per share and receive 40 per cent of the new company's stock. Present common stockholders shall subscribe at par for the new first-mortgage bonds to the amount of \$5 per share and shall receive 25 per cent of the common stock of the new company. Deposits of present securities must be made with the Manhattan Trust Company by June 20.

The subscription to the present new issue of \$3,000,000 of first-mortgage bonds has been undertaken by the syndicate. The orders of appointment of receivers provide for a continuance by the receivers of the business of the corporation. The same receivers were named by United States Judges in Trenton, N. Y., and New York.

A FAMILY OF MANIACS.

A Cleveland Couple and Their Five Children Taken Into Custody.

Officers Arrive Just as One of the Number Was About to Be Sacrificed.

CLEVELAND, OHIO, June 3.—An entire family of seven were taken into custody to-day, charged with insanity. The family consists of Henry Buchwald, the father; Charlotte Buchwald, his wife; two grown daughters, Eva and Emma; and three small children.

All of the family were strong believers in the spiritualistic faith, and have been locked in their home at 3 Beaver street for over a week, holding wildly insane spiritualistic seances. One of the daughters is laboring under the hallucination that she is a spirit and another member of the family that the spirit must be sacrificed, but the arrival of the officers prevented them from carrying out their insane idea.

TO INSPECT THIS COAST.

Admiral Walker and Chief Clerk Johnson Depart From Washington.

WASHINGTON, D. C., June 3.—Admiral Walker, president of the Lighthouse Board, and Mr. Johnson, chief clerk of the board, left Washington to-day on a tour of inspection of the Alaskan and Pacific Coast service. They expect to return to Washington about August 1.

HELD TO BE INVALID.

Decrees of the French Courts Do Not Hold in America.

JUSTICE GRAY'S OPINION.

Important Ruling of the Supreme Court in the Hilton Case.

REVERSES THE LOWER COURT.

Judgments of Countries Not Recognizing the Rule of Comity Carry No Weight.

WASHINGTON, D. C., June 3.—In the Supreme Court to-day Judge Gray announced a decision in the case of Henry Hilton and others vs. Guyot, liquidator of the estate of Fortin & Co., involving the validity of foreign judgments reversing the decision of the court below, and remanding the case for trial in the Circuit Court of the Southern District of New York. Chief Justice Fuller and Justices Harlan, Brewer and Jackson dissented. The court stood five to four, the majority being Gray, Field, Brown, Shiras and White.

Justice Gray's opinion was very brief and delivered so indistinctly that it was impossible to catch his language. The decision was a denial of the validity of the judgments of countries which do not recognize the rule of international comity in such matters. The rule of comity, said Justice Gray, is recognized by some of the foreign countries, including Greece and Portugal, but it is not in force in the French courts. He made this refusal of the French courts to recognize the judgments of courts of other countries the basis of his opinion that a judgment in the French courts would not hold in this country.

Chief Justice Fuller and Justices Harlan, Brewer and Jackson, who dissented, did not announce their opinions.

The case of Hilton & Libbey vs. Guyot involved the validity of judgments rendered by foreign courts against American citizens, and it is understood that a large number of claims of a character similar to that prosecuted by Guyot involving many millions of dollars in amount, have been held in abeyance until the conclusion of the court in this case should be made known. The case does not properly belong to the present term in force of the court. It was twice argued during the term of 1893-94, but no conclusion was announced by the court prior to adjournment of that term, and it has remained undecided through this term and until to-day.

Guyot appears in the case as the liquidator of the French firm of Charles Fortin & Co., formerly glove manufacturers of Paris, and Messrs. Hilton & Libbey, as the successors of A. T. Stewart & Co., of New York. The history of the case goes back to 1880, and that of the transactions on which it is based to 1880, when the house of Stewart & Co. entered on an agreement with one Alexandre, the predecessor of Fortin & Co., to take from the French house all the gloves manufactured by them for the American market, the two establishments to share both the profit and loss of the business.

In 1880 this agreement was brought to a close by a misunderstanding and mutual charges of bad faith. The French firm brought suit in the Tribunal of Commerce of the Seine, when the case was decided in favor of Fortin & Co., and from which decision it was appealed by Stewart & Co. to the Paris Court of Appeals, where the decision was as antagonistic to Stewart & Co., the final judgment in the French courts fixing the amount of indebtedness of the house to the French house at \$185,122, with interest.

Before the final decree was announced Stewart & Co. closed their Paris establishment, and being unable to collect the amount of the judgment in France Fortin & Co., in 1889, brought suit in the United States Circuit Court for the Southern District of New York to compel collection on the French judgment, alleging counter claims and asserting that the judgment of the French court was re-examinable. The decision was rendered by Judge Wallace of the Circuit Court. He dismissed the bill of discovery, and ordered that Stewart & Co. should pay the judgment in accordance with the finding of the French courts. The case was appealed to the United States Supreme Court in 1890.

The case of Samuel J. Ritchie vs. James B. McMullin and George W. McMullin, in error from the court of the Northwestern District of Ohio, involved the same questions as the Hilton case, except that the judgment which it was sought to have affirmed was rendered by a Canadian court. In this case there were three questions certified from the United States Circuit Court of Appeals for the Second Circuit.

The first of these was as to whether the assessment for duty under paragraph 373 of the act of October 1, 1890, should be maintained, notwithstanding the provisions of the tariff act of August 28, 1894, and was answered in the affirmative. The second—should merchandise entered between August 1 and August 28, 1894, be assessed for duty under paragraph 276, schedule J, of the tariff act of 1