## ARGUING TEST CASES.

THE FINAL BATTLE BEGINS IN THE SU-PREME COURT.

F. R. COUDERT. JR., MAKES THE FIRST SPEECH AGAINST THE GOVERNMENT-MR. GRIGGS TO

BASE HIS ARGUMENT LARGELY ON THE XIIITH AMENDMENT

#### (BT TELEGRAPH TO THE TRIBUNE.]

washington, Jan. 8 .- What is possibly the final battle over the constitutionality of the Government's colonial policy was opened this sfternoon in the Supreme Court of the United States in the presence of a distinguished audience, and with a notable array of legal talent. Nearly all of the remaining causes in which it is sought to convict the Government of straying from the ancient landmarks by refusing to subscribe to the Democratic-Populistic doctrine that "the Constitution follows the flag ex proprio rigore" have been consolidated by order of the Court, and have been dealt with virtually as ene case in a brief submitted by Solicitor-General Richards, which was prepared jointly by him and Attorney-General Griggs. The titles of the cases are respectively: Elias S. A. De Lima et al., plaintiffs in error, agt. George R. Bidwell: Samuel B. Downes et al., plaintiffs in error, agt. George R. Bidwell; Henry W. Dooley et al., plaintiffs in error, agt. the United States; Carlos Armstrong, appellant, agt. the United States, and George W. Crossman et al., appellants, agt. the United States.

The causes were set for hearing yesterday, but it was not until 3:40 c'clock this afternoon that they were reached on the docket, owing to the fact that much more of the court's time than was expected was consumed in the trial of an important railroad commission suit from Kentucky. At the close of the argument in the Kentucky case, Ch. ' Justice Fuller called "No. 456, Elias S. A. de Lima et al., plaintiffs in error, vs. George R. Bidwell." This was the signal for an unusual shuffling of feet on the soft carpeted floor, and a clearing of throats. The black robed Justices straightened up in their chairs and leaned forward to catch the first words uttered by Frederic R. Coudert, jr., of New-York, trim, smooth faced, clear eyed and quick of speech. Mr. Coudert is the leading sttorney in one of the cases, and by agreement among the counsel he was selected to open the argument against the Government. Twelve hours, or three full days of the court's time, have been allotted for argument-six hours to each side. Ex-Secretary John G. Carlisle will close the case against the Government in a speech of two hours on Friday afternoon. Attorney-General Griggs will close the case for the Government in a speech of similar length on Friday also. Mr. Coudert has an hour and ten minutes of the time allotted to him by agreement, and when he concludes his argument to-morrow he will be followed by John C. Chaney and Alphonso Hart, of Washington. in speeches of one hour each for the plaintiffs. Then Solicitor-General Richards, in profile a replica of William Jennings Bryan-and in voice and gesture, too-will follow for the Government and speak four hours. Mr. Richards's brief is less voluminous by nearly two hundred pages than was that of Attorney-General Griggs in the first insular test cases argued three weeks so-those of Goetze and Pepke.

MR. GRIGGS HAS NEW POINTS TO MAKE. Attorney-General Griggs explained to a Tribme correspondent that, as he already had moken five hours in the Goetze and Pepke cases. which involve all the material principles at sake in the cases now at bar, he would not consider it necessary to speak again, if it were not that he wishes to supplement his first arguent with some new and strong points which he did not have time to develop before. The Attorney-General did not say so, but it is understood that he will devote the major portion of his supplemental argument to a thorough exposition of the bearing of the Thirteenth Amendment to the Constitution on the Government's side of the present contention. Thus far not one of the lawyers who have spolen against the overnment has referred to the Thirteenth Amendment, which is as follows:

Neither slavery nor involuntary servitude, ex-

VOTE ON APPORTIONMENT.

or authority given to Congress over the one form of territory than over the other. All gov-ernment by Congress is subject to the limitations which the Constitution itself has laid down. Whether we consider California immediately after the ratification of the treaty, or the Pub-lic Land Strip since become a part of Okia-were extended in 1868, before the new acqui-sition had been given any form or shape), or, finally, any full fiedged territory, no legal dis-tinction as to the power of Congress can be found in any statute or constitutional provision, and no legal distinction can be found in any sound theory of government. Alaska is not yet a Territory: Congress has only vouchsafed to erect it into a district, yet, as we have observed, the tariff laws were ap-plied to it as early as 1868; constitutional re-strictions have been applied to it, and the serf-dom recognized among its native tribes has been declared illegal.

been declared illegal.

Mr. Coudert was frequently interrupted by questions from the bench. The most pertinent and pointed question was asked by Justice Brown.

"Do you," he inquired, "contend that though Porto Rico is within the United States, yet it is

Porto Rico is within the United States, yet it is not an integral part?" "I am inclined to that view, Your Honor." re-plied Mr. Coudert, "but, if it please Your Honor, I will take up that phase of the question after a while and discuss it at length." "Very well," assented Justice Brown; "I would like to hear an exposition of that phase of it." An hour before the case was called a score or more of Senators visited the Supreme Court chamber, but, tiring of waiting for the argu-ment to begin, most of them hurried back to the Senate, where the Army Reorganization bill was being discussed. Among those who rewas being discussed. Among those who re-mained to hear the opening of Mr. Coudert's argument were Senators Hoar, Culberson Spooner and Quarles.

SENATE DISCUSSES THE CANTEEN

# A COMPROMISE ON THAT FEATURE OF THE

ARMY BILL LIKELY TO BE ADOPTED.

Washington, Jan. 8 (Special) .- The Senate failed to reach a vote this afternoon on the so called canteen amendment to the Army Reorganization bill, but the substitute offered by the Military Affairs Committee for the absolutely prohibitory clause accepted by the House will in all probability be adopted to-morrow of the day after. A committee modification made this morning, at the suggestion of Senator Hoar, authorizes the appointment of a commission of scientific experts to study the results of the canteen system, and until its report is received the sale of light wines and beers at Army posts is to be safeguarded by rigid restrictions drawn by the Secretary of War. This compromise is likely to prove acceptable to both the critics and defenders of the post canteen, and will doubtless be accepted in conference by the Hause

The canteen amendment was discussed for Senators Gallinger and Hansbrough, and was as strongly supported by Senators Sewell, Hawley, strongly supported Money and Carter

NO PROGRESS ON TAX REDUCTION

SOME DOUBT AS TO PASSAGE OF THE HOUSE BILL AT THIS SESSION

Washington, Jan. 8 (Special) .- The extreme deliberation with which the Senate Committee on Finance is considering the House Tax Reduc tion bill raises some serious doubt as to th passage of that measure at this session. The House bill has now been in the hands of the Finance Committee for nearly four weeks, but no progress has been made with it further than to discuss in a general way the effect on the revenues of the reductions it proposes, and the value of the estimates on which the Secretary of the Treasury's original recommendations of lightened taxes were based. Fault is found with the House bill both for what it does and what t fails to do. As a temporary expedient, it is argued, the House measure cuts deeper into the Government's surplus income than cautious book. keeping policy warrants. Yet as a scheme of relief from burdens imposed to meet an emergency already past, it is contended that the House bill is drawn on lines which will fail to restore a balance between receipts and expenditures, and will involve another cut in internal taxes with-

Will involve another cut in internal taxes with-in the next few years. If any reduction is to be made now, some Sen-ate leaders argue, it should either be a cut slight enough not to affect materially the Treas-ury balance in the Government's favor, or should be reduced enough to christs the necessity of be radical enough to obviate the necessity of further tax reduction legislation for several years to come. Until the fate of such measures as the Army Reorganization, Shipping Subsidy and Nicaragua Canal bills is determined, it will

TO MAINTAIN PARITY OF MONEY.

A BILL MAKING GOLD AND SILVER COINS EX

CHANGEABLE AT THE TREASURY INTRO-

DUCED BY MR. OVERSTREET.

Washington, Jan. 8 .- Representative Overstreet

of Indiana, who had charge of the Gold Standard

bill in the House, to-day introduced a bill "to

maintain the parity of the money of the United

the gold standard and insure the continued parity f gold and silver by making them exchangeable

at the Treasury. The text of the bill is as follows

Section 1. That all gold and silver coins of the inited States, except subsidiary coins, shall be

CHARGES DEFALCATION IN BREWERY.

PRESIDENT OF RINGLER & CO. SAYS BOOKKEEP-

ER'S PECULATIONS WILL REACH

Arthur Friebel, forty-four years old, of No. 209

NEARLY \$16,000.

East Ninety-fourth-st., the bookkeeper for George Ringler & Co., brewers, was charged before Magis-

trate Meade in the Harlem Police Court yesterday

George J. Jetter, the president of the brewing

company, swore to a complaint charging Friebel

and falsifying the accounts to that effect. He said

Friebel's defalcations would approximately amoun

r heads is defined to be a source approximately amount to \$16,000, and that experts were engaged in going over the books. Mr. Jetter said that Friebel had confessed to him in the presence of William San-ders Davies in the office of the brewing company at Nos. 203 and 205 East Ninety-second-st. that he had to head to

afternoon with falsifying his accounts.

with having taken \$200 of the company's

States.'

passage.

This measure seeks further to strengthen

THE BURLEIGH BILL, PROVIDING FOR A HOUSE OF 386 MEMBERS, PASSED.

[PT THLEGRAPH TO THE TRIBUNE.]

Washington, Jan. 8 .- The Burleigh plan for House of Representatives consisting of 386 members under the Twelfth Census was adopted by the House to-day as a substitute for the Hopkins bill, which limited the membership to 357, its present number. The decisive vote under a rollcall, was 165 to 102, the division being notably non-partisan. The minority was omposed of exactly the same number of Republicans and Democrats, 51 of each, and in the majority vote there were included 84 Republicans and S1 Democrats. The vote was also non-sectional, except that New-England voted almost solidly for the Burleigh measure. East,

South and West the State delegations were almost equally divided. The vote of the New-York members, which was fairly representative of this breaking away from party and sectional lines, was as follows:

Ayes (14). Republicans-Tompkins, Cochrane, Stew-ert, Shaw, Day, Ray, Driscoll, Gillet, Wadsworth, O'Grady, Alexander, Vreeland, 11. Democrats-May, Sulzer, Levy, 3. Noes (13). Republicans-Ketcham, Littauer, Emer-son, Sherman, 4. Democrats-Scudder, Fitzgerald, Wilson, Muller, McClellan, Ruppert, Underhill, Glynn, Ryan, 9.

The House also took a firm stand against errymandering by stipulating that the new districts under the reapportionment should be not only "contiguous" but "compact." The rote in this case was 13C ayes and 110 noes, the Democrats largely constituting the negative. A futile attempt was made at the last noment to recommit the oill, with instructions to the Census Committee to bring in a plan reducing the representation of the Southern tates in accordance with the Crumpacker disfranchisement resolution, the vote being 94 to The bill as finally passed provides that 136.after March 3, 1903, the House of Representatives shall be composed of 386 members, apportioned as follows:

Alabama	9	Nebraska
Arkansas		Nevada
California	8	New-Hampshire
Colorado	9	New-Jersey
Connecticut		New-York
Delaware	1	North Carolina
		North Dakota
Georgia	11	Ohio
Idaho	1	Oregon
Illinois	20	Pennsylvania
Indiana	12	Rhode Island
lowa	11	South Compliant
Kansas	44	
Kentucky		South Dakota Tennessee
Louisiana	11	Texa
Maine	:	Utah
Maryland	2	Utan
Massachunatte	- 0	Vermont Virginia
Michigan	12	Virginia
Munnegete	12	Washington
Miggigginni	8	West Virginia
Mississippi	-0	Wisconsin
Montone		Wyoming
Montana	1	

Under this bill no existing State quota is reuced, and the gains are as follows: Illinois, New-York and Texas, 3: Minnesota, New-Jersey and Pennsylvania. 2: Arkansas, California, Col-orado, Connecticut, Florida, Louisiana, Massa-chusetts, Mississipi, Missouri, North Carolina, North Dakota, Washington, West Virginia and Wisconsta

Wisconsin, 1. Wisconsin, 1. Whenever a new State is admitted the Repre-sentative assigned to it shall be in addition to the number provided in the bill. States to which additional Representatives are allowed shall elect them at large until the Legislatures redistrict the States

ZOOLOGICAL SOCIETY MEETING.

## DISCOVERY OF A NEW SPECIES OF MOUN TAIN SHEEP REPORTED BY

DR. HORNADAY.

The discovery of a new species of heep was reported by Dr. William T. Hornaday. he director of the Zoological Park, at the annual neeting of the New-York Zoological Society at the Waldorf-Astoria last evening. It is a rare thing nowadays for a new species of animal to be discovered. Dr. Hornaday took a trip to the North-west last fall, and while he was in Victoria, British olumbia, in November, he saw the skin of a mounrain sheep which had been sent from Dawson City Henry W. Brown as a specimen of Ovis stonei. and presented by him to the Provincial Museum is named in honor of John Fannin, curator of the rovincial Museum of British Columbia, in recognition of his work as a naturalist specially inter-ested in the animal life of the Northwest, as the A portion of the description is the Ovis fannini. following:

Colors-Entire head and neck, breast, abdomen, inside of forelegs and rump patch for four inches above insertion of tail, snow white. Entire body, except as above, brownish gray, giving the appear-ance of a white animal covered by a gray blanket.

Committee recommends the extension of the service in New-York and Philadelphia, favors the proposed adoption in Boston of the tube connection between the Postoffice and the south terminal stabetween the Postoffice and the south terminal sta-tion, and approves a limited application of the pneumatic service in Chicago and St. Louis. The committee, the Postmaster-General says, fully sus-tains the pneumatic method of mail transportation as a valuable and mechanically successful system. While the cost is great, the demonstrable ad-vantage is proportionately greater. The committee believes the expense is capable of reduction with the further progress of improvements, and it is unanimous in recommending the retention of the service as it now exists and its limited extension as indicated. In this view the Postmiaster-General concurs.

J. J. HILL HERE.

CONFERS WITH JACOB H. SCHIFF AND D. S. LAMONT.

RUMORS ABOUT HIS VISIT-THE B. AND O.'S CONTINUED ENTRY INTO NEW-YORK. James J. Hill, president of the Great North

rn Railway Company, reached this city yesterday afternoon from his home in St. Paul, and promptly proceeded to Wall Street, which it is understood will be the field of his activities for the next week or so. Whether or not Mr. Hil had a conference yesterday with J. Pierpont Morgan could not be ascertained, for Mr. Morgan at a late hour declined to talk about the subject, and Mr. Hill could not be found downtown and could not be seen in the evening at his hotel, the Netherland. Mr. Hill did, however, have a talk with Jacob H. Schiff, of Kuhn, Loeb & Co., and toward night conferred at the Great Northern's offices in the Kuhn-Loeb Building with Daniel S. Lamont, vice-president of the Northern Pacific. Mr. Lamont, when asked last night whether or not any developments in regard to the securing of control of the Chicago. Milwaukee and St. Paul by the Great Northern and Northern Pacific might be expected by the end of this week would say only: "I have no information on the subject.'

Mr. Hill in recent interviews in the West has set forth his views on the situation in such language as apparently to lead to the belief that there is no intention of effecting a joint lease of the St. Paul to his road and the Northern Pacific, but that, on the contrary, nothing more is contemplated than an extension of the community of ownership" principle now effective between the Northern Pacific and the Great Northern to embrace also the St. Paul road. But Wall Street is asking why in that case it has been thought advisable by Mr. Hill to have his local adviser, Mr. Grover, and his vice-president, Mr. Miller, accompany him on his present trip to the East, and Wall Street holds pretty firmly to the theory that some arrangement in the nature of a lease will soon be announced as a sequel to the recent rapid ad-

vance in St. Paul stock. Rosewell Miller, chairman of the Board of Directors of the St. Paul, was quoted yesterday in special dispatches from Chicago, as declaring that his visit to that city was simply for the purpose of attending the funeral of Philip D. Armour, and adding: "If Mr. Hill and his folowing have purchased stock, it has been for investment. The preferred stock is all held by investors, and much of it is tied up in estates, and a large percentage of the common is in similar hands. The high prices for the latter have not brought much of it into the market. The reports that Marshall Field's holdings, amounting to \$3,000,000, have been secured, is absurd. Mr. Field sold most of his stock some time ago and does not now own over four thou-

time ago and does not now own over four thou-sand shares. Alexander Mitchell also marketed his stock long ago. As for the \$5,000,000 said to have been secured from the George T. Smith estate, I know nothing about it." Mr. Miller said further that there is no out-and-out con-solidation. He intimated, however, that cer-stain interests might get together for the purpose of strengthening their position in regard to rates and development of business, following the policy of the Hill interests. It is to be remembered that the status of the Baltimore and Ohio in the Reading-New-Jersey Central operation has not yet been clearly de-fined. Mr. Hill is an influential director of the Baltimore and Ohio, and it was suggested yes-terday that the negotiations for safeguarding to that road the privilege of continued entry to the port of New-York might have been deferred until his arrival here, although the relations be-tween Messrs. Morgan and Hill are so cordial that it has at no time been thought that any action tending to cripple the Baltimore and Ohio would be taken. An all day session of the Road Committee of the Baltimore and Ohio Railroad Company was held here yesterday and gave rise to considerable gossio. It was assumed that the recent sale of the

held here yesterday and gave rise to considerable gossip. It was assumed that the recent sale of the Jersey Central road to the Reading company and the effect of this change of control on the Baltimore and Ohio line would be fully gone into, but, according to a member of the commit-No other business of importance is said to have come before the committee. Reports that President Harris of the Philadel-

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and cadet. The material is recommended for winter, street

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> James McCreery & Co., Twenty-third Street.

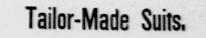
FUNERAL OF BISHOP WIGGER.

REPORT THAT A NEW-YORK PRIEST MAY BE HIS SUCCESSOR.

South Orange, N. J., Jan. 8 (Special) .- A large umber of people of all ranks and conditions in life called at Seton Hall College yesterday and to-day to take a last look at the face of the Rt. Rev. Winand Michael Wigger. Yesterday the body lay in state in the reception room of the college, attired in the Bishop's vestments of chasuble, alb and mitre, together with his pectoral cross and slippers. Last night the body was placed in a coffin and taken to the Chapel of the Immaculate Conception, in the college grounds, where to-day a constant stream of people passed through, while a number of seminarians guarded the body. To-morrow morning the body will be taken to St. Pat-rick's Cathedral, in Newark, where it will lie in state until the funeral. At the cathedral on Thurs day the services will begin at 10 a. m. by the chanting of the office for the dead. At 10:30 o'clock solemn pontifical mass of requiem will be sung by the priests of the diocese. No choir will take part in the services. Archbishop Corrigan will be the celebrant of the mass and the other officials will be the following: Deacons of honor: The Rev Lawrence C. M. Carroll, of St. Patrick's Church of Jersey City, and the Rev. B. H. Ter Woert, of St. Mary's Church, of Jersey City; deacon of the mass, the Rev. John A. Stafford president of Seton Hall: sub-deacon, the Rev. Dr. Charles J Kelly, of St. Mary's Church, Hoboken. The set mon will be preached by the Rt. Rev. James A. McFaul, Bishop of the diocese of Trenton. The honorary pallbearers are to be James Smith, jr., John F. Shanley, Dr. James Elliott, Dr. John B. Richmond, Michael J. Ledwith, Dr. William Car roll, Jeremiah O'Rourke and John B. Oelkers, or Newark; James S. Coleman and Charles G. Herber-mann, of New-York; James Donohue, of Paterson, and Bryan Smith, of Hoboken. account of the limited capacity of the Cathe-On

that over a hundred of the priests of the carne-that over a hundred of the priests of the diocese, together with many other distinguished prelates, will be present. A temporary interment will be made in the Cemetery of the Holy Sepulchre, and when the new Cathodral of the Sound Upart is when the new Cathedral of the Sacred Heart is completed the body will be laid at rest in the

made in the Cemetery of the Holy Septidenre, and when the new Cathedral of the Sacred Heart is completed the body will be laid at rest in the crypt.
Among the Catholic clersy and laity in New-York there is not a little interest in the report that a New-York priest may succeed Bishop Wigger as head of the diocese of Newark. Archnishop Corrigan, it is said, will have much to do in naming the new Bishop. According to the law of the Catholic Church, when a Bishop dies the irremovable rectors of his diocese, who are and select the names of three priests, any one of whom they deem worthy to succeed the late Bishop. Then the Bishops of the ecclestastical province in which the diocese is located meet, and they select three names also. These two lists of names are forwarded to Rome, and from them the Pope appoints the new Bishop The diocese of Newark is in the ecclestastical province of New-York, over which Archbishop Corrigan presides. The other Bishops of the province are: Bishop Mc-Donnell, of Brooklyn; Bishop McFaul, of Trenton; Bishop Burke, of Albany; Bishop Quigley, of Buifalo, Corrigan's residence either on Thursday, after the function of Bishop Wigger, or on some day shortly after that.
It is reported that on the list of names submitted to the Pope by the Bishops will be those of two New-York priest—the Rt. Rev. Monsignor Mooney. Fector of the Church of the Sacred Heart, in West Fifty-first-st, and the Rev. Michael J. Lavelle, Fetty of the Church of the Sacred Heart, in West Fifty-first-st, and the Rev. Michael J. Lavelle. The Newark diocese is one or the most important Catholic Sees in the United States. It has a Catholic catholic sees in the United States.
DID NOT MEAN TO STEAL THE MONEY.



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Setting slavery nor infoluntary servitude, ex-cept as a punishment for crime, whereof the party shall have been duly convicted, shall ex-at within the United States, or any place sub-fect to their jurisdiction. Set. 2. Congress shall have power to enforce this article by concentrate logical time.

this article by appropriate legislation. The clause in the foregoing amendment, "or

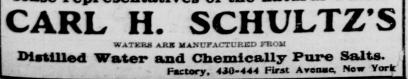
any place subject to their jurisdiction." is the feature on which it is said the Attorney-General will hinge a new and powerful argument in justification of the Paris Treaty, and the second section, providing that "Congress shall have power to enforce this article by appropriate legislation," will be used especially to sustain the action of Congress in legislating for Porto Rico under the provisions of the Paris Treaty. It is held that the clause in the Paris Treaty providing that the civil rights and political status of the inhabitants of the territory ceded by Spain shall be determined by Congress is on all fours with the letter and spirit of the Thir-teenth Amendment, particularly in the latter's reference to encode the determined their Utilized reference to any place subject to their (United States') purisdiction." The clause quoted is in-terpreted by the Government as indicating plainthat when the Constitution was last being That when the Constitution was last being amended the people very well understood that the Nation might own territory, either conter-minous or outlying, to which the Constitution did not extend ex proprio vigore. It is in perfect accord with the spirit of this clause, it is con-tended, that the Government at present is deal-ing with Porto Rico and other outlying terri-tory beionging to the United States, which is "subject to the invision". "subject to their jurisdiction." Whether Mr. Carlisle, who is expected to make the great speech against the Government, will ignore the Thirteenth Amendment, as all his colleagues have done, or will try to reconcile it to his conten-tion is not known. The fact, however, that he will follow the Attorney-General and that the latter will probably present the Thirteenth Amendment as irrefutable proof of the entire constitutionality of the Paris Treaty may cause Mr. Carlisle to exercise to the utmost limit his ingenuity as a fine legal hairsplitter. enth Amendment, as all his colleagues have

#### MR. COUDERT'S ARGUMENT.

The main point of Mr. Coudert's argument this afternoon was that a treaty could not transcend the Constitution, and that a treaty's relative status is that of a statute law. Conending that the Paris Treaty does transcend the Constitution, he argued that the acts of Congress in carrying out certain features of this convention were unconstitutional. Pursuing this line of reasoning, Mr. Coudert said it had been sought to make a distinction between organized territory and unorganized territory, with the idea that the power of Congress over the latter is more despotic or absolute than wer territory to which some governmental orsanization has been given. "Whatever right Congress possesses must be referred back to the Constitution," declared Mr. Coudert. He con-dhued in part as follows: There is in the Constitution no greater power Congress possesses must be referred back to the Constitution," declared Mr. Coudert. He continued in part as follows:

Most Mineral Waters on the market to-day are made from so-called Vichy-salts, Selterssalts, etc.

You cannot evaporate a Mineral Water and dissolve the entire residuum. . . . Mineral pills and salts are therefore in no sense representatives of the natural water.



and Nicaragua Canal bills is determined, it will be difficult to judge what measure of reduction is prudent now, and there is little expectation that the Senate Finance Committee will report the House bill for action of any sort until the effect of pending legislation on the Government's prospective income is made a trifle more clear. A painting of the new species was among the pictures of animals exhibited at the meeting last

evening. Directors of the society to serve until 1904 were elected at the meeting. They are:

THE AUGUSTUS SCHER-MERHORN. A. NEWBOLD MORRIS CHAS E. WHITEHEAD. CENVELAND H. DODGE CORNELIUS VANDERBILT GEORGE B. GRINNELL JACOB H. SCHIFF.

The report of the Executive Committee showed that the collection of animals in the Zoological Park now includes 322 species and 1,433 specimens. During 1900 the number of visitors at the Zoological Park was 525.928, and 20.134 visited the park on Memorial Day. The Park Improvement Fund on January 1 amounted to \$213,498.88. The society is original agreement with the city, and it has sev-eral months yet in which to raise the remaining \$35,000. Many subscriptions were reported last even-ing. They included subscriptions by Andrew Car-negie for \$5,500; C. T. Barney, \$3,000; H. J. Chis-holm, \$2,560; John L. Cadwalader, John S. Barnes and F. A. Schermerhorn, each \$2,500; L. P. Martin, Jacob H. Schiff, James C. Carter, S. D. Babcock and George Crocker, each \$1,500; H. F. Osborn, W. C. Schermerhorn, W. K. Vanderbilt, W. C. Whit-ney, P. R. Pyne, Mrs. P. R. Pyne, John S. Ken-nedy, Miss A. B. Jennings, D. Willis James, Adrian Iselin, H. C. Von Post, Cleveland H. Dodge. Thomas F. Ryan, George C. Clark and Mrs. George Lewis, each \$1,000. Park now includes 322 species and 1,493 specimens.

REAR-ADMIRAL PHELPS ILL.

Section 1. That all gold and silver coins of the United States, except subsidiary coins, shall be exchangeable for each other at par at the Treasury of the United States at the demand of the holder. Sec. 2. That for the purpose of carrying out the provisions of this act the Secretary of the Treasury may employ any part of the reserve fund of gold coin and builion established by Section 2 of the act of March 14, 1900, entitled "an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," and money received in ex-change for gold or builion under the provisions of this act shall be held in said reserve fund and not paid out except in the manner provided in re-gard to United States notes in said Section 2 of the act of March 14, 1900. Sec. 3. This act shall take effect upon its passage. TAKEN TO THE NEW-YORK HOSPITAL SUFFERING

FROM PNEUMONIA.

Rear-Admiral Thomas S. Phelps, retired, of Washington, who has been stopping recently at the Hotel Kensington, Fifth-ave. and Fifteenth-st., was taken to the New-York Hospital last night suffering from pneumonia. He was taken in an ambulance, and was cared for by Dr. Connell, of the hospital staff. He was placed in a private ward on the Sixteenth-st. side of the building, and is said to be in a critical condition. The Rear-Ad-miral is seventy-six years old, and came to this city about three weeks ago.

#### ELKINS NOMINATED FOR SENATOR.

Charleston, W. Va., Jan. 8 (Special) .- In caucus f Republican members of the Legislature to-night Elkins was unanimously indorsed for Senator amid great enthusiasm, and for President of the Senate Anthony Smith, of Ritchie County, was nominated. This was a defeat for the machine, which was backing Nelson Whittaker, of Ohio County. The where Wilson, of Randolph County, was nominated for Speaker and Shaw, of Marion, for clerk. The Republican nominees will be easily elected to-morrow, as the majority in each house is over-whelming.

## LORD AND LADY HOPE IN A COLLISION. An automobile, in which were Lord and Lady

was struck at Forty-fifth-st. and Broadway last night by a cable car. A door of the machin was broken, but the occupants were not injured. No arrests were made. Lady Hope, who is known on the stage as May Yohe, was on her way to the New-York Theatre, where she is playing in "The Giddy Throng."

#### A REPUBLICAN CLUB ELECTION.

The annual meeting, election of officers and entertainment of the Union Republican Club of the XXXVth Assembly District will take place to-morrow night at No. 967 Caldwell-ave. Edward H. Healy is president.

#### IN FAVOR OF PNEUMATIC TUBES.

Washington, Jan 8 .- Postmaster-General Smith Washington, Jan & —Postmaster-General Smith to-day sent to the House a report showing the re-sults of an exhaustive expert investigation into the cost, operation, etc., of the pneumatic tube postal service, with a view to determining whether the service should be owned, leased, extended or dis-continued by the Government. The Investigating

Reports that President Mains of the Primate phia and Reading road would visit this city yes-terday to confer with Mr. Morgan in regard to plans for financing the purchase of the New-Jer-sey Central property could not be confirmed at the office of J. P. Morgan & Co. A representative of that firm said yesterday that the terms of the that firm said yesterday that the terms of the sale had not yet been fully determined.

# TAINTED CATTLE STORY DENIED.

OFFICIALS HERE AND IN ALBANY HAVE NO KNOWLEDGE OF SHIPMENT.

A report that twenty-five carloads of cancerous or tuberculous cattle had been shipped to New-York from West Albany within ten days was contradicted flatly by officials of the Health Depart ment yesterday. Dr. Dilingham, the Assistant Sanitary Superintendent, said the report was a "fake," and was hardly deserving of notice. "To begin with," Dr. Dillingham said, "not as many as ten head of cattle have been sent to this city from West Albany in ten days, not to speak of twenty-five carloads. In the next place, if any tuber-culous or cancerous cattle were shipped from West Albany with the knowledge of the inspector of the State Agricultural Department, prompt notice would be sent to the Health Department. Two sets of inspectors of the Health Department guard against the use of any tuberculous or cancerous meat in the city. Inspectors examine the cattle re-ceived at the slaughter houses. The supervision is too strict to permit dangerous meat going to the markets." ten head of cattle have been sent to this city from

stop it even if it had occurred. There was devel-oped during the discussion of the matter this morning a curlous feature of the work of these boards. It seems that the inspectors of cattle are appointed by the Commissioner of Agriculture, but that they report to a sub-committee of the State Board of Health, presided over by Dr. F. W. Smith, of Syracuse. No report has been received from this sub-committee for four months, and the actual working forces of the two departments here know nothing about it. The State has expended about \$55,000 in the last eight years to aid in stopping tuberculosis. Gov-ernor Odell contemplates putting the matter in en-tite charge of the Department of Agriculture and a bill will be introduced by Senator Ambler to-morrow night to rectify the alleged abuses.

#### SMELTING PURCHASE DENIED.

An officer of the American Smelting and Refining Company yesterday declared that the report from Mexico which announced that the negotiations for the purchase of the smelting and refining interests of M. Guggenheim, Son & Co. in Mexico had been completed was false. He said there was abso-lutely nothing in the story.

#### NEW CENTURY GREETINGS.

With the coming of the New Year, the president of the Anheuser-Busch Brewing Ass'n sent to every wholesale customer the following pleasant greeting

The Anheuser-Busch Eagle heralds loudly the

## DID NOT MEAN TO STEAL THE MONEY.

Mrs. Lena Butts, who was arrested yesterday for seizing Mrs. Annie Kleinhenn, at One-hundred-andtwenty-fourth-st. and Third-ave., in front of the Harlem Savings Bank, causing \$600 which Mrs. Kleinhenn had just withdrawn from the bank to he scattered over the street, was arraigned before Magistrate Meade in the Harlem police court yesterday afternoon. Mrs. Kleinhenn, who was present, refused to make a complaint. Mr. Van Cott,

ent, refused to make a complaint. Mr. Van Cott, who appeared for Mrs. Butts, showed a written statement from Mrs. Kleinhenn. In which the lat-ter declared it her belief that Mrs. Butts did not intend to steal the money. Of the \$600 scattered about the street \$470 was recovered, and Mr. Butts, the husband of the woman, made good the remain-Mg \$130 to Mrs. Kleinhenn.

### TWO MEN KILLED AT A CROSSING.

Whitehall, N. Y., Jan. 8 .- George H. Buel and M. G. Russell, two prominent residents of this place, were instantly killed at 5 o'clock this afternoon by a light engine while attempting to cross the rail-road tracks at William-st.



URBANA WINE CO., URBANA, N. Y., SOLE MAKERS.

Moorish Hanging Lamps, Inlaid Furniture, Arms, Draper-les, suitable for cosey corners, and other decorations. ORIENTAL RUGS AND CARPETS, orcelains, Sheffield Plated V nglish Hall Clock, &c., &c.

A Large Assortment of

HITCH IN LEASE TO J. P. MORGAN.

EDISON ELECTRIC LIGHT DIRECTORS IN BOSTON NOT YET DECIDED.

Boston, Jan. 8 .- "The Transcript" this afternoon savs:

says: Directors of the Edison Electric Light Company are considering the proposition of J. P. Morgan & Co. to lease the property of that company, but no meeting of stockholders has been called to take action. nor are the directors agreed as to the advisability of making such a lease. Indeed, there seems to be a general feeling that the Edison company will hesitate to go into the new electric light combination, although the terms offered to that company are more liberal than those upon which the property of the Boston Electric Light Company stockholders voted favorably yesterday. It is understood that the rental which will be offered to the Edison company amounts to ID per cent. It is considered not unlikely that the whole matter of electric consolidations may be brought before the Legislature for Investigation.

#### TO EXTERMINATE THE BUGS.

The Department of Public Charities will open blds next Monday afternoon "for the destruction and banishment of all roaches and water bugs from the institutions of this Department during the year 1901." It is said that this bid, while peculiar on its face, is of importance, as the number of bugs in the emergency hospitalice, as the number of bugs in the emergency hospitals assumes alarming pro-portions at times. Another 'bid which will be opened at the same time is for "the extermination of rats and mice." The institutions referred to are the emergency hospitals connected with the De-partment and all other buildings under that head.

# Albany, Jan. 8 .- Absolute ignorance of the truth or falsity of an allegation made by a New-York paper that twenty-five carloads of diseased York City is professed in the offices of the Department of Agriculture and the State Board of Health. Neither Department would admit this norning that such was the case, and neither would Health. deny having official cognizance of it. It was said by both departments that they were powerless stop it even if it had occurred. There was devel-