IN THIN SILK TIGHTS LILLIAN CAUGHT A COLD.

Miss Russell, the Comic Opera Queen, Tells Why She Fled from Manager Duff's Theatre.

NATURE WAS GENEROUS TO HER.

She Couldn't Reinforce Her Stage Raiment Without Being Made to Appear Ridiculous Before the Footlights.

Did she leave because she was afraid of the tights, or was it Aronson's money that tempted fair Lillian Russell away from the fold of James C. Duff? Justice Freedman, of the Superior Court, is pondering over that problem.

Lawyer Abe Hummel spent most of yesterday showing that the tights gave the comic opera prima donna an awful cold, and the cold was ruining her voice.

Lawyer Henry Thompson sought to show that the tights didn't hurt her a bit.

Blushless, the lady admitted that she was so big that lamb's wool galligaskins worn beneath would have made her ridiculous. So she made herself a martyr to her ample figure and the skimpy tights. Thinner than thin silk stockings they were, and colder than charity.

Manager James C. Duff, of the Standard Theatre, was suing Miss Russell yesterday because she went away from him in January, 1889, to play with Manager Aronson, although her contract with Mr. Duff did not expire until May of that year. Judge Dugro granted an injunction to prevent Lillian from playing with the Aronsons in January, 1889, but Lillian gave a $2,000 bond that her old manager

FAIR LILLIAN ON THE STAND.

should lose nothing. So now the Court is trying to find out how much Mr. Duff lost by Lillian's desertion and whether he deserves any remuneration.

LILLIAN'S LETTERS.

Manager T. Henry French swore that Lillian stands at the head of her profession. Frank W. Sanger, Rudolph Aronson and James C. Duff, all managers, corroborated him.

Various tart letters from Lillian were put in evidence to show that she had complained to Manager Duff again and again about the coldness of the tights and the colds that were occasioned thereby. Lillian's last letter was dated December 5, 1888. In it she offered to run the risk of catching cold in tights in Boston for two weeks at $450 a week on consideration of Mr. Duff's recasting her part and letting her wear skirts when she returned to New York, or she would retire on half pay until he produced a new and tightless opera for her, or she would resign from his company.

"I wish it distinctly understood that I am no striker"—she wrote with "striker" underscored femininely—"but I will not risk my health for a trifling amount." The certificate of Dr. Charles M. Roberts, Lillian's physician, was enclosed in the letter, declaring that she had caught cold wearing tights and mustn't sing in tights any more that winter.

Mr. Duff couldn't remember that Lillian had ever complained to him by word of mouth about the coldness of the tights. The chief thing he remembered was that he had lost lots of money by Lillian's desertion. He did recall that her first costume in "The Queen's Mate" was a peasant's dress, cut ankle high, and her second costume a cadet uniform consisting chiefly of "tights."

Q. You understand by "tights" that she had no other covering for her nether limbs? A. Well—er—I don't know—that is, you see, it depends.

VOICE HUSKY, THROAT SORE.

Dr. Cyrus Edson testified that he was called in consultation over Lillian by Dr. Roberts and found her voice husky and her throat inflamed from colds caught in tights.

Dr. Roberts also testified as to the hoarseness the tights brought on and his advice to Lillian to stop wearing them. She said that when the curtain went up she felt chilled all over.

To Abe Hummel Miss Russell confided that she had worn tights in burlesque in California eight years ago, but never since except when in "The Queen's Mate." Mr. Hummel's questions at this point were long and detailed and Miss Russell's answers were chiefly "Yes." She explained her reason for leaving by declaring that her voice was her all and her tights were ruining her voice.

VERY AIRY ON THE STAGE.

Q. What was the difference between the temperature of your room and that of the stage? A. Almost fifty degrees, I think.

Q. How thick were the tights? A. They were of about the thickness of a very thin silk stocking.

Q. Could you have put any garment under them? A. No. In wearing tights you must be symmetrical. To put anything under them ruins your appearance and makes you ridiculous.

Q. Why did you tell the doctors that it was "impracticable" for you to wear flannels under your tights? A. I mean to say that a woman of my figure could not wear flannel under tights. It would make me ridiculous.

Q. Had nature dealt so generously with you that it would have made you ridiculous to reinforce your tights with flannels? A. Yes, that is it. Nature has been very generous with me.

Justice Freedman reserved his decision.

ANOTHER RAP AT NICOLL'S PLAN.

RECORDER SMYTH SAYS THE GENERAL SESSIONS COURT NEEDS NO EXTRA JUDGE.

Recorder Smyth yesterday again denounced from the bench District Attorney Nicoll's plan of having another judge to hold a continuous Court of Oyer and Terminer.

Lawyer Edmund Price asked for an adjournment in the case of George Klarer, charged with larceny, and in refusing it the Recorder said:—

This case must be tried. Some business must be done. This Court has been engaged for weeks in trying comparatively trivial cases. Ordinarily these indictments are only a few days old, yet it was authoritatively stated in a newspaper yesterday that this Court of General Sessions is unable to dispose of the criminal business of this county unless the Legislature should create more judges.

It is evident that some person thinks there ought to be more judges for this court; but I do not. I am decidedly opposed to anything of this kind. This court is abundantly able to dispose of all the criminal business of this county if the District Attorney will only move it rapidly and promptly.

The judges of the General Sessions feel that their courts are to be reduced to the standing of police courts in case a continuous Oyer and Terminer is established.

TO DECIDE THE FINCH DISPUTE.

Judge Andrews yesterday decided to appoint a referee to ascertain whether James W. Finch or his wife, Winifred K. Finch, shall have the custody of their two children, who are in possession of their mother. Her husband left her because she declined to give him more money after he had lost about $100,000 in Wall street, but she still has a fair fortune and is anxious to care for the children.

MARRIAGE REVOKED HER WILL.

Surrogate Ransom yesterday decided that because of the marriage of Virginia S. Kaufman after the execution of her will it is revoked. The estate is valued at about $150,000.

Mrs. Kaufman made her will during her widowhood, and after her second marriage neglected to re-execute it, although advised to do so. Adolph L. Sanger is guardian of the child and executor of the will. Under the decision, as the will was made in Georgia, Mr. Kaufman may possibly get one-half of the estate, but it is likely that further proceedings will be taken to protect the interests of her child by a former husband.

SAYS THE DUMOIS IS SAFE.

SHE WAS SIGHTED BY THE NUECES OFF CAPE HATTERAS—ABSECOM'S TWO WRECKS.

Captain Risk, of the Mallory line steamer Nueces, arrived here from Galveston, Texas, on Saturday and yesterday stated that on Friday he had passed the little fruit steamer Simon Dumois, which was supposed to have sunk off Absecom Light. It was half-past eight A. M., the Captain said, and he was about twenty-five miles southeast of Cape Hatteras. The Simon Dumois was steaming south at a fair rate of speed and seemed to be all right. The Captain is sure it was the Simon Dumois, as he read her name on the stern through his glasses.

Dalzell & Co., agents of the Boston Towboat Company, were equally positive yesterday that the vessel sunk off Absecom is their coal barge the Roman.

She was in tow of a tug and bound from Norfolk to Boston, with 1,600 tons of coal, the vessel's full capacity, on board, when the big storm of January 25 struck her. The vessel's seams opened, and the men on her were taken off by the tug just in time to save them from going down with the barge. They were landed at Vineyard Haven.

The barge Roman was formerly the steamship Roman, owned by the Philadelphia Steamship Company, and she had pole masts almost exactly like those of the Simon Dumois. These masts were not removed when her machinery was taken out a few years ago and she was transformed into a coal barge. She was built at Philadelphia in 1866 for Henry Winsor, and she registered 1,438 tons. Her rig was that of a topsail schooner, and her masts were of spar or natural wood color. This helped the conclusion that the Simon Dumois was the vessel sunk. The Dumois is due in Matanzas to-day.

The schooner lying five miles or more from the Roman is thought to be the Howard Williams. John L. Martin, of this city, whose name was found on a new set of gafftopsails on the sunken wreck, feels sure that the last schooner is the Howard Williams, as he made a new maingafftopsail for her a few months ago. She registered 362 tons and was under command of Captain Poster. She was bound for Bridgeport, Conn., with coal.

She is supposed to have gone down with all sail set in the gale of January 25. So far as can be learned her captain and crew of seven men went down with her.

Free Extracts from
"LIGHT OF THE WORLD,"
by
SIR EDWIN ARNOLD,
will be
published in the HERALD
NEXT SUNDAY,
by arrangement with
FUNK & WAGNALLS.

PHALEN'S MYSTERIOUS DEATH.

FOUL PLAY HINTED AT WHICH MAY BE SHOWN AT THE CORONER'S INQUEST.

The body of Daniel Phalen, the car cleaner, who was found dead by John Tripp in the tool house of the Third avenue elevated road at Sixty-seventh street Sunday morning, lay yesterday at his father's house at 165th street and Tenth avenue.

It was hinted that Phalen had been the victim of foul play. No one seems to know how Phalen happened to be at the Sixty-seventh station. He reported for duty, as usual, at the car house at Ninety-ninth street at seven o'clock on Saturday evening, but, it was stated, was so much under the influence of liquor that Foreman Hennessy would not let him go to work.

About the only solution of the mystery that seems at all plausible is that Phalen, after being ordered out of the shop on Saturday evening, started to walk down the guard rail and was struck by a down town train within some forty feet of where he died. There was probably just enough life left in him to enable him to reach the tool house where he was found.

It seemed almost impossible, however, for one mangled as he was to have dragged himself along the track for that distance. He was, however, certainly though struck by a locomotive and, therefore, if any foul play was done, some other employé of the company must have thrown him in front of an approaching train. This would appear highly improbable, as the action would certainly have been seen by the engineer or fireman on the train.

Colonel Hain said yesterday that "it looked suspicious." He said he had ordered all the cars and locomotives on the Third avenue line to be examined in order to see if any traces of blood could be found.

Coroner Levy will try to have the mystery cleared up at the inquest, which will probably be held during this week.

THINKS THE STONE WAS CHANGED.

Horace C. Hardy, the diamond importer of No. 30 Maiden lane is having trouble in recovering his diamonds, which were pledged by his thieving clerk, Charles J. Knothe.

A diamond pledged with D. Abrams, No. 87 Park row, for $20 in October last was called for. Abrams refused to deliver up the pledge, but accompanied Detective Sergeant McCarthy to the Jefferson Market Police Court.

There Mr. Hardy examined the stone, which was set in a yellow band. He said that the stone was not the one on which the loan had been made. It was of poor quality in comparison to those he dealt in.

The pawnbroker said it was the stone pledged with him and he had no other.

Justice McMahon sent Court Officer Foley out with the ring to have it valued. A Sixth avenue pawnbroker offered to loan $20 on it. Still Mr. Hardy insisted that the diamond was not his.

The Justice instructed Mr. Hardy to call the attention of the judge in the trial court to the fact.

THEIR MISSION OF CHARITY.

The following charitable contributions have been received by the HERALD:—For Joseph Greenberg, of Newark, N. J., from F. G. H., $2, and from "Mrs. S. B.," $5. For the Rosenberg family, of Newark, N. J., "Mrs. S. B." sends $5 also; from "Mrs. B. S.," $5. For Willie Duryea, of No. 236 Marion street, Brooklyn, from "A Sinnor," $1.

The following letter explains itself:—

THE SINCLAIR,
No. 265 WEST 126TH STREET,
Feb. 9, 1891.

TO THE EDITOR OF THE HERALD:—

Enclosed please find $5 20, which we have collected for Mrs. Duryea and her three small destitute children, of No. 236 Marion street, Brooklyn. Seeing your appeal in your bright paper last Friday, my kind little friend and myself cut the above case from the HERALD and presented it to each tenant. The above amount is the result of our mission. Hoping you will deliver the same as soon as possible, we remain,

ANNIE and ETHEL,
aged eleven and twelve years.

Our little friends may rest assured that the proceeds of their good work will be promptly sent to Mrs. Duryea. Their example is one that older heads might well emulate.

CAN'T AGREE ON DEACONESSES.

The regular monthly meeting of the Presbytery of New York was held yesterday in the Scotch Presbyterian Church on Fourteenth street. Rev. David G. Wylie was allowed to sever his connection with the Knox Church to accept the call of the Scotch Presbyterian Church. The installation will take place March 1.

The committee on the overtures concerning deaconesses in the Presbytery made two reports. The majority reported adversely. The matter was finally referred to the committee for further consideration. On motion Drs. White and Alexander were added to the committee.

PNEUMONIA ON THE INCREASE.

The report of mortality in New York city last week shows that the death rate from pneumonia is increasing. The full table is as follows:—

Cause of Death, &c.	Week Ending Feb. 7.	Week Ending Jan. 31.	Average for Past Five Years.
Smallpox	0	0	2
Measles	13	32	26
Scarlet fever	20	23	24
Diphtheria	30	38	44
Whooping cough	9	11	10
Typhoid fever	2	3	4
Typhus fever	0	0	2
Malarial fever	3	5	4
Cerebro-spinal meningitis	2	3	2
Diarrhœal diseases	11	11	13
Diarrhœal dis. (under 5 ys)	7	9	7
Heart diseases	41	51	41
Croup	9	12	21
Bronchitis	40	41	51
Pneumonia	123	91	109
Phthisis	93	105	127
Bright's and nephritis	47	48	49
Violence	29	18	28
All other causes	264	255	269.8
Total deaths	735	737	825
Death rate	23.12	23.16	25.91
Deaths under 1 year	159	162	172
Deaths under 5 years	289	300	334
Deaths 65 and over	81	74	—
Deaths in institutions	151	166	171
Deaths in tenements	489	467	—
Estimated population January 31			1,660,348
Estimated population February 7			1,661,298

WOODMEN WITH BIG STICKS AFTER THE POOR RAILROADS.

An Eau Claire Board Wants to Demolish the Differential Rate System on Lumber.

RATE CUTTING EAST BY WEAK LINES.

Rumor Committees Consolidate Some Systems and Buy Others—Railway News.

[BY TELEGRAPH TO THE HERALD.]

CHICAGO, Feb. 9, 1891.—The Eu Claire Board of Trade has a rod in pickle for the Western roads. It proposes to break up the differential system upon which lumber rates are maintained. This system admittedly discriminates between different sections, but in no other known way can rates be maintained.

The Eau Claire Board of Trade has subpœnaed Presidents Miller, of the St. Paul; Manvel, of the Atchison; Hughlitt, of the Northwestern; Egan, of the Kansas City and others to show cause in a complaint to the Interstate Commerce Commission why they should not be punished. The hearing is on February 23.

The roads are in a quandary, as they cannot justify all the rates under the differential system, and if that system is not maintained lumber rates will immediately go to a non-paying basis. One effect of the system has been that, combined with river and lake competition, it has reduced Chicago's percentage of the lumber traffic ninety per cent.

WEAK EASTERN LINES GRABBING ALL THE FREIGHT BY CUTTING RATES.

[BY TELEGRAPH TO THE HERALD.]

CHICAGO, Feb. 9, 1891.—The strong Eastern lines are getting desperate over their loss of traffic to the weaker lines. They are positive the weak lines are cutting almost all rates, but so far have no convicting evidence. The famous Wabash-Canadian Pacific combination, which for a while scooped most of the dressed beef and provision traffic, now gets almost no traffic of that kind, the Nickel Plate taking all the Wabash formerly took. With nine competitors the Nickle Plate last week took twenty-seven per cent of the provision business more than the Michigan Central and Lake Shore together.

The Eastern lines are determined such percentage shall cease, but have not yet decided on the course to pursue. East bound traffic, except live stock, last week showed a total of 75,467 tons, against 165,539 tons the corresponding week last year. Of this the Nickel Plate and Grand Trunk each took twenty per cent, Michigan Central and Lake Shore each sixteen, Fort Wayne thirteen, Baltimore and Ohio ten, and Pan Handle four.

GOULD WOULD TAKE THE ALTON.

[BY TELEGRAPH TO THE HERALD.]

CHICAGO, Feb. 9, 1891.—There is no question that Jay Gould is after the Alton. There is likewise no question that the Alton is for sale if Mr. Gould or any one else wants to pay the figure asked. Its sale to Gould would give him the best possible Chicago connection for his Missouri Pacific. It is common talk in Chicago to-day that a controlling interest has been in shape to transfer at a moment's notice for months. The Alton fully appreciates the value of its eight per cent property, however, and will not sell for a cent less than the price asked.

President Blackstone, of the Alton Railroad, when shown the despatch from Boston concerning the rumored sale of the road, said, laughingly, referring to former rumors of the same tenor:—

"Well, we haven't been sold out for several months, have we?"

He added that there was not a word of truth in the report. The only way, he said, that any one could buy the road, was to go into the market and buy a controlling interest in its stock at the market price.

EARNED A DIVIDEND BUT DIDN'T DIVIDE.

[BY TELEGRAPH TO THE HERALD.]

PHILADELPHIA, Feb. 9, 1891.—For the first time in its history of thirty-five years the Philadelphia and Erie Railroad has earned a dividend. At the annual meeting of the company to-day it was announced that the net earnings last year were $1,723,866 and a surplus remained after paying all charges of $322,355. This is equivalent to four per cent on the $7,975,000 of stock. It was explained that the interest maturing on January 1 amounted to almost this sum and that no dividend could be paid until a working capital had been accumulated.

SAWS WOOD AND SAYS NOTHING.

SAVANNAH, Ga., Feb. 9, 1891.—Jay Gould and party spent to-day in inspecting the terminal properties of the Georgia Central Railroad. The party left for Brunswick this afternoon.

When asked concerning a despatch about the agitation in Pennsylvania Railroad circles about his trip over the terminal and other systems Mr. Gould laconically said, "You will have to take that with a few grains of allowance." Questioned concerning the report that he, Huntington and others are considering a consolidation of transcontinental roads west of the Mississippi he said, "It's new to me."

ITEMS OF RAILWAY NEWS.

At the office of the Atchison, Topeka and Santa Fé Railroad Company it is stated that there is no foundation for the report from Salt Lake City that the Atchison will absorb the Rio Grande Western. It is a very ancient story, anyhow.

Commissioner of Railroads Taylor says that action is to be taken under the recent decision of the Supreme Court defining the net earnings of the Central and Union Pacific railroads. Twenty-five per cent of the net goes to pay the debt to the government. Under the decision improvements, betterments and new equipment are not counted in with the fixed charges as heretofore.

The oft repeated yarn that the Delaware and Hudson Canal Company is in a frantic condition of eagerness to buy the New York, Susquehanna and Western Railroad for twice its value was trotted out again yesterday in Wall street. Such disreputable tactics have been used lately to bull Susquehanna stock, and so many lies have been told that no rumor about the road has any significance whatever.

GROCERS WILL HAVE A BIG SHOW.

WHAT MAY BE SEEN AT THE FOOD AND HEALTH EXPOSITION IN THE LENOX LYCEUM.

The Food and Health Exposition, which is to be held at the Lenox Lyceum, will open on the evening of March 9 and continue until March 28.

The exposition is under the auspices of the New York Retail Grocers' Union. Mr. A. B. de Frece, who is director general of the enterprise, told me yesterday afternoon that the proceeds would go toward the erection of a building, with meeting and lecture rooms, for retail grocers' clerks.

These clerks, according to Mr. de Frece, are almost all foreigners who have no opportunity for education, and are not as desirable citizens as they may be made.

Adulterated products will stand a poor show in the exposition. A board of chemists will analyze all exhibits, and the exhibits, after analysis, will be put under strong microscopes for the instruction of visitors.

There will be two lectures daily, at three and eight o'clock P. M., by Mrs. S. T. Rorar, principal of the Philadelphia Cooking School. At each lecture Mrs. Rorar will prepare a different *menu* in full view of the audience, and the food will be distributed to those present.

Another novel feature will be the first exposition in America of Chinese food products. These will be prepared and served by Chinese.

Artificial ice containing flowers will be made on the premises by those who claim that it is more pure and is superior to the ice cut from rivers, ponds and lakes.

A large tea company will represent the tea industries, with natives in costume who will serve the tea to visitors.

California will likely make an exhibit of food products, including native wine and champagne, and soda water will be dealt out from the $30,000 fountain which did duty at the Paris Exposition.

There will be a reception on the opening night. Mr. Chauncey M. Depew will deliver the opening address.

LAYS THE BLAME ON THE RACES.

Edward N. Smith, of No. 360 Third avenue, and James Albert, of No. 251 East Thirtieth street, were arraigned yesterday in the Jefferson Market Police Court, charged with the theft of goods amounting to $2,000 from William B. Poe, an importer at No. 66 West Twenty-third street, and were remanded until to-day.

Detectives Wade and Reap last Saturday saw Smith pawn a roll of imported goods and followed him. He met Albert and divided the proceeds of his sale.

A watch was kept on Albert. It was learned that he worked for Poe and made a practice of visiting the store after six o'clock at night. He managed to get the combination of the safe and was thus enabled to steal all the goods Smith could pawn. Albert told Inspector Byrnes he had been stealing since May 1. His excuse for his crime is that he lost money playing the races and was obliged to steal to make good his losses.

FOR KILLING YOUNG RONAN.

ROESER, A BAKER, ON TRIAL BEFORE JUDGE BRADY AND A JURY.

Jacob Roeser, the twenty-six-year-old baker who, on the night of June 28 last, struck and killed nineteen-year-old William Ronan in front of his baker shop, No. 552 Ninth avenue, was on trial yesterday in the Court of Oyer and Terminer before Judge Brady and a jury.

The prisoner, a short, pale, light haired German, was seated beside his counsel, William F. Howe. His wife was also in court. Roeser is under indictment for manslaughter in the first degree. Assistant District Attorneys Wellman and McIntyre appeared for the prosecution.

The killing of young Ronan arose out of a trivial dispute between several boys and a sandwich man who was selling frankfurters and sauer kraut in front of Roeser's bakery. The boys purchased a few frankfurters, and were having a little fun with the pedler when Roeser appeared at the door of his bakery with his friend, George Roelling, and told them to stop the noise.

They called him a "Dutchman" and for a few brief moments there was a lively time. The boys were active and struck at Roeser and his friend,

JACOB ROESER.

who retaliated. Roelling was cut under the eye and then Roeser rushed into his store, but soon returned with a stick and struck Ronan on the head with it. Ronan's skull was fractured and he fell to the sidewalk and died in a few minutes.

Several witnesses testified that Ronan was an entirely innocent party and had nothing to do with the disturbance.

Roeser said he knew Ronan by sight, and only a month before the killing he (Ronan) threatened to "get square" with him because he had caught him stealing a tin kettle from a store near by. The prisoner asserted that it was Ronan who had stabbed his friend and that he had something in his hand and was preparing to strike him when he hit him. He struck him because he feared that his life was in danger. His version of the affray was supported by two other witnesses.

The Court adjourned until to-day, when the case will probably go to the jury.

PERSONAL ACTS OF PARTNERS.

JUDGE PATTERSON, IN DECIDING THE GLADWIN CASE, SAYS FIRMS ARE NOT RESPONSIBLE.

Judge Patterson, of the Supreme Court, yesterday denied the motion made on behalf of Charles E. Coon, a partner of A. E. Bateman & Co., to restrain Albert J. Wright and James L. Gladwin, of the Buffalo firm of A. J. Wright & Co., for an injunction against any disposition of the assets of the latter firm. Judge Patterson, in his decision, says:—

The complaint fails to set forth a cause of action which would entitle the plaintiff to a decree dissolving the partnership or to that final relief he invokes. All that is alleged in the complaint is that by the copartnership agreement no risks were to be taken involving the firm (A. J. Wright & Co.) without the consent of all the partners, and that on the 30th day of December, 1890, the defendant Gladwin, without the consent of the plaintiff, unlawfully seized upon certificates of stock belonging to the firm of Bateman & Co., of which the plaintiff was a general partner, and converted the same to his own use and to that of the defendant Wright, and that this was done with Wright's concurrence. Nothing is stated connecting these acts with the firm nor showing how in any way they constitute an infraction of the copartnership agreement respecting the nature of the business risks to be taken. The firm is not responsible for the personal torts of its partners.

Permission is granted to the plaintiff to renew the motion in an amended complaint.

THOUGHT THE CLOCK A TICKER.

Broker Ogden C. Haight, living at the Windermere apartment house, who was detained at the West Forty-seventh street police station Sunday night on suspicion of insanity, was arraigned before Justice Ryan, at the Yorkville Police Court, yesterday morning. He was in charge of a policeman and was accompanied by his physician, Dr. J. A. Meek, of No. 404 West Fifty-seventh street.

The Doctor said that Mr. Haight was laboring under hallucinations of a mild character and would probably recover entirely under a course of treatment.

Mr. Haight's delusion seemed to be connected with his business as a broker, as he kept watch of the court room clock, thinking it was a ticker, and made copious notes in a memorandum book.

He was committed for examination.

PAN-REPUBLIC PROGRESS.

William H. Arnoux, chairman of the Pan-Republic Congress, has issued a call for a meeting of the General Committee of 200 at Washington, D. C., on April 10 next. April 10 is the centennial anniversary of the signing of the first United States patent by President Washington, and has been selected for this meeting in recognition of the debt that "free institutions" owe to the mechanical progress of the century.

Champion S. Chace, chairman of the Committee on "Plan and Scope," has in the name of Omaha given a most earnest invitation to the Congress to meet in 1893 in that city.

OPPOSED TO NON-RESIDENTS.

The House and Real Estate Owners' Association of the Twelfth and Nineteenth wards at a meeting on February 4 condemned the practice of allowing non-residents to hold public office in this city and praised the action of certain Board of Education Commissioners in attempting to debar non-resident teachers. They say that non-resident public school teachers are drawing salaries amounting to nearly half a million dollars a year to the exclusion of residents seeking appointment.

BULLETS CRASH THROUGH A WINDOW.

A bullet crashed through a window in the corridor of the General Sessions Court yesterday on the Chambers street side, immediately followed by another.

No one could be found on Chambers street or in the vicinity who had heard any pistol shots and no satisfactory explanation could be made of the unpleasant occurrence.

Assistant District Attorney Lindsay saw fit to move his desk.

TRIED TO BITE OFF A RING.

William T. McMahon, a frequenter of Merritt's Mission on Eighth avenue, was arrested at that place on Sunday afternoon for attempting to bite off a ring from the finger of Robert Nicholl, eleven years old, in front of the mission.

At the Jefferson Market Police Court, yesterday, Justice McMahon held him in $1,000 bail for trial.

BABY SCALDED TO DEATH.

Salvatore Dolinze, a three-year-old child, of No. 15 Roosevelt street, while playing near the kitchen stove at his home on Friday last upset a kettle of boiling water over himself. The child was badly scalded and died on Sunday afternoon.

The little sufferer's mother rubbed the child's skin with an ointment given to her by a stranger in the house. Dr. John M. Leppa, of No. 84 Centre street, was finally called in, but arrived too late.

Coroner Messemer will investigate the matter. Dr. Leppa is of the opinion that the ointment hastened the child's death.

IN FAVOR OF THE TENANT.

Philip Bendet has been occupying No. 31 Canal street under a lease from Abraham Siegel, which expires on May 1 next. Siegel put up a sign "To Let" on the building. Bendet tore it down. Siegel yesterday asked Judge Pryor in the Court of Common Pleas for an injunction against Bendet. Mr. Charles Steckler, counsel for Bendet, said that a verbal agreement had been made on December 10 last by Bendet with Siegel for the renewal of the lease for one year, from May 1 next. Judge Pryor refused to grant the injunction.

ORDERED TO RETURN THE MONEY.

Judge Lawrence, of the Supreme Court, yesterday granted the application of Thomas B. Kniffen and George W. Tooker, hardware dealers at No. 48 Murray street, for an order directing the receiver of the North River Bank to pay back to them $333 42, deposited on November 12 last, shortly before the bank failed.

Judge Lawrence holds that inasmuch as the deposit was made upon the assurance of President Gedney that the bank was solvent no title to the money passed to the bank.

JAPAN UNDER CONSTITUTIONAL RULE.

Six Weeks' Work of the Newly Organized Representative Diet of Lawmakers.

NOT A BRILLIANT LEGISLATIVE SUCCESS.

Soldiers Revolt as a Protest Against Bad Rations.

CHRISTIANITY THREATENED.

[SPECIAL CORRESPONDENCE OF THE HERALD.]

YOKOHAMA, Japan, Jan. 11, 1891.—The Japanese Diet has now been opened about six weeks, and during that time has demonstrated one thing at least very clearly to the world in general—namely, its utter inability to reflect lustre and renown upon the country. From the very first day of their assembling themselves together it became evident to all that their career was not going to follow the commonplace lines generally characteristic of parliamentary assemblies. That the regulation for candidature had not been sufficiently stringent to keep the House purged from characters not above the temptations of filthy lucre, also became evident, as the very first action the Diet took was a strenuous effort to wrest a brother member from the clutch of the law on account of misplaced attentions on his part being bestowed on funds committed to his care. Now, although this indiscretion on the part of this erring member was undoubtedly a very serious one, it was still more indiscreet of the Diet to take offensive steps to reinstate him, and a lively passage of arms between the government and the new constitutional assembly was the result, ending in the slight discomfiture of the latter.

DISCUSSION ON THE BUDGET.

A Diet composed as this is, however, of young and warm blood, is not easily abashed, and speedily recovered itself sufficiently to plunge into the question of the budget, which has provided some rather lively debates, the bone of contention being a wholesale reduction of the expenditure. Now, it is always pleasant to see a well balanced detestation of reckless waste, and no one would feel inclined to quarrel with a Diet prompted in its actions by motives of practical economy; but in reducing a national expenditure it is customary, if not arbitrary, to specify under what particular headings the reductions were to be made. This happened to be exactly what the Diet did not seem inclined to do. Whether this little matter of detail appeared to the House to savor of lowering its dignity has not been given to the common herd to know, but certain it is they did not enter into detail, but merely expounded a theory that $10,000,000 of the annual expenditure ought to be dropped. Even when pressed to unbosom themselves more fully on this point, the only item they condescended to enumerate as requiring curtailment was the salary of the President. This was uncommonly unneighborly, especially as not a single member volunteered to renounce his own. There is one direction, however, in which an increase is almost unanimously clamored for. This is the national defence, both military and naval. It is thought that the latter should at least be equal to the Far East squadrons of England, Russia and China, but for what reason no one acquainted with Japan's peaceful platform can be expected to readily comprehend. This formidable increase is estimated as the work of seven years.

JAPANESE LAWYERS.

Previous to the opening of the Diet the Japanese Bar was figuratively a "public lounge," at least outsiders were not unnaturally led to consider that any and every youngster with a fancy for legal augument had access to it, to judge from the annual number of candidates. Something like two thousand went up a few months back, but quite a small percentage passed, only 250, and even this modest number causes one a shudder of apprehension lest any unlucky chance should involve one in a law suit. Fancy 250 barristers annually! These happy go lucky days are gone for the law, however, and legal aspirants of the future must examine their pockets as well as their brains ere they can hope to distinguish themselves in the courts of their country. A bill—for the "Prevention of Barristers" it should be called—has just been successfully carried making some of the most especial qualifications for the Bar to begin with cost a pretty substantial figure in the form of fees, besides a really stiff examination and a final condition that all candidates must be "sound in mind and body" before being permitted to practise. This ought to keep the courts fairly clear. The title of barrister is not to be permanent, either, but a made to take off arrangement; but the precise duration of time during which a man may and may not consider himself a full blown pleader has not been publicly announced.

POSTPONING THE COMMERCIAL CODE ENACTMENT.

The constitutional movement that has really been convulsing Japan to her centre is, however, the commercial code. This, as every one knows, was to have come into operation in eight months' time, but as the day approached consternation began to paralyze one and all whom it would effect. High and low far and wide began to realize how utterly unequal they were to the task. Useless for the government to suggest that the backs would be fitted to the burden, useless for teachers to run hither and thither through the land seeking to make plain the intricacies of the terrific code—the terror could not be stemmed, and has resulted in a universal and undignified cry for postponement. This has been warmly contested, but the vote has passed, and now the commercial and civil codes will come into force in double harness. Count Yamada, Minister of State for Justice, warmly advocated the immediate enforcement of the code, but when, the Cabinet seconding it, the bill for postponement was introduced and finally passed he at once sent in his resignation. The Emperor declining to receive it, the Count sent it in again, at which His Majesty consented to allow him a temporary retirement on account of his health. This is the position of affairs at present. The Count will retire from active service for a season nominally for medical treatment, but virtually till he has recovered from his umbrage at his personal opinions being set aside.

As an instance of how the code would have affected only one class of society even, I may cite the fact that hotel keepers would have become responsible for the property of their customers in the same way as they are liable in the Occident, and this, seeing that no Japanese house has the most elementary substitute for a fastening to doors, windows and walls, all of which slide about in an equally unconventional manner, the responsibility entailed upon "mine host" at Japanese hotels would have been burdensome in the extreme, nay, positively impracticable.

LADIES WIN THEIR WAY.

When the Diet opened a stern mandate was in vogue that "no ladies" would, could or should be admitted upon any pretext whatever; but, strange to say, for once feminine influence has been allowed a "sphere" and permitted to overrule the lordly man even in Japan, and ladies did have and still have access to the Strangers' Gallery, where it is to be hoped they will get that insight into what is going on which their natural intelligence deserves. How it happened no one seems to exactly know, perhaps—but this is pure supposition—it was a *mousme* with a member's lunch?

At Nagoya, where the Third division of the army is quartered, there was a revolt quite recently. It occurred in the Nineteenth regiment, but was in no way a political affair. Its cause was homely, its result prosaic. Something fastidious in the tastes of the regiment led them to revolt against their rations! Considering what a Japanese soldier's rations are likely to consist of makes the case more noteworthy. The general variety of Japanese ordinary dietary, comprising nothing more startling than rice and fish, or fish and rice, one or the other of these delicacies must have been astoundingly bad, or the regiment astonishingly "nice" in their requirements. The sequel was arrest.

I don't know whether Japanese gentry keep potpourri jars in the corners of their rooms with the powdered remains of their relatives in place of rose leaves, but cremation is getting more and more fashionable, one county alone having had 2,029 in three months.

Some more ports are going to be opened, but not fitted with treaties. These may be added later on and charged as extras. Meantime they will serve as outlets for Japan's commerce. It may be that she hopes by their means to get hold of that direct trade which has troubled her so long. Query?

JAPANESE CHRISTIANITY.

Some time ago a little cloud arose on the horizon of Christian work in this country, which to those who watched it from the hilltop threatened a deluge of opposition to the efforts being made to supplant a religion full of superstition by one whose influence would aid on the great work of modern civilization taking place. The cloud is no longer the man's hand on the horizon, but it has burst, and already the first thunder drops are falling on the toilers in the mission field. Japanese conceit and Japanese ingratitude is telling the pastors who have given up their best years to the service that the Japanese do not feel bound to be governed in their religion by any of the hard and fast doctrines recognized and revered by the West; that the time has come when they must make an individual and independent selection for themselves as to what creeds they shall retain and what reject. They are Japanese, and must have a Japanese Christianity. This is only what some of us expected. We felt sure that some day the taught would turn upon the teacher, and those who have received all give no reward. The missionary has been a power in the land. Teaching, spending, building, the land whereon he builds still remaining in Japanese hands and the total becoming Japanese property when the missionary retires. And now they are not even to have the gratification of seeing the religion they have planted grow into a mustard tree. There is to be a Japanese Christianity, and, it is to be greatly feared, with the Christ left out.

FOREIGNERS RUDELY TREATED.

Japan is going to try a little retrograde movement now. She is going back to the days when she used to prefer calling all foreigners "ugly barbarians" with an imparciality that scorns a distinctive nationality. Those who are her warm admirers fancied she had quite dropped that pretty little habit of giving folks nicknames, but in moments of natural unrestraint a little *lapsus linguæ* betrays the fact that her connection with old characteristics is not quite severed. The incident giving rise to the poetical phrase is a reference to the Russian Legation episode, couched in language hardly redolent of the "attar of politeness" fragrance for which she is so far famed. The remarks appear in one of the leading native papers of the capital. The real gist of the paragraph lies in a patriotic call on the youth of Japan to "eradicate the rudeness of the foreigner"—viz., the accidental altitude of the Russian ladies when viewing the procession and consequent overlooking of the imperial cortège—ave, and "the foreigner himself from the shore which is Japan's, and for the Japanese." The youth scarcely needs "boiling up" by advice on this line, and newspaper "puffs" of this description recall the two sworded days which are not yet too remote to be remembered.

Influenza is once more with us. It came for Christmas, and had such a warm welcome that it seems inclined to stay. The victims in Yokohama alone number some fifty thousand, while at Tokeo it is as bad. There are no nurses worth mentioning and no hospitals adequate to the demand, and nearly every house has influenza. It includes the servants. Every one is in a pretty muddle.

Art is likely to be seriously curtailed in Japan if there is not some alteration in the size of the houses. Since the closing of the exhibition all the unsold paintings, as a matter of course, were returned to their creators. To the exhibition authorities this was an easy solution of the matter, but to the individual artists it was decidedly embarrassing. When painting at the inspiration of genius it had not occurred to these wielders of the brush, that possibly, just possibly, their inspiration might not sell; and so they had worked on with a sanguinity which took no note of size, and are not wholly overwhelmed by the return of the great majority of their canvases. It is to be supposed that these ambitious artists had imagined, moreover, that foreign and not native purchasers might be looked for, as nearly every picture was just three sizes too large for any Japanese house. This is a species of ambitious conceit that decidedly merits the snub it has received. The problem is now, What to do with these massive works of art? Every artist dreads to return to the bosom of his family. In the entrance he is faced by an unsold failure, which just occupies sufficient space to render movements in a disrobing direction impossible; as he proceeds further into his domicile more failures lie propped in his path