

THE REVERSE IN SAMAR.

ALL THE OFFICERS OF COMPANY C OF THE 9TH WERE SLAIN.

COSTLY VICTORY FOR THE INSURGENTS, OF WHOM 10 WERE KILLED— TREACHEROUS NATIVES.

Manila, Sept. 30.—General Hughes, from the island of Samar, reports the arrival of Sergeant Markley and one private at Tannan (?), from the fight at Balangiga, where over forty men of Company C, 9th Infantry, were killed by insurgents, who attacked the troops while at breakfast Saturday last. The men who have reached Tannan say that the officers of the company, who were at first reported to have escaped, were killed, with the majority of the company. The troops were attacked, while unprepared, by four hundred bold men, of whom the Americans killed about 140. Many of the soldiers were killed in their quarters before they had time to grasp their rifles.

General Hughes is going to the scene of the disaster and will personally command the troops. A new branch of the Katipunan (a Filipino secret society) has been discovered at Talarac, capital of the province of that name. The object of the society is the slaughter of the whites. Marcelino Marivilla, Presidente of Banaang, is the chief of the new branch, which includes numbers of the native constabulary, who were recently armed. One policeman admits that he was taxed \$1 and ordered to make bolos. A regular collection has been made by the organization from the natives, either by persuasion or threats. An uprising has been planned for an early date.

The conditions in Tayantans (Tayabas?) and Batangas are not reassuring. The worst form of guerilla warfare prevails there. The insurgent forces are distributed, under cover, along every road and trail, and wait for travelers in ambush. The insurgent leader Caballos (who is reported to be a member of the Katipunan) is commanding, but who refused to surrender with Calles is retreating to the mountains. The main forces of the insurgents are scattered in small groups over the province, where they are waiting for an opportunity to use them.

ATTACKED WHILE AT BREAKFAST. FURTHER INFORMATION OF THE MASSACRE OF COMPANY C RECEIVED IN WASHINGTON.

Washington, Sept. 30.—In addition to the enlisted men, three commissioned officers of Company C, 9th Infantry, are supposed now to have been killed in the action in Samar, Philippine Islands, last Saturday. The officers are:

Captain THOMAS W. CONNELL, First Lieutenant EDWARD A. BUMPUS, Surgeon Major R. S. GRISWOLD.

A question having arisen as to the accuracy of the cable dispatch received at the War Department yesterday from General Chaffee, the cable company was directed to repeat it. The repetition developed some irregularities that materially change the message. As corrected the dispatch reads: Manila, September 29, Adjutant-General, Washington. Hughes reports following from Basseo, Southern Samar: Twenty-four men, Company C, 9th Regiment, U. S. Infantry, eleven wounded, have just arrived from Basseo. The remainder of the company killed. Insurgents secured all company supplies and all rifles except three. Company was attacked during breakfast, September 28, by 25 company officers—two strong officers, Thomas W. Connell, captain; Edward A. Bumpus, first lieutenant; Dr. R. S. Griswold, major surgeon.

As corrected, the dispatch shows that Company C, of the 9th, suffered the disaster. No company was mentioned in the dispatch made public yesterday. The serious discrepancy between the original and the corrected dispatch, however, is that the latter indicates that the commissioned officers of the company are missing, perhaps killed, while the former indicates they escaped.

The father of Captain Connell lives in New-York. He telegraphed to the War Department to-day that he is in receipt of a cable dispatch from his quartermaster of the 9th Regiment, saying that his son had been killed in action. He asked for confirmation of the dispatch from the War Department.

Owing to the distance from Manila of the scene of the massacre of Company C, the officials of the War Department do not expect a response to their order for a full list of the casualties before to-morrow. However, they feel assured that the officers of the ill-fated company certainly perished, and they have given out for publication brief obituary notices.

From these it appears that Thomas W. Connell, the captain of Company C, was born in New-York and was a graduate of the Military Academy, which he entered in 1889. His service record shows that he was in Cuba during the Spanish war, until August, 1898, then in New-York, and again in 1899 in Cuba as adjutant General Douglas. He went to China in May, 1901, and thence to the Philippines.

First Lieutenant Edward A. Bumpus was born in Massachusetts, and got a commission while a private in Battery A, 1st Massachusetts Heavy Artillery, in 1868. After six months' service at Fort Mifflin he was sent to China, and thence to the Philippines.

Richard S. Griswold, the surgeon, was born in Connecticut, and after six months' service in the Connecticut Volunteers during the Spanish war, he entered the United States Volunteer army and was sent to the Philippines.

WHAT GENERAL MACARTHUR SAYS. THE DISASTER IN SAMAR WILL NOT AFFECT THE GENERAL RESULT.

Milwaukee, Sept. 30.—When his attention was called to the dispatches announcing the disaster that had overtaken Company C of the 9th Infantry, General Arthur MacArthur said:

This is one of those deplorable, isolated incidents which will have no effect upon the general result. It is a portion of the insurrection which has been conducted by General Lukban, which has never been suppressed. There are plenty of soldiers there to subdue ultimately the rebellion in the island of Samar. The details are too meagre for me to discuss the subject. The dispatch contains all the information that can be had at this time. I can add nothing more.

SKETCH OF MAJOR GRISWOLD. Lyme, Conn., Sept. 30.—Surgeon Major R. S. Griswold, reported in Manila dispatches as killed or missing, was a son of R. S. Griswold, of this town. The family is one of the oldest and best known in Connecticut. At the outbreak of the Spanish war Dr. Griswold enlisted in the 1st Connecticut Volunteers, and was appointed first assistant surgeon. After his regiment was mustered out he obtained a commission in the regular army and was sent first to Cuba and later to the Philippines.

CONNELL'S DEATH CONFIRMED. FAMILY OF NINTH REGIMENT OFFICER RECEIVE WORD FROM WAR DEPARTMENT AND PHILIPPINES.

Confirmation of the news that Captain Thomas W. Connell, Company C, 9th United States Infantry, was among the slain in the Samar massacre was received by his family in this city yesterday. Captain Connell's father, David J. Connell, day, is employed in the office of the City Clerk, at No. 14 South William-st. The family went to bed on Sunday night in the hope that Captain Connell had escaped, but at breakfast yesterday morning Mr. Connell received a dispatch from the War Department in Washington, reading: "You have been notified in several minutes that another dispatch was received from Frank Ramsey, quartermaster of the 9th Infantry, at Manila, reading: 'Tommy killed yesterday.'"

NO ATTACK AT MCKINLEY TOMB.

CAPTAIN OF THE TROOPS ON GUARD SAYS SENTINEL DECEIVED HIMSELF.

Canton, Ohio, Sept. 30.—The officers and men of Company C of the 14th United States Infantry, on duty at West Lawn Cemetery, guarding the resting place of President McKinley, worked diligently to-day investigating the strange story in which De Prend, the private who was on duty at the top of the vault on Sunday night, figured so prominently. The same reports, imposed by military regulations, which prevented the officers from making direct statements, concerning the incidents last night was operative to-day. From interviews with all the commanding officers, several non-commissioned officers and a number of privates, the following was gathered:

All the commissioned officers and the officers of the company in general accepted fully the story related by De Prend last night, and really believed that the vaults were about the vault with no good purpose. To-day only one of the commissioned officers adhered to the belief that an attempt had been made upon the sentinel for zhoulish purposes. He said: "It was the real thing. It was prompted by the pure curiosity of some people who thought to bring reproach upon the nation by doing damage to the resting place of the dead President."

All the men who were seen expressed the belief that De Prend acted in good faith, and that he related only what he believed to be the real circumstances. With the captain and others he went over the details of the whole affair at least a dozen times, and it is said, he did not vary in a matter of importance. Particular inquiry was made as to his conduct at the time, and it is said that it is established beyond all reasonable doubt that he had not been drinking, and that he was in his normal condition. The most common belief is that the sentinel was overworked by the loneliness of his position, that his nerves were overtaxed, and that imagination contributed some of the details related in good faith. The post was regarded by all as being a lonely and depressing to the men guarding it at night, and it is understood that more sentinels will be stationed at the point in the future.

Captain Biddle authorized this statement: "I think the sentinel deceived himself as to the occurrence. I do not think an actual attack, as reported by the newspaper, occurred. Daylight came no evidence of a struggle was found."

The matter has been reported in full to General Otis at Chicago, commanding the department to which the guard is attached. Whether there will be a formal inquiry into the matter remains for after-noon to determine. The general, however, expressed the hope that, inasmuch as no actual harm had been done, no formal action would be taken.

The usual guard and patrol were on duty to-day. Last night, after the story of De Prend, the force was increased by the addition of ten men. Lieutenant and relieved Lieutenant Avery, who went back to the fort.

CALLS DISCOVERY "MARE'S NEST." GEORGE C. HURLBUT COMMENTS ON VIGNAUD'S BOOK ON COLUMBUS.

Concerning the report that Henry Vignaud, first Secretary of the United States Embassy at Paris, has written a book which asserts that the design of Columbus was to reach the continent of America was not founded merely upon scientific theory but upon absolute knowledge that land could be reached by sailing to the westward, and that the famous and much disputed Toscanelli letter of 1474 was not written by that astronomer, George C. Hurlbut, the librarian of the American Geographical Society, says:

Of course, I cannot criticize a book before I see it. I believe, however, that M. Vignaud has discovered a mare's nest. Long before the Christian era it was known that the earth was round, and the fact was accepted by all scientific men. The geography of Ptolemy distinctly sets forth this point. It is not until the letters written by Alonzo of Portugal, whether it was actually written by the astronomer or not, undoubtedly had an effect on the king, as well as on Ferdinand and Isabella. Columbus was not, naturally, ignorant of this document, and there is no evidence that he was ignorant of the fact that land would be reached if he sailed in a westerly direction, partly, at least, because of the fact that the letter had been questioned, but to my mind the point has never been settled—and never will be settled.

CAUSE OF TREASURY SURPLUS. SECRETARY GAGE SHOWS THAT DECREASE IN GOVERNMENT EXPENDITURES HAS BEEN GREAT.

Chicago, Sept. 30.—Secretary Gage, who is staying a few days at the home of his son in Evanston, said in regard to the present large surplus in the Treasury:

The prosperous condition of the country must be most gratifying. The decrease in the expenditures of the government, however, is a salient factor in the increase of the surplus. In the three months from July 30 to September 26 the revenue amounted to \$136,000,000. The expenditures were \$109,000,000. In the same period in 1900 the receipts were \$123,000,000 and the expenditures were \$100,000,000. The revenue for the last three months was under the lower rate of \$123,000,000, and the expenditures for the same period were \$97,000,000. The result was a larger amount of business transacted than in the same time last year, when the receipts were \$117,000,000 and the expenditures were \$97,000,000.

INCENDIARIES AT ORIENTA POINT. RESIDENTS OF THAT FASHIONABLE PLACE MUCH EXERCISED OVER THE FREQUENCY OF FIRES.

The wealthy residents of Orienta Point-on-the-Sound are greatly disturbed over the frequent attempts that are being made to burn their property, and it is likely that the town authorities of Mamaroneck, in which Orienta is situated, will offer a reward for the apprehension of the firebug. The incendiary tried to burn the large stables at the country home of C. H. Caffin, and it was by mere chance that the fire was discovered and extinguished. A colored coachman discovered the blaze at 11 o'clock last night and aroused Mr. Caffin, who was asleep. The rich man and his servants fought the flames and put them out. It was found that a large box filled with excelsior and saturated with oil had been placed at the side of the building and set afire. The firebug had found the excelsior near the country home of Peter F. Myer, Mr. Caffin's partner, and had dragged it several hundred yards to the Caffin property.

Only a few weeks ago large quantities of Henry Duff's Pittsburg horses were burnt at Orienta, and he lost seven horses and ponies valued at \$5,000, besides the buildings and carriages which were worth more than \$20,000. The firemen at the time thought that the fire was caused by the discharge of a shell from some of the warships at the Mamaroneck Club. Mr. Drillington said that he thought the fire was the work of an incendiary, and that the property of the Mamaroneck Club was being burnt by a discharged or demobilized soldier employed by some of the wealthy families on the point.

INDIANS OVERPOWER THE POLICE. WASHINGTON, Sept. 30.—A dispatch from Agent Somers, of the Lower Brule Indian Reservation, in South Dakota, announces that Indians there overpowered the police on Saturday and took an Indian prisoner. The report, however, is not confirmed. An Indian inspector sent to the scene is now investigating.

SAYS DEVEREY'S NOT JUDGE.

JOHN G. CARLISLE ARGUES FOR JEROME IN WRIT OF PROHIBITION PROCEEDINGS.

Argument on the application for a writ to prohibit Justice Jerome, of the Court of Special Sessions, from conducting the preliminary investigation in the charges against Deputy Police Commissioner Devereux went on before Justice O'Gorman, in the Supreme Court, yesterday. Samuel Untermyer began the argument for Devereux with a savage attack upon Justice Jerome.

"We want," he roared, "to comment on the revolting spectacle of a judge—an inferior judge, it is true—dragging his office into disrepute in order to further his candidature for a political office."

"My opponents try to make out that Devereux said O'Neill should have been thrown out of the window for making the arrest," Mr. Untermyer added. "This was not so. What Devereux said was that O'Neill should have been thrown out of the window for drawing his pistol on the shopkeeper."

John G. Carlisle, the former Secretary of the Treasury, argued against the writ. He said it was not a question of preventing Justice Jerome from convicting Devereux, but of preventing Jerome from performing his duty as a magistrate and holding Devereux for trial or for the grand jury, if the facts warranted such holding. Mr. Carlisle continued:

If Justice Jerome has jurisdiction, he certainly has power to hold an examination, and when the proper proceedings have been brought before him he should hold a court. I don't care whether Devereux is a judicial officer or not, but he should be thrown out of the window, whether he is acting as a judicial officer or not. I don't care whether he is a judicial officer or not, but he should be thrown out of the window, whether he is acting as a judicial officer or not. I don't care whether he is a judicial officer or not, but he should be thrown out of the window, whether he is acting as a judicial officer or not.

Assistant District Attorney Gans said: "This is a case in which the question is not whether Justice Jerome and Devereux, but whether 7,500 policemen of this city shall be subjected to the indignity of these proceedings to put a stop to the practice of calling policemen 'bums' and kindred opprobrious terms."

Justice O'Gorman reserved decision. Justice Jerome yesterday adjourned the hearing in the Devereux case until to-day.

A MILD POLICE SHAKEUP. MURPHY SAYS HE PUT CAPTAIN ALBERTSON WHERE MR. ROOSEVELT BERTSON WANTED HIM.

A mild shakeup of police captains was announced by Deputy Commissioner Devereux yesterday. The captains transferred are James Gannon, from East Twenty-second-st. to Central Park; C. L. Albertson, from Delancey-st. to Eldridge-st.; Richard Walsh, from Eldridge-st. to Grand Central Station; William Thompson, from the Richmond Borough precinct, to the Mulberry-st. station; Manhattan, and John T. Stephenson, from 14th-st. to 12th-st. Sergeant Gray is in command of the East Twenty-second-st. station and Sergeant Cobb of the Staten Island police. The sergeants who were in command in Central Park and the Grand Central Station are remanded to desk duties.

The transfer of Gannon had been expected, on account of trouble in his precinct. After the announcement of the transfers had been made Commissioner Murphy was asked over the telephone what was meant by the shifting of captains. He replied that the captains were expected to do their work in their new precincts. That applied to Gannon the same as to the others, he said.

"Did Mr. Roosevelt want him put in the Eldridge-st. precinct?" "Yes, I'm told Mr. Roosevelt wanted him there. I understand that Mr. Roosevelt made him a captain in order to put him in that precinct."

"Well, what was the reason for putting him in the Grand Central Station?" "Oh, Captain Albertson and Captain Walsh are both about alike. They are backed by the same party, and I thought because I thought he would be better up there."

POLICEMEN SCARCE AT NIGHT. THE NUMBER OF ROBBERIES HAS INCREASED SINCE THE THREE PLATOON SYSTEM WAS INTRODUCED.

Many property owners in the city have become nervous on account of the scarcity of policemen in the streets at night. If never in order that the streets are patrolled by a police protection of dens of vice, they want protection for their property by the paid patrolmen. Since the three platoon system was put into operation it has been almost impossible to find policemen at night where their services are most required for protection against thieves. The night posts have been made longer, because there are fewer patrolmen on duty in the streets at night. Policemen may be seen between 9 o'clock and 6 a. m. near corner liquor stores—often two or three of them at a corner—exchanging gossip and apparently killing time, but one may walk miles along the quiet and darker streets of the city at night without seeing a policeman.

The scarcity of policemen on post has been increased of late by letting many of the bluecoats go on their vacations. It has been the rule to have the police take their vacations in the summer months, letting a few go at a time from each precinct. Some weeks ago, when Commissioner Murphy was about to try the three platoon system, vacation orders were put off for a time in order that posts should not be unduly lengthened at the start. Now several hundred patrolmen are taking their vacations, and several hundred posts have had to be doubled in length. It was learned yesterday that fourteen patrolmen in one precinct were on vacation, and that a single policeman had to cover four corners.

Robberies in the city have been increasing. Apparently the professional thieves have not been slow to appreciate the value of Commissioner Murphy's aid in strengthening the police. Most of the robberies are kept from the newspapers, although many were five banks, valued at \$200 each, and a buckskin coat, formerly owned by Red Cloud, the Indian chief, taken from him by a thief. The Indian chief's coat was taken from him by a thief. The Indian chief's coat was taken from him by a thief.

Two detectives from the Fifth-st. station visited the establishment, but they did not seem to be enthusiastic about hunting for the thieves. Some people in Fourteenth-st. said that policemen usually were to be seen at night near Tompkins Hall and the Dewey Theatre, near neighbors of Riggs' place, and it was queer that they could not prevent stealing there.

CLEARING HOUSE CHANGES. A number of changes, none of them significant in character, will be made in the various standing committees of the Clearing House Association at the annual meeting this afternoon. It is a rule of association that every one or more members of the committees each year, which gives the sixty-four institutions included in its membership wider representation.

There is little doubt of the re-election as president of the association of George F. Baker, president of the First National Bank of New York, who was president of the Seventh National Bank when it closed its doors, will probably retire from the clearing house on October 1. The report showing operations for the fiscal year will be submitted by William Sherer, the manager.

SCANNELL FREED ON ERROR.

INDICTMENTS AGAINST COMMISSIONER AND MARKS DISMISSED BECAUSE ORDWAY WAS IN GRAND JURY ROOM.

Justice Gildersleeve in the Criminal Branch of the Supreme Court yesterday dismissed the indictments recently found against John J. Scannell, the Fire Commissioner, and William L. Marks, the friend of Mr. Scannell and agent for the sale of supplies to the Fire Department. The dismissal was on the technical ground that the indictments were found in violation of the Code of Criminal Procedure, in permitting Samuel H. Ordway, who was special counsel but not an Assistant District-Attorney, to present evidence to the grand jury. The dismissal of the indictments does not prevent other indictments against Scannell and Marks, as leave is given to the District-Attorney to resubmit the case to the grand jury. In his decision, dismissing the indictments, Justice Gildersleeve said:

The only persons who are permitted to be present during a session of the grand jury, when the charges are being considered, are first, the court, second, the District-Attorney; third, the witnesses. I am unable to find any other in the statutes of this State declaratory of the official rights and duties of the prosecuting officer of this county, any other than the single expression, "District-Attorney." Strictly interpreted, this might be held to be only one man. In my opinion, however, it includes every duly appointed and qualified District-Attorney empowered to act for and represent the District-Attorney.

It is not denied that Samuel H. Ordway was present and conducted the cases against these defendants before the grand jury, examined the witnesses, and advised the grand jury upon the questions which arose. Mr. Ordway was not the District-Attorney, he was not the court, he was not a witness. He was special counsel employed by the District-Attorney. It would be exceedingly dangerous to allow a general delegation of a prosecutor's powers to any member of the bar or private individual, and thus permit private counsel to conduct inquiries before the grand jury. The statute is explicit and mandatory. It leaves no discretion with the court, and declares that no circuitousness like these indictments must be set aside.

MERCHANTS MAY GO TO ODELL. BUT IF MURPHY DOES NOT ACT ON CHARGES AGAINST DEVEREUX VAN WYCK WILL NEXT HAVE A CHANCE.

The Merchants' Association of New-York will not wait long for action by Police Commissioner Murphy on the charges against Deputy Commissioner Devereux which were filed with him. When Commissioner Murphy sent the charges to Corporation Counsel Whalen, asking for advice, it was supposed that he wanted to shirk responsibility for action, but Mr. Whalen sent the charges back to him with a statement that he needed no advice, but could act as he saw fit, having the power to remove Devereux or keep him at pleasure, charges or no charges. It was ascertained yesterday that the Merchants' Association was about ready to file charges against Devereux with Mayor Van Wyck, the official responsible for both Murphy and Devereux. If the Mayor did nothing, it was said, there might be an appeal to Governor Odell.

Commissioner Murphy said yesterday that he probably would announce to-day some decision on the charges. There would be no further delay in making a reply to the Merchants' Association, he said, but he would not indicate what his action on the charges probably would be.

SITUATION IN BERGEN COUNTY. DEMOCRATS NOT ACTIVE, BUT REPUBLICAN STATE IS ALREADY MADE UP.

Hackensack, Sept. 30 (Special).—The Democrats of Bergen County are not showing any particular activity at present, but the leaders hint that considerable work is being done "on the inside." It is a matter of fact, however, that candidates for the Assembly nomination have not yet been selected, whereas the entire Republican ticket can be named with only a bare chance of any change on the day of the county convention.

So far, the only Democrat sure of a nomination is ex-Sheriff Isaac A. Hopper, for Sheriff. But even he may find an opponent in the person of ex-Assessment Collector William Ziegler, Judge James M. Van Valen has been mentioned as a likely candidate for Senatorial honors, but when questioned on this point he wished to convey the belief that "I am in the hands of my friends."

The Democratic newspapers are actively engaged in an effort to have their readers believe that the county is in a state of anarchy, and that the Democrats are opposed to a renomination of Senator Edmund W. Wakelee, of Closter, who served the unexpired term of William F. Van Hook, who was elected in 1898. The renomination of Wakelee, of Closter, will certainly be recommended by the Republicans. These representatives of the county, however, will not get a second term.

Freshholder C. R. Foley, of Rutherford, will be nominated for county clerk. His own party threw him down three years ago and elected the only Democrat to the office. But Foley will not meet such a reverse this fall. Senator Wakelee seems certain of a renomination, and it is believed that he will be elected by a good majority, the prospects are very bright for another clean sweep in November.

GOOD PROSPECTS OF ST. LOUIS FAIR. St. Louis, Sept. 30.—D. R. Francis, president of the St. Louis Purchase Exposition Company, has returned from Washington, where he had a conference with President Roosevelt on world's fair matters. He says:

I found that President Roosevelt is in thorough accord with our fair. He realizes the magnitude of the undertaking, and he is in favor of it in every manner possible. From his talk it developed that he has been a student of the history of the Louisiana Purchase Exposition, and that he is very interested in the success of the fair. The President assured us of his hearty sympathy in our undertaking, and he would mention the fair in his message to Congress, and that in the mean time he would lose no opportunity to help along the world's fair in foreign countries. Our European representatives, he said, would be furnished with credentials as soon as they shall be ready to start. He said that the Government would exhibit at the fair, and that Congress would have to make provision for this at its next session.

MARCONI SYSTEM ON CUNARD LINE. It is officially stated that the Cunard steamship Umbria is now fully equipped with the Marconi system of wireless telegraphy. The Lucania and the Campania have already been fitted with this system, and it will be introduced on the Etruria within a short time.

ARMY AND NAVY ORDERS. Washington, Sept. 30.—The following army and navy orders have been issued:

Colonel JOHN W. FRENCH, 224 Infantry, is relieved from duty at Fort McPherson, and will join his regiment at Fort Slocum, N. Y.

Captain CHARLES T. GREENE is detailed as professor of military science and tactics at St. John's College, Fordham.

The retirement of Colonel CHARLES A. DEMPSY, 20th Infantry, is announced.

Captain FREDERICK H. MORHART, assistant surgeon, is relieved from duty at Fort Slocum, N. Y.

Contract Surgeon SAMUEL A. GREENWELL will be relieved at Fort Clark by Captain Thomas S. Beaton, assistant surgeon, and report for assignment of contract.

APPOINTMENT FOR MR. YOUNGS.

ROOSEVELT'S FORMER SECRETARY MADE ASSISTANT SUPERINTENDENT OF BANKS.

Albany, Sept. 30 (Special).—Frederick D. Kilburn, Superintendent of the Banking Department, said to-day: "I received this morning the resignation of J. S. Thurston, who has been my deputy since 1896. Several weeks ago Mr. Thurston said to me that he wished to resign his position, and to-day he formally proffered his resignation, and I accepted it. I offered the position this afternoon to W. J. Youngs, private secretary to President Roosevelt, when Colonel Roosevelt was Governor, and Mr. Youngs has accepted the post. I think he will make an excellent assistant."

DECISIONS OF APPEALS COURT. Albany, Sept. 30.—Judges of the Court of Appeals reassembled here to-day and had a consultation for three hours. To-morrow the court will meet and hand down its decisions. Chief Judge Parker declined to state to-night whether any decision of the Molinoux case would be submitted to-morrow. The general belief is that it will not then be made public. The only decision of great importance expected is in the Ice Trust case, which involves the constitutionality of the Donnelly Anti-Trust law.

DRIVEN OUT OF "PARADISE." THE METROPOLITAN OPERA HOUSE IS CLOSED AND THE BALLET GIRLS TALK OF THEIR SALARIES.

The Metropolitan Opera House was all dark and dreary last night, and there was no performance there of "The Ladies' Paradise," the musical extravaganza which has occupied the stage for two weeks. The discontinuance of the performances seems to be due to a lack of inspiration from the financial department. When the production was first announced it was said that a ballet was to go with it, but when the time for the opening came the ballet was not ready, although it had been rehearsed for several weeks. The rehearsals still went on, and the ballet would doubtless have been seen eventually if the girls had not been closed out, dancers, singers and actors alike.

Five young women who said that they had been appointed as a committee to see what could be done toward collecting salary which they say is due them from Alfred E. Aarons, the manager, called at the Jefferson Market Court yesterday afternoon for a summons against Aarons. The summons was made returnable this morning. They said that, with about 150 other young women and twenty-five children, they had been rehearsing for ten weeks in the ballet, and according to the contracts which they made with Mr. Aarons, their salaries should have begun on September 15. Yesterday morning, they said, when they presented themselves at the Metropolitan Opera House, as usual, they were met by the ballet manager, who read to them a letter from Mr. Aarons, in which he said that on account of financial difficulties, the piece would not be put on, and that there would be no work for the girls. The committee was then appointed to see what could be done toward collecting what they thought was due them.

Magistrate Mayo told them that he was very much afraid that nothing could be done, but he gave them a summons and they went away in high glee.

TELEGRAPH CONTRACT RENEWED. THE INFERENCE DRAWN THAT THE PENNSYLVANIA WILL FOLLOW SUBORDINATE ROAD'S EXAMPLE.

The contracts of the Western Union Telegraph Company with the Baltimore and Ohio, Chesapeake and Ohio and Norfolk and Western railroads, which are due to expire on September 30, have been renewed. The Baltimore and Ohio and the Western Union will soon be renewed, contrary to the reports from Philadelphia.

MORE SINGERS DISEMBARK. MME. CALVE AND A FEW OTHERS ARRIVE ON LA CHAMPAGNE.

Several more members of the Grau opera company arrived here yesterday, being passengers on La Champagne. Mme. Calvé, whom New-York operators welcome back after a season's absence, was the one among them of the greatest fame. As has already been announced in these columns, she will sing this evening at the Metropolitan Opera House, and she has already made pronounced successes here, and also the title part in "Messaline" and Valentine in "Les Huguenots." She has, moreover, a great desire to sing in "Herodiade," but that opera is scarcely likely to be given.

Mme. Calvé expressed the customary joy of the opera singer at once more pressing the soil of this free land. She has not sung much since she was last here, but last winter she made a tour in Egypt, chiefly for pleasure, which she described in glowing terms. In the course of her travels there she somehow lost the allegiance to Budapest tenets which she so enthusiastically professed when she was last here, and she announces that she has now come back a Christian. She journeyed as far as the second cataract of the Nile, in company with Maspero, the celebrated Egyptologist, and sang before the Khedive. On returning to Europe she sang in Constantinople. She announced that Sarah Bernhardt was the beneficiary of an opera for her, but it will not be heard till the season after next, when it will be sung in Paris. Mme. Calvé will be in this country next season, as well as the one which is now about to begin. She will make her first appearance with the company for this year in Montreal, in "Carmen."

Other members of the company who were on this ship were Mme. Bauermeister, M. Declery, M. Duriche, M. Gilbert, M. Gibert, Signor de Marchi, Signor Perello, M. Salignac, Signor Seppelli and M. Flou. Signor de Marchi, an Italian tenor, is a new addition to Mr. Grau's company. He has just finished a season in London. This is not Signor de Marchi's first appearance in this country. He has been an unsuccessful company singer some years ago. He said but once, however, he was born in Milan. After he had attained some success in Milan, he came to New-York, where he served for some time in Africa. He then returned to Milan and sang with considerable success at La Scala.

TO FOLLOW ITS OWN CANAL PLANS. MARITIME ASSOCIATION WITHDRAWS FROM CANAL ASSOCIATION AND COMMERCE CONVENTION.

At a meeting of the commerce committee of the Maritime Association of the Port of New-York yesterday it was decided to discontinue the association's membership in the Canal Association of Greater New-York and in the New-York Commerce Convention. President Kunhardt was directed to inform the officers of the associations referred to of the action of the Maritime Association. Mr. Kunhardt, when asked regarding his association's action, said there had been no misunderstanding or dispute of any sort. The movement was made in order that the Maritime Association might be free in the future to pursue any course that might suit them. Independent of the other associations. When asked if the Maritime Association had any plans for the future, Mr. Kunhardt said he had, but that he did not care to divulge them until it was evident what course the others intended to pursue.

COLOGOS'S MEASUREMENTS TAKEN. Auburn, N. Y., Sept. 30.—Cologos's first Sunday in a condemned cell was unmarked by special incident. He is taciturn, and his only conversation with guards is confined to the necessities of the day. He is unimpaired, and seems to have entirely recovered from his recent collapse. He has had no callers and only one letter, although Warden Meade is constantly receiving applications to visit him. He is expected to witness the prisoner's death. He was measured by the Bertillon system yesterday. The warden's measurements have been taken, and Cologos has not yet asked to see a clergyman.

HARRIMAN ITS PRESIDENT.

HE WILL REMAIN AT HEAD OF SOUTHERN PACIFIC UNTIL AN AVAILABLE TRAINED RAILROADER CAN BE FOUND.

It became known yesterday that a successor to Charles M. Hays in the presidency of the Southern Pacific Company, from which Mr. Hays retires to-day, was elected several days ago in the person of Edward H. Harriman. It is understood that Mr. Harriman's occupancy of the office will be only temporary, pending the selection of a trained railroad man who as president will be able to devote his entire attention to the task of operating the system. Mr. Harriman, as chairman of the executive committee of the Southern Pacific, has since last spring been the dominant factor in the direction of the company, as he is of the Union Pacific, of the board of directors of which he is chairman.

It was early in February of this year that announcement was made that the so-called Harriman syndicate had purchased in the interest of the Union Pacific the Speyer and Huntington holdings of Southern Pacific stock, amounting to about \$75,000,000 par value; and a few days later it was officially announced that Kuhn, Loeb & Co. had underwritten an issue of \$40,000,000 4 per cent Union Pacific convertible bonds, the proceeds to be applied to payment for the Southern Pacific stock acquired by Mr. Harriman and his associates. At the annual meeting of the Southern Pacific Company in April there were elected to membership in its board, constituting a majority in that body, Mr. Harriman, James Stillman, Jacob H. Schiff, Otto H. Kahn, T. Jefferson Coolidge, Jr., William S. Pierce, James H. Hyde, and George C. Gould, all directors of the Union Pacific. Extensive plans for the physical improvement of the Southern Pacific have been made by the interests that now control, and it is expected that important progress will be made soon in the direction of the unification of the two systems.

Charles M. Hays, who was elected president of the Southern Pacific Company last year, is retiring. He came to the Southern Pacific from the Grand Trunk, of which he had been general manager.

CHANGES AT SAN FRANCISCO. GENERAL MANAGER KRUTTSCHMITZ TO BE PRESIDENT'S ASSISTANT.

San Francisco, Sept. 30.—The beginning of the Southern Pacific efforts to the general offices of the Southern Pacific Company took place to-day. Charles M. Hays surrendered the presidency of the company this afternoon, and simultaneously with his retirement E. H. Fitzhugh, assistant to the president, relinquished his office and title. General Manager Kruttschmitt, who has been the assistant to the president, in addition to his duties of fourth vice-president and general manager, and the duties and responsibilities which have rested on President Hays will now be shouldered by him.

Railroad men are telling each other that everybody has been underrating Kruttschmitt's influence with the powers in New-York. The surprising thing, however, is that Kruttschmitt, although promoted to a position of increased dignity and authority, has been "turned down" by Harriman in another direction. For several months the present general manager has been endeavoring to have bars removed from the ferryboats. In July he issued a peremptory order requiring the bar concessionaires to close their places of business at the end of