BITTER PILL FOR HERLIHY.

APPELLATE DIVISION REVERSES DISMISSAL OF THE INDICTMENT AGAINST HIM.

The Appellate Division of the Supreme Court yesterday handed down a decision which reverses the action of Recorder Goff in dismissing the indictment found against Police Captain Herlihy. The captain was indicted on the charge of neglect of duty in permitting dens of vice to flourish under police protection in the district east of the Bowery when he had command of the police there. The indictment contained a list of one hundred such places. Recorder Goff sustained a demurrer by Herlihy's counsel, on the ground that one specific place should have been mentioned. The decision of the Appellate Division says that if Captain Herlihy wilfully neglected to perform his duty as a peace officer in the observation, inspection and suppression of such houses, he is guilty of a misdemeanor. The decision was written by Justice McLaughlin, and one part is the following:

While I am of the opinion that the words "houses of ill fame" would have been sufficient without any further description, it certainly does not take from the sufficiency of the statement of the acts constituting the crime, to add thereto a statement of the acts which constitute the houses of the character described. . . When a statute defines a crime it is sufficient to charge its commission in the language of the statute. The additional facts charged in his indictment are a mere amplification of the phrase "house of ill fame."

As to whether the indictment charges more than one crime, the Justice says:

We are of the opinion that it does not. It is true that if the defendant wilfully and knowingly permitted one house of ill fame to be maintained within his precinct, he was guilty of the crime charged in the indictment, but the allegation that he permitted over one hundred of such houses to be maintained does not render him less guilty, nor does it charge him with an additional offence.

Abraham I. Elkus, counsel for Captain Herlihy, said that he would take the case to the Court of Appeals. He said that when this point first came up the District Attorney told him that he would prefer to have the point settled by the Court of Appeals once for all. Mr. Elkus hopes that the case will be heard by the Court of Appeals early in January.

"I am much elated at the decision of the Appellate Division sustaining the view of this matter taken by this office," said District Attorney Philbin. "It will be much easier to convict under this construction of the law in these cases of neglect of duty."

COL. PARTRIDGE VISITS MURPHY.

THE FUTURE POLICE COMMISSIONER SPENDS NEARLY TWO HOURS AT HEADQUARTERS—HE MISSES DEVERY.

Colonel John N. Partridge, who is to be the next Police Commissioner, went to Police Headquarters yesterday morning and sat nearly two hours in the office of Commissioner Murphy, watching the disposition of the daily batch of letters and reports. He was introduced to Murphy by Colonel Kipp, the chief clerk. Chief Inspector Cortright was in the office part of the time, and brought in Inspectors Harley, Brooks, Grant, Cross and Kane to be introduced to "the next commissioner." Captain Titus, of the Detective Bureau, was called in for an introduction. After Colonel Partridge went away Deputy Commissioner Devery entered the office and said: "Sorry I didn't get here in time."

"But you'll see him next time he comes," said Commissioner Murphy, whereat there was laughter.

While Colonel Partridge was watching the opening of the mail Commissioner Murphy held up a letter from an ex-policeman asking for reinstatement and said: "I never reinstate a man unless ordered to do so by the courts or directed by the Corporation Counsel."

Colonel Partridge made no reply for a moment, but finally said: "Well, I suppose these fellows, when they get back on the force, think themselves bigger than the commissioner after their long vacation."

Commissioner Murphy laughed at the reply, as did Colonel Kipp.

At 11:30 a. m. Colonel Partridge left the building and walked toward Broadway. He was asked if he had decided upon one of his deputies, as reported in the papers.

"I can neither affirm nor deny those reports," he replied. "I cannot say anything about what I am going to do."

Asked if he was pleased with his reception by Commissioner Murphy, Colonel Partridge replied that he was.

"Commissioner Murphy," he added, "treated me courteously and seemed glad to see me. Everything is done very systematically in the office, but, of course, I cannot learn everything in one day. I will have to return. If there are nuts to crack I must crack them."

LONG FIGHT GETS POLICEMAN IN COURT

GRAND JURY INDICTS OFFICER CHARGED WITH ASSAULTING VETERAN.

Nicholas Callan, a patrolman attached to the Grand-ave. precinct, Brooklyn, was indicted by the grand jury yesterday morning on a charge of assaulting Captain Michael F. O'Rourke, of the 47th Regiment Veteran Association on the morning of March 10. The indictment charges assault in the second degree. Callan was brought to the County Court before Judge Aspinall in full uniform by his lawyer, James A. Murtha, who had been directed to produce him. He pleaded not guilty, and was held in $1,000 bail, which was furnished by James Shannon.

Captain O'Rourke some time ago brought Callan up on charges before Deputy Commissioner York. York heard the case and held his decision back for one hundred days. Captain O'Rourke declares that York refused to hear some of his witnesses and gave him little consideration. The case was then taken to the police courts, but could not be acted upon because it had been dismissed by York.

IT'S "UP" TO MURPHY NOW.

HE GETS WHAT HE SAID HE WAS WAITING FOR BEFORE DEALING WITH DIAMOND.

District Attorney Philbin announced yesterday afternoon that he had received from Albany a certified copy of the conviction of Police Captain Diamond, and that he had sent it at once to Police Commissioner Murphy, who had said that he would take action in the Diamond case when he received a copy of the conviction. Murphy will be in a position to-day to dismiss Diamond from the police force if he desires.

ADVICE AGAINST REINSTATEMENT.

Corporation Counsel Whalen yesterday advised Police Commissioner Murphy not to grant the application of Patrolmen John C. Henderson and John H. Lilly, who were dismissed from the force for demanding bribe money from a man named Van Steenburgh for an engineer's license. The Appellate Division of the Supreme Court decided that the dismissals were proper. Henderson and Lilly employed George W. Davidson to reopen the case before Deputy Commissioner Devery, and asked for reinstatement.

It was contended by Davidson, on behalf of Henderson, that his dismissal was illegal, because Magistrate Flammer gave him an honorable discharge, and the indictment which was subsequently found against him was dismissed on the ground of a recommendation from the District Attorney. There was no testimony submitted to the consideration of the Deputy Commissioner, except the papers from the District Attorney's office, showing that, on the return of a verdict of not guilty in the action of Lilly, the Henderson action was dismissed.

BISSERT MAY GO TO SING SING TO-DAY.

District Attorney Philbin received word from Washington yesterday that the United States Supreme Court had issued the mandate in the Bissert case, and that it would probably reach him to-day. This is the formal action following the overruling of the habeas corpus proceedings by the Supreme Court. With the arrival of the mandate there will be nothing remaining, so far as is known, to restrain the Sheriff from transferring Bissert to Sing Sing. It is thought that Bissert will be sent to the prison to-day or on Monday.

TO REMOVE MORTGAGE ON CHURCH.

The next effort of the twentieth century thank offering commission of the Methodist Episcopal Church, which has undertaken to raise $1,000,000 in the next few months for certain purposes, will be made at the Centenary Church, Washington-ave. and One-hundred-and-sixty-sixth-st., to-morrow. This church has a mortgage of $10,000, which will be removed, and an equal sum will be asked for to build a Sunday school building.

The pastor, the Rev. Hough Houston, will be assisted by the Rev. Dr. E. S. Tipple, executive secretary of the twentieth century commission; the Rev. Dr. Frank Mason North, who will preach the morning sermon, and the Rev. Dr. E. M. Mills.

THE FINEST.

The New-York police force compared with the "bobbies" of London and the gendarmes of Paris in to-morrow's Tribune.

SING SING FOR HOCHSTIM.

MARTIN ENGEL'S CAPTAIN SENTENCED FOR VIOLATING ELECTION LAW.

Max Hochstim, one of the most notorious of Martin Engel's captains in the Tammany organization in the VIIIth Assembly District, was sentenced to a term in Sing Sing Prison yesterday in the Court of General Sessions. He had been convicted of violating the Election law, much to his apparent surprise and the surprise of many Tammany workers in the district. He had been a leader of lawless men so long and had evaded the clutches of the law so often that his conviction fairly stunned him and his associates. He was sentenced to a term in prison of not less than one year, and not more than three years, at the discretion of the Board of Pardons.

Hochstim came to this city from Poland at the age of fifteen, and began life on the East Side as a match pedler, twenty years ago. For some years he was poor and obscure. He married a woman who had saved some money, and he deserted her and went to Boston with another woman who had deserted her husband. Later he returned to this city and opened a coffee house in Suffolk-st. He afterward became a liquor dealer and a professional bondsman. He was the reputed leader of a gang of ruffians that became the terror of the ignorant and inoffensive Polish Hebrews in the district east of the Bowery, and his connection with the Tammany organization in the district made him powerful with the officials at the Essex Market police court. It was asserted that he oppressed many people who were arrested in the district without cause, compelling them to pay for his services as bondsman. Evidence given before the Lexow Committee in 1894 indicated that he was given to assaulting people who opposed him in the district. For one assault he was sent to the penitentiary for two months.

Recently Hochstim has been the proprietor of a music hall in Third-ave. near Thirteenth-st., and was reputed to be interested in gambling places on the East Side. His prominence as a Tammany captain was sufficient to cause an organization to be named after him, and the annual ball of the Max Hochstim Association has been attended by most of the Tammany workers in the VIIIth District.

After Hochstim was sentenced yesterday, Abraham Levy, his counsel, made a plea for a delay of the execution of the sentence, and said that Hochstim owned considerable real estate and other property, and wanted some time in which to arrange his affairs. Judge Cowing deferred the execution until next Wednesday, at which time Hochstim will be taken to Sing Sing unless a stay has been obtained.

A YALE MAN KILLS HIMSELF.

CIVIL SERVICE CLERK FOUND DEAD BY HIS MOTHER.

Henry H. Conroy, a clerk in the Civil Service office, committed suicide yesterday morning by inhaling gas at his home, No. 443 Ninth-st., Brooklyn. It was said that Mr. Conroy was an inveterate cigarette smoker, and had been drinking heavily of late. Conroy, who was single and lived with his widowed mother in the Ninth-st. house, received his month's salary last Saturday, and at once proceeded to enjoy himself with a number of friends. When it was all over he seemed greatly depressed, and on Thursday did not go to the office. At 3 o'clock yesterday morning, Mrs. Conroy, smelling gas, found her son unconscious, with a rubber tube from the gas jet in his mouth. A doctor was called, and found the man dead.

Mr. Conroy was forty-two years old. He was a graduate of Yale University, and at one time had an office as an expert accountant, in Wall-st.

FROM FRYING PAN INTO FIRE.

ALLEGED SWINDLERS, DISCHARGED BY MAGISTRATE, ARRESTED BY FEDERAL OFFICER.

Frank Dillon, of No. 205 Greenwich-st., and John F. Barrett, of No. 593 Bainbridge-st., who were arrested a week ago for being members of a gang of alleged swindlers who operated "get rich quick" concerns, were discharged by Magistrate Brann, in the Centre-st. court, yesterday, at the request of Detective Sergeant McConville, of headquarters. The men were immediately taken into custody by Inspector Ashe, of the Postoffice Department, and Deputy Marshals Gebhardt and Hinning. They are to be prosecuted by the Federal authorities for using the mails for illegal purposes. Henry L. McCauley, who was arrested with them, is out on bail, awaiting examination in the police court on December 17. When that time comes he will probably be discharged and taken into custody by the United States authorities. Dillon and Barrett were arraigned before United States Commissioner Shields, pleaded not guilty, and were held in $1,500 bail each for examination.

REAL ESTATE MAN GETS FIVE YEARS.

RECORDER SAYS, "I CANNOT CONCEIVE OF A MEANER MAN THAN YOU."

Michael Muller, forty-two years old, a real estate dealer, who lived at No. 1,655 St. Mark's-ave., Brooklyn, was sentenced to five years in Sing Sing yesterday by Recorder Goff in Part II of General Sessions, for grand larceny in the second degree. In pronouncing sentence Recorder Goff said to the prisoner:

I cannot conceive of a meaner man than you. There are four indictments hanging over your head in this county for the same offence, and two others in Brooklyn.

Muller's scheme was to advertise for a clerk and then demand $100 for security. The principal complainant against him was Joseph McMorrow, of No. 210 West End-ave. Recorder Goff gave Muller the maximum sentence.

CONNECTICUT TOBACCO.

How the Yankees use cheesecloth to produce "Sumatra" tobacco in Connecticut, in to-morrow's Tribune.

SIXTY-FIVE POISONED AT WEDDING FEAST

BELIEF THAT THERE WAS DRUG IN THE COFFEE—ALL WILL RECOVER.

Prairie du Sac, Wis., Dec. 6.—Sixty-five persons were poisoned at a wedding feast at the home of John Mulky, at West Point, near this place. It is believed there was poison in the coffee. Physicians were summoned from Lodi, and, after several hours' work, hope was given that all would recover. Some of the coffee has been sent to a chemist to be examined.

GUARANTY TRUST TO REACH OUT.

At a special meeting of the stockholders of the Guaranty Trust Company yesterday, over 90 per cent of the stock was voted, unanimously authorizing the directors to extend the business of the corporation and to alter its certificates of incorporation, so that branch offices may be established in Manila, Philippine Islands, and in Hong Kong and Shanghai. Action will be immediately taken toward the establishment of these branch houses.

The Guaranty Trust Company has its offices in the building of the Mutual Life Insurance Company, by which institution it is controlled. Its president is Walter G. Oakman, and its directors, besides Mr. Oakman, are Samuel D. Babcock, George F. Baker, August Belmont, George S. Bowdoin, Frederick Cromwell, Walter R. Gillette, E. H. Harriman, G. G. Haven, R. Somers Hayes, Charles R. Henderson, Adrian Iselin, jr., James N. Jarvie, A. D. Juilliard, Richard A. McCurdy, Levi P. Morton, A. E. Orr, H. H. Rogers, H. McK. Twombly, Frederick W. Vanderbilt and Harry Payne Whitney. Of these twenty-one men, thirteen are trustees of the Mutual Life.

TALKS ON FOREIGN MISSIONS.

A conference in the interest of foreign missions was begun at the Marble Collegiate Church, Fifth-ave. and Twenty-ninth-st., yesterday. About one hundred ministers from different parts of the country were present. The Rev. Dr. J. Preston Searle, of the New-Brunswick Theological Seminary, presided.

At the afternoon session, the Rev. Dr. David J. Burrell presiding, the Rev. Dr. Wilton Merle Smith, pastor of the Central Presbyterian Church, spoke on "How the Growth of the Missionary Interest in the Central Presbyterian Church Was Attained." The Rev. John W. Conkling spoke on "Encouraging Facts in Our Missionary Work." The Rev. Dr. Abbott E. Kittredge spoke on "Missionary Facts and the Congregation."

ENGINEERS ELECT OFFICERS.

The annual meeting of the American Society of Mechanical Engineers ended yesterday. Officers were elected, as follows: President, Edwin Reynolds, Milwaukee; vice-presidents (terms expire 1903), Wilfred Lewis, Philadelphia; M. E. Cooley, Ann Arbor, Mich., and M. P. Higgins, Worcester, Mass.; treasurer, William H. Wiley, New-York, and managers (terms expire 1903), R. S. Moore, San Francisco; H. A. Gillis, Richmond, Va., and Charles H. Corbett, Brooklyn. The vice-presidents holding over, whose terms expire next year, are Arthur M. Waitt, New-York; James M. Dodge, Philadelphia, and Ambrose Swasey, Cleveland. The managers holding over are: Class of 1902—Francis H. Boyer, Somerville, Mass.; John A. Brashear, Allegheny, Penn., and Alfred H. Raynall, Washington; class of 1903—W. F. M. Goss, Lafayette, Ind.; De Courcy May, Camden, N. J., and D. S. Jacobus, Hoboken, N. J. The secretary is Professor F. R. Hutton.

MOLINEUX'S MOTION LOST.

HIS INDICTMENT STANDS—HIS COUNSEL CANNOT INSPECT GRAND JURY MINUTES.

Justice Newburger in General Sessions, at 4:30 p. m. yesterday, handed down a decision on a motion to dismiss the indictment against Roland B. Molineux. The motion was to quash the indictment, or, as an alternative, for leave to inspect the minutes of the grand jury. Both motions were denied. The decision reviews the trial of the case and the steps taken in it up to the time of the granting of a new trial by the Court of Appeals, which reversed the judgment of conviction. The decision then says:

As was said by Judge Gray, in the case of the People agt. Palmer, 109 N. Y., 419:

"It would be a grievous miscarriage of justice, and the intent of the law would be thwarted, if it should be held that a reversal upon a prisoner's appeal for errors of law upon his trial had the effect of putting it out of the power of the people to further try him under the indictment when his guilt might be competently established. The effect of the defendant's appeal is merely to continue the trial under the indictment in the Appellate Court, and, if the reversal of the judgment of conviction follows, that judgment, as well as the record of the former trial, have been annulled and expunged by the judgment of the Appellate Court, and they are as though they never had been; while the indictment is left to stand as to the crime, of which the prisoner had been charged and convicted, as though there had been no trial."

It is claimed, however, on the part of the defendant, that the opinions of the several judges of the Court of Appeals upon the question of the admission of certain testimony on the trial prevents the prosecution from proceeding, if that was the intention of the court under the power it possessed, it would have so declared and directed judgment for the defendant and for his discharge. The opinions of the several judges were undoubtedly intended as a guide for the trial judge upon the second trial, and to prevent the admission of irrelevant or improper testimony upon such trial.

The affidavits of Messrs. Weeks and Carvalho, upon which the motion is based, are a mere recital of the proceedings had herein, and an attempt is also made by such affidavits to recite the proceedings had before the grand jury. I know of no practice that permits a motion to be made for a dismissal of an indictment upon affidavit alleging what did occur and what might have occurred in the grand jury room. The belief of a defendant based upon alleged information can never be sufficient to warrant a finding that there were improprieties or irregularities before the grand jury, or a lack of evidence to support their finding.

As to the application for an inspection of the minutes, that branch of the motion has been disposed of adversely by Judge Blanchard on the application made before him by the defendant. No leave having been obtained to renew the motion and no new facts having been stated, it will not be entertained at this time.

District Attorney Philbin said that he was highly pleased with the decision, and that the case would be retried. He said it was, of course, within the province of the incoming District Attorney to try the case, as his term of office was too short for him to try it.

LAKEWOOD GOLF.

How the game is enjoyed at this noted Jersey resort, with views of the golf house and some of the leading players, in to-morrow's Tribune.

EXPORTS OF MANUFACTURES.

A HEALTHY GROWTH SHOWN THIS YEAR IN ALL IMPORTANT ARTICLES EXCEPT COPPER, IRON AND STEEL.

Washington, Dec. 6 (Special).—The exportation of manufactures from the United States continues to show a healthy growth in nearly all important articles except copper and iron and steel. The export figures just made public by the Treasury Bureau of Statistics show that in the ten months ending with October exports of copper have fallen about $23,000,000, and of iron and steel about $23,000,000, making a total reduction in these two classes of $46,445,685. The total reduction in exports of manufactures of all kinds during the same time is only $44,162,856, thus showing an increase in the exportation of manufactures other than copper and iron and steel. The value of copper exports in the ten months ending with October is 45½ per cent below that for the corresponding months of the preceding year, and the value of iron and steel exports is 21½ per cent below that for the corresponding months of last year.

In the other manufactures, taking the entire group except copper and iron and steel, there is, as already indicated, an actual increase. In the case of iron and steel the reduction is partly due to reduced prices per unit of quantity, in part to a reduced demand abroad and in part to forced sales at low rates in certain foreign countries. In copper the reduction is not due to reduced prices, the average value a pound of the copper exports of the ten months of this year being the same as that of the corresponding months of last year, viz., 16.3 cents a pound. The reduction in copper, therefore, is in quantity, the exportation of ingots, bars and plates falling from 309,160,141 pounds in the ten months of 1900 to 162,728,397 pounds in the corresponding months of 1901. This falling off in the case of copper is due in part to a reduced demand in the European countries, which were the chief foreign market for American copper, and in part to an increased production in other countries and reduction of prices by foreign producers. The only other important article showing a material reduction is mineral oil, which is about $3,000,000 less than in the corresponding months of last year, but this decrease is solely due to reduced prices, the number of gallons exported in the ten months ending with October being 60,289,023 greater than that for the corresponding months of the preceding year.

The following table shows the principal manufactures the exports of which during the ten months ending with October, 1901, show an increase as compared with the corresponding period of 1900:

Articles.	Ten mos. ending with Oct. 1900.	1901.
Leather manufactures, except boots and shoes	$18,590,344	$19,010,816
Cotton cloths	12,706,735	16,668,258
Agricultural implements	14,977,680	15,812,044
Chemicals, drugs, etc.	11,370,057	12,606,519
Carriages and cars	6,254,409	6,665,676
Paper and manufactures of	5,733,707	6,146,397
Scientific instruments	5,401,365	5,582,445
Boots and shoes	3,740,748	5,105,116
Fibre manufactures	3,939,710	3,974,209
Books, maps, etc.	2,650,213	2,953,366
Musical instruments	1,541,495	2,846,317
India rubber manufactures	2,231,778	2,705,767
Spirits, distilled	2,338,236	2,547,874
Clocks and watches	1,697,710	1,965,649
Glass and glassware	1,649,858	1,753,974
Paints and colors	1,728,346	1,728,498
Gunpowder and other explosives	1,599,412	1,596,130
Marble and stone manufactures	1,195,023	1,344,833
Wool manufactures	1,166,715	1,271,824
Cement	142,397	538,999
Tin manufactures	373,430	416,404
Plated ware	405,074	413,954
Straw manufactures	340,760	364,613
Type and other lead manufactures	299,550	337,465
Perfumery	294,470	315,048
Art works	227,289	300,416
Brooms and brushes	199,273	232,332
Silk manufactures	214,481	236,924
Ink	223,845	234,870
Toys	190,503	228,670
Candles	168,414	220,724
Oilcloth	128,350	146,566

The following table shows the principal manufactures exports of which from the United States during the ten months ending with October show a decrease as compared with the corresponding period of 1900:

	Ten mos. ending with Oct. 1900.	1901.
Iron and steel manufactures	$109,492,127	$85,912,130
Mineral oil, refined	57,678,837	54,033,019
Copper manufactures	51,041,957	28,176,263
Wood manufactures	9,760,102	9,215,917
Paraffin	6,820,981	5,855,837
Cotton manufactures, except cloths	5,311,777	5,203,006
Tobacco manufactures	4,739,389	4,491,542
Bicycles	2,746,171	2,271,926
Glucose	3,050,284	2,168,532
Brass and manufactures	1,776,008	1,769,784
Soap	1,421,438	1,288,316
Starch	1,924,389	1,219,473
Malt liquors	1,845,421	1,164,870
Jewelry, etc.	1,050,778	1,044,436
Lamps, etc.	844,486	782,648
Confectionery and refined sugar	1,022,993	729,212
Blacking	664,720	609,003
Varnish	529,520	497,001

EXPORTATION OF KENTUCKY WHISKEY.

Louisville, Ky., Dec. 6.—A deal has just been completed between the Kentucky Distilleries and Warehouse Company, the "whiskey combine," and a Louisville warehouse company for the exportation of seven thousand barrels of the spring '93 and fall '94 whiskey to the foreign warehouses of the company at Hamburg and Bremen, Germany. The shipment is made in order to avoid the payment of taxes on these goods, which soon would be forced out of bond, the eight year period having nearly expired. This is the largest single exportation of Kentucky whiskey ever made. It approximates 250,000 gallons.

CONTRACT LABORERS FOR MEXICO.

San Francisco, Dec. 6.—Eighty Japanese laborers arrived on the Nippon Maru from Yokohama under contract to work in the coal and iron mines at Baroteran, Mexico, about one hundred miles south of the American line. They are the first of a lot of four hundred. Each is provided with a contract for three years. At the expiration of that period they are to be sent back to Japan without expense to them. The Japanese will be taken on a special car and will travel under guard, so that none can escape in transit through this country. The railroad company agrees to turn them over to the immigration inspector at Eagle Pass.

GRAFF HAD MORE THAN $40,000.

HE ADMITS DRAWING THAT AMOUNT FROM BANKRUPT BROKERAGE FIRM.

Another effort was made yesterday to determine what became of $227,000 of the accounts of the bankrupt brokerage firm of G. Edward Graff & Co., before Referee R. L. Tiney, in the Federal Building, Brooklyn. Mr. Graff was the only witness on the stand, and was cross-examined by ex-Judge Augustus Van Wyck, who appeared for several creditors. He testified to the different accounts from which he drew money. One was the G. Edward Graff personal real estate account, the first entry in which was an item dated April 30, 1894, showing that a check for $1,877 81 had been drawn in favor of P. H. McNulty. Graff said he went into a deal with Nevins to purchase some property in the Ocean Boulevard, and invested that amount. He had never seen the property, did not know how much there was of it, nor whether the purchase had actually been made. He said he had forgotten the real estate account, and had not considered it of sufficient importance to place in the schedule of his disbursements.

Another account from which he drew money was the Graff special account No. 2. From this he drew $1,000 with which to open the Brooklyn office in January, 1895. At all previous hearings, Graff had testified that he did not know where the money came from with which the Brooklyn office was opened. A new account was found on the books yesterday, making in all about ten accounts, under different names, conducted for the benefit of the firm. This was the Nevins cash special, opened on January 19, 1897, by a check from T. F. Nevins for $12,000. Mr. Graff could not remember receiving this check, nor what disposition had been made of it. It was probably deposited in some bank, he said.

Between May, 1898, and June, 1899, Graff said, Nevins received no profits, but between July, 1899, and May, 1901, he received $23,000. The dividends were paid to Nevins at the option of Graff in sums ranging from $150 to $250 a month. The profits of the business from July, 1898, to May, 1901, in addition to the sum given to Nevins, were $55,000, of which Graff admitted having drawn out $40,300. From the balance, dividends were paid to Shevlin, McCarty and Squires, according to the witness.

RIGHTS IN THE PHILIPPINES.

BISHOP-ELECT BRENT ON THE EPISCOPAL CHURCH'S WORK THERE—RELATIONS WITH THE ROMAN CATHOLICS.

[BY TELEGRAPH TO THE TRIBUNE.]

Rochester, N. Y., Dec. 6.—The most interesting feature of to-day's session of the Episcopal General Missionary Conference was the address of the Right Rev. Dr. Charles H. Brent, of Boston, who was recently elected to the bishopric of the Philippines by the General Convention in San Francisco. Some churchmen have taken the view that sending a bishop to the Philippines is discourteous to the Roman Catholic Church, which, they hold, has a priority of occupation in the islands. Dr. Brent said in part:

I go to my task clothed in the dignity of American citizenship, determined to stand by the government, to promote thorough and impartial education and to preach the responsibilities of democracy. It is thought by some that the Church ought not to have undertaken a new responsibility because of the missionary deficit. But the Church is solvent. There are scores of parishes that could easily wipe out the entire deficit without giving up their luxuries. The board of managers is not to be made a scapegoat of; it is only a disbursing agency; the shame is the shame of every wealthy church whose members fail to acknowledge their just debts.

Another feature of interest in the situation is our relation to the Church of Rome in the Philippine Islands. We have the superior right of jurisdiction in America, the consecration of our first bishop anteceding that of the Roman Catholic Bishop, Carroll, by several years. Technically considered, our right of jurisdiction in the Philippines is the same as in any State in the Union. Our communion goes to the islands of the East, with the same unblemished title wherewith she entered Louisiana, Alaska, California and New-Mexico.

Bishop Brent said he went, not as the enemy to the Church of Rome, but as her friend, grieving over her failures in the past and hoping that she would redeem her record by a future of generosity and purity in the islands.

Bishop Lucien L. Kinsolving, of Southern Brazil, discussed the progress of the Church in South America, and Bishop C. Kinlock Nelson, of Georgia, the work among the negroes. The latter was emphatic in his praise of the attitude of the best elements in the South toward the negro, and attributed much of the misconception of the situation among Northerners to irresponsible and sensational newspapers. An important action was taken at the evening session in the adoption of resolutions offered by the Rev. Dr. Andrew J. Graham, of Christ Church, this city, recommending the formation in every Episcopal church in the country of men's auxiliary missionary societies similar to those now sustained by the women.

MANY LABOR RESOLUTIONS.

NO LESS THAN EIGHTY-EIGHT PRESENTED AT FEDERATION CONVENTION.

Scranton, Penn., Dec. 6.—The convention of the American Federation of Labor disposed of considerable business to-day. Two sessions were held. The afternoon one was adjourned early so that the committees, which were announced by President Gompers, could organize and take up the work that has been laid out for them. The feature of the day was the address of Edward F. McSweeney, Deputy Commissioner of Immigration at the Port of New-York, on the subject of immigration.

In the course of the two sessions eighty-eight resolutions were presented and referred to committees. They cover nearly every variety of subjects that affect workmen. One of them contained a denunciation of Wu-Ting-fang, the Chinese Minister, for an alleged derogatory remark against the American people, and another conveyed the "sincere and hearty thanks" of the Federation of Labor to President Roosevelt for the position he took in his Message to Congress on the question of Chinese exclusion. The committee on credentials made another report on contested seats at the afternoon session, and its recommendations were accepted, except in one instance. There remain only two contests to be acted upon, and they were postponed at the request of the persons interested.

LACK OF WATER POWER AT MINNEAPOLIS.

Minneapolis, Dec. 6.—The Mississippi River is unprecedentedly low. The flour mills have been forced to fall back on steam largely, and the Twin City Rapid Transit Company issued a statement to-day that the stage of water was so low as to cut down the power from their dam to a dangerously small amount. The company has been forced to cut down car service in Minneapolis, St. Paul and Stillwater, although it has begun operating its steam plant, which has long lain idle. The deficiency of water is attributed partly to the lack of fall rains and partly to the fact that loggers on the headwaters are impounding water in the streams so as to float out their cut in the spring.

SHOWED SIGNS OF LIFE AFTER HANGING.

Little Rock, Ark., Dec. 6.—"Bud" Wilson, the convict who killed R. H. Naylor, a guard of the Yell County convict camp last December, was hanged to-day at Danville. Twenty minutes after the trap was sprung the body was lowered into a coffin. Before the lid was placed on the coffin the body began moving about. Wilson opened his eyes and his whole frame shivered. He was taken from the coffin by the deputies and carried up the steps to the scaffold, for the purpose of hanging him again. When the platform was reached the body became rigid, remained so for a moment and then became limp. Wilson was examined carefully by the physicians, who finally pronounced him dead, death having been caused by strangulation.

NAVAL OFFICERS AT CHARLESTON.

Charleston, S. C., Dec. 6.—Captain Brownson and the other officers of the warships Alabama and Massachusetts were the guests of the Exposition company to-day. The entire government exhibit which was at Buffalo probably will be sent here. All of the exhibits, with the exception of those from the War Department, the Postoffice Department and the Smithsonian Institution, already have arrived. Commodore Thomas Williamson, retired, has charge of the work of superintending the installation of the naval exhibits. Captain Richmond P. Hobson will be stationed here in charge of them.

PITTSBURG FREIGHT BLOCKADE BROKEN.

Pittsburg, Dec. 6.—Traffic was moving promptly to-day on the railroads recently affected by the switchmen's strike, and the freight blockade is being rapidly cleared. The five departments of the Homestead Steel Works, which closed down on Wednesday on account of inability to get the necessary transportation, have resumed in full, and the mills in the Lawrenceville district are in better shape than at any time in the last ten days. Leonard Ames, first vice-grand master of the Switchmen's Union, stated to-day that the grievance committee was conferring with the officials of several lines, and within two days he thought every man would be at work. Officials of the railroads affected by the strike would not discuss the probability of a settlement, on the ground that as far as the lines are concerned the strike had been broken.

JOHN L. SULLIVAN'S TROUPE DISBANDS.

Ogdensburg, N. Y., Dec. 6.—The John L. Sullivan minstrel-sparring combination has disbanded, according to statements coming from Massena. The opposition of the country authorities to the exhibitions is said to be responsible for the disbandment.

NEW-JERSEY NEWS.

FIREMEN TO WOMAN'S RESCUE

SHE TURNED IN AN ALARM WHEN A MAN ASSAULTED HER IN THE STREET.

Passaic, Dec. 6 (Special).—In order to bring assistance, a young woman sent in an alarm of fire last night which brought out two fire engines, a truck, a chemical engine, a big crowd of citizens and a squad of police. She was hurrying home along Essex-st. shortly after midnight. In a dark spot near the Andrew McLean mill she was stopped by a man, who grabbed her by the back and threw her on the ground. The woman screamed, but the fellow attempted to gag her. She finally fought him off, and, springing to her feet, ran, with the fellow in close pursuit. Her cries brought no response, and as the man was almost upon her she rang a fire alarm from the station at Essex and Third sts.

The firemen were quickly on the scene. The man evidently was not aware of the woman's action, and had hold of her when Policeman Flynn appeared. On sight of the officer the man fled. The officer heard the woman's story, and gave chase. The man escaped over the Botany bridge to Bergen County. The firemen were inclined to be wroth until they learned from the woman the cause of sending in the alarm, and then they too assisted in the effort to find the man.

The woman was taken to her home in Third-st. in a fainting condition.

THE NINTH REGIMENT.

Its history, with views of its armory and pictures of its officers. See to-morrow's Tribune.

RISKS LIFE FOR CHILDREN.

CONSTABLE LEAVES PRISONER IN STREET AND STOPS A RUNAWAY TEAM.

South Amboy, Dec. 6 (Special).—While on his way to the county jail with a prisoner to-day, Constable James Roberts stopped a runaway team at the risk of his life. Two horses attached to a heavy coal wagon were startled by the steam from a locomotive, and made a dash down Broadway. There were a number of school children directly in their path. Roberts let go of his prisoner and sprang to the horses' heads. They dragged him some distance before he succeeded in turning them into a pile of lumber and stopping them.

When the horses had been secured Roberts turned to look for his prisoner, and found him where he had left him. The man had been so interested in the incident that he made no attempt to escape.

SAYS COPY OF EVIDENCE NOT NEEDED.

PROSECUTOR ERWIN DECLARES GRAND JURY HEARD WITNESSES AGAINST SULLIVAN IN PERSON.

Charles S. Furst, foreman of the Hudson County grand jury which Judge John A. Blair recently rebuked for its failure to indict Eugene Sullivan, charged with poolselling, yesterday said that Prosecutor Erwin had failed to furnish the grand jury with a stenographic copy of the evidence against Sullivan, though he had been asked for it. When Mr. Erwin was informed of this he said: "The stenographic report of the evidence taken in the grand jury room is never given out. It is for the special information of the court, and for the benefit of the Prosecutor's office in drawing indictments and preparing cases for trial. No copy was made at this hearing because the court and the Prosecutor had the report taken when the case was before the previous grand jury. As for the recent grand jury, it did not need a copy. It had heard the witnesses in person and was familiar with the case in all its details."

LAWYER REINSTATED TO PRACTICE.

An order was granted by the Supreme Court at Trenton yesterday reinstating Frank M. McDermit, a lawyer in Newark, as attorney and counsellor. McDermit was disbarred by the court in June, 1899, on charges of malpractice brought against him by the Lawyers' Club, of Newark. He is a Democratic politician and served two terms as a member of the Assembly.

DR. M'GILL OUT OF DANGER.

Dr. John D. McGill, president of the Jersey City Police and Health boards, who has been seriously ill and threatened with pneumonia, was yesterday pronounced out of danger.

FREIGHT WRECK SMASHES CARS.

ONE JUMPS THE TRACK AND THE OTHERS PILE ON TOP OF IT—PASSENGERS SLIGHTLY INJURED.

Whitehouse, Dec. 6 (Special).—A train of mixed cars on the Rockaway Valley Railway, was wrecked this morning about a mile north of Gladstone, while running down Losey's Hill. A box car jumped the track and ran along on the ties for nearly half a mile before the crew saw it. Then one of the trucks slid to one side, and immediately the whole lot of cars was piled up. The passenger coach, in the rear, was thrown from the track, and the passengers were thrown among the seats. A number of them were cut by broken glass and bruised. All the passengers were taken to a nearby farmhouse by Superintendent La Tourette, who was on the train. The box cars were smashed. The conductor of the train was John Young.

WOMAN STOREKEEPER GONE.

SHE WAS ARRESTED FOR SWINDLING, BUT DENIED THE CHARGE.

Mrs. Theresa Sack, who kept a drygoods store at No. 264 Newark-ave., Jersey City, yesterday closed the place and disappeared. It is believed that she has either gone West or sailed for Germany. Mrs. Sack was arrested a week ago, charged with swindling several merchants of this city out of goods valued at $40,000. It was charged that she bought the goods on credit, giving notes. As soon as the goods were delivered, at her store it was said that she had them carted to this city, where she sold them for cash.

Mrs. Sack denied that she had swindled any one. She said the notes she had given had not yet matured. In the absence of evidence on this point the case was continued, and Mrs. Sack was paroled in the custody of Isaac Goldenhorn, her counsel. Morris London, Mrs. Sack's business manager, who is charged with aiding her, was arrested in this city about the same time, and is now locked up in the Tombs awaiting examination.

STORE ROBBED FOR FIFTH TIME.

THIEVES GO TO MAN'S HOUSE FIRST AND GET KEYS FROM HIS POCKET.

Franklin, Dec. 6 (Special).—Burglars for the fifth time in less than one year paid a visit to the grocery store of John P. Dittig, in the Nutley section of the town, this morning. Their boldness on this visit excelled all previous ones. Before entering the grocery store they visited Dittig's home and took the keys of the store from his coat, after ransacking the house. The thieves obtained little booty at the store.

*FLOOR GIVES AWAY; WOMAN H