

department, and by whom, or whether they are... MADDEN, Third Assistant Postmaster General.

INQUIRY AT ST. LOUIS. Mr. Bristow Wants to Know About the Pay of Employees and What They Do.

St. Louis, June 23.—Postmaster F. W. Baumhoff of this city has received inquiries from Fourth Assistant Postmaster General Bristow relative to the pay of certain employees and the exact nature of duties which they are performing.

HEATH THINKS IT THE LIMIT. He Is Greatly Angered by Story of Transfer of Property.

Cincinnati, June 23.—Perry S. Heath, ex-First Assistant Postmaster General, telegraphs to "The Times-Star" from Salt Lake City, as follows: "There have recently been many brutal, malicious, vicious and wholly untrue statements published against me..."

ASKS ABOUT A YONKERS APPOINTMENT. Yonkers, N. Y., June 23.—Much comment has been caused in this city by an article in "The Dobbs Ferry News," of which ex-State Senator Charles P. McClelland is the owner...

HEAVY SHOT FOR DRIGGS TO-DAY. With to-day's session of the federal grand jury in Brooklyn will come, it is expected, the end of the first stage of the Driggs automatic cashier case...

NO WELCOME TO KING EDWARD. Nationalist Members of Dublin Corporation Vote Against an Address of Loyalty.

London, June 23.—At a private meeting of the Nationalist members of the Dublin Corporation which was held to-night it was decided by 25 votes to 3 not to vote an address of welcome and loyalty to King Edward on the occasion of his majesty's coming visit to Ireland.

CABLE LANDED AT MIDWAY. Steamer Leaves That Island for Honolulu to Complete the Connection.

Manila, June 23.—The Pacific cable from Guam to Midway Island was landed at the latter place to-day by the steamer Colonia. The cableship Anglia left Midway for Honolulu to-day, to complete the connection.

AMERICAN HELD FOR FORGERY. W. E. Ashton Charged at London with Falsifying Checks of Philadelphia Firm.

London, June 23.—W. E. Ashton, describing himself as an American nationalist and author, was released at the Guildhall Police Court here to-day on the charge of forging checks for \$2,000 on the London and County Bank in the name of Laird, Schreiber & Co., of Philadelphia.

STRIKE AT BARCELONA SPREADS. More Than Thirty Thousand Men Out—Gendarmes Patrol City.

Barcelona, June 23.—The strike situation here is growing more serious. Several thousand more laborers left their work to-day, many factories are closed and vessels are unable to leave port on account of lack of fuel.

ZIEGLER EXPEDITION STARTS. Leaves Norway for Franz Josef Land—The Members of the Party.

Tromsø, Norway, June 23.—The Ziegler polar expedition sailed to-day on the steam whaler America for Franz Josef Land, where the winter will be passed and where expeditions will be sent out with dog sledges.

SANTOS-DUMONT'S NEW AIRSHIP. Aeronaut Makes Successful Trip from Longchamps to Paris and Return.

Paris, June 23.—Santos-Dumont made his first appearance to-day in his new airship No. 9 over the central part of Paris. The aeronaut started at 4:30 a. m. from Longchamps, going in the direction of the Place de l'Étoile.

DOUGLAS SENTENCED TO DEATH. End of the Moat House Murder Trial—Jury's Quick Decision.

London, June 23.—The trial, begun at Chelmsford yesterday, of Samuel Herbert Douglas, on the charge of murdering Miss Camille Holland, a wealthy woman with whom he lived at Moat House, Saffron-Walden, Essex, ended to-day with a verdict of guilty and a sentence of death.

UPHOLDS DIAMOND'S CONVICTION. Court of Appeals Says Ex-Police Officer Must Pay One Thousand Dollar Fine.

Albany, June 23.—The Court of Appeals to-day sustained the conviction of Captain Thomas J. Diamond, of the New-York City police force, and the fine of \$1,000 for neglect of duty in failing to suppress a disorderly house in his precinct.

BRITISH ARCHITECTS DINE. London, June 23.—The annual dinner of the Royal Institute of British Architects was given at the Hotel Metropole to-night.

ENVOYS LEAVE BELGRADE. REFUSE TO GREET PETER. Mr. Jackson's Course Not Affected by Action of Other Powers.

Belgrade, June 23.—John B. Jackson, the United States Minister to Greece, Servia and Rumania, is not following the course adopted by the British Minister and other members of the diplomatic corps in leaving the Servian capital before the arrival of the new King.

FOUR MINISTERS AWAY. Representatives of Foreign Nations Carry Out Instructions.

Belgrade, June 23.—In accordance with instructions from their governments, the Ministers of France, Holland and Turkey left Belgrade this afternoon. The British Minister left the capital this morning.

KING WELCOMED AT VIENNA. Vienna, June 23.—King Peter arrived here from Geneva at 9:45 p. m., and started again for Belgrade after a halt of twenty-five minutes.

WARSHIPS REACH KIEL. American Squadron Saluted by German Fleet—Visits Exchanged.

Kiel, June 23.—The United States European Squadron, Rear Admiral Cotton in command, reached its anchorage opposite the yacht club house at noon to-day. The fleet commanded by Admiral Prince Henry of Prussia, consisting of eight battleships and six cruisers, saluted the American vessels, and the band of the German flag played "America."

MORE TROOPS AT SALONICA. Ratios for Fifty Thousand Ordered—Same Number at Adrianople.

Salonica, June 23.—The Turkish War Ministry has telegraphed to the military authorities here to prepare provisions for fifty thousand troops. A similar dispatch has been sent to Adrianople.

THE MANCHURIAN BOND. Agreement Between China and Russia Reported Signed.

Yokohama, June 23.—The newspapers of Tokio say the Manchurian convention, drawn up by a Russian representative at Peking, M. Lessar, and Prince Ching, president of the foreign board, was signed on June 20.

RAIN TABLET HARD AT WORK. Chinese Drought Broken by a Miracle Working Piece of Old Iron.

Peking, June 23.—Three days of rain have helped to dispel the fears of a crop failure which were occasioned by the prolonged drought, and have convinced the Chinese of the miraculous powers of the iron rain tablet, supposed to induce rain, which was recently brought from its temple in the south to this province.

HARSHER LAWS FOR PRESTERS. French Chamber Passes Measures Imposing Further Restrictions.

Paris, June 23.—The government bill prohibiting a secularized member of any congregation to teach in a commune where he had taught as a member of a congregation before the expiration of three years was defended in the Chamber of Deputies to-day by M. Vallé, the Minister of Justice.

EXPECTED TREATY WAS SIGNED. Henry P. Fletcher, ex-Secretary of the United States Legation at Havana, Arrived Here Yesterday.

Washington, June 23.—Henry P. Fletcher, ex-Secretary of the United States Legation at Havana, arrived here yesterday on the Morro Castle, and will go from here to Washington for orders before starting for San Francisco to take ship to Peking, where he will act as secretary of the legation there.

SUBWAY A "GOOD THING." Continued from first page.

told Mr. Jerome and Mr. Clarke on Monday that his business was that of a "filler in."

On April 19, 1901, the Dock Department gave him a contract for filling in behind a bulkhead wall at One-hundred-and-twenty-ninth-st., at \$4,800. The contract was witnessed by William H. Burke, secretary of the board.

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He had not presented himself at the court of King Alexander, owing to the fact that he has been recently appointed and has been residing in Athens, and he has no credentials to present to the new King.

While Justice Mayer is away on a week's trip to the Thousand Islands Mr. Clarke will keep digging away at the mass of rather unsatisfactory data that has been dumped in on him.

KIDNEY GETS A LEASE. It Was Learned Yesterday that a certain W. J. Kidney is wanted. This gentleman, with a suggestion of the abattoir about him is said to represent the New-York Contracting and Trucking Company.

Like that company, whose president is John J. Murphy, "Charlie's" brother, he came into a profitable lease through the old Dock Board. The subway people do a lot of earth dumping in the neighborhood of One-hundred-and-thirty-third-st. This circumstance did not escape the vigilant notice of W. J. Kidney, who applied to the old Dock Board for a dumping board privilege covering two hundred feet on the north side of the One-hundred-and-thirty-third-st. pier.

He got a three years' lease at \$900 a year. It is estimated to be worth about \$1,000 a year.

Assistant District Attorney Clarke yesterday said: "In my opinion the old Dock Board has shown guilty knowledge that contracts were let to Tammany men at low figures by their apparent employment of counsel in this case."

Why did Egan refuse to acknowledge his signature to the lease? Why did he refuse to answer questions here? That is what we want to know. In an interview King Peter dwelt on the difficulty of punishing the assassins of King Alexander and Queen Draga, in view of their pardon by the Servian National Assembly prior to his election as King.

LAND BILL COMPROMISE. Nationalists Withdraw Opposition to the Measure.

London, June 23.—A compromise was reached this afternoon between the Nationalist landlords and the government, whereby serious opposition to the Irish Land bill will be withdrawn, and, unless unexpected difficulties arise, the measure, which comes up again in the House of Commons to-morrow, is likely to be speedily passed.

The compromise consists in the landlords' acceptance of an amendment to the first clause, enlarging the purchasing rights of the tenants.

TURKS ENTER BULGARIA. Frontier Guards Cross Border and Lose Twenty Men.

Sofia, June 23.—It is stated semi-officially that a detachment of the Turkish frontier guard which crossed the Bulgarian border at Batak has been repulsed by the Bulgarians. The Turks lost twenty killed and wounded.

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RAPS SHIPBUILDING CO. UNTERMAYER USES LASH. Judge's Statement May Show Receiver Is To Be Named.

Judge Andrew Kirkpatrick continued in the United States Circuit Court at Newark yesterday the hearing, begun on Monday at Trenton, of arguments on the application for a receiver for the United States Shipbuilding Company, brought by Roland E. Conklin, Max Nathan, Jacob W. Mack and James D. Maguire, Robert H. McCarter, of Newark; Charles L. Corbin, of Jersey City; and Charles C. Downing, of Trenton.

It was rumored in the course of the day that if a receiver should be appointed, ex-United States Senator James Smith, jr., might be selected. Judge Kirkpatrick said to a Tribune reporter that a score of prominent men want the position of receiver.

The complainants were in court, and was George R. Sheldon, chairman of the reorganization committee of the shipbuilding concern; and A. C. Garry, the treasurer of the company, and Lewis Nixon, the president, did not appear.

When Mr. Untermayer began his argument Mr. McCarter asked leave to present affidavits of holders of \$200,000 of the first mortgage bonds, all of whom desired to join in the defense upon the reorganization plan.

Mr. Untermayer then said he would show facts in the case that the corporation was insolvent, and he hoped to prove an attempt to wreck it. He said he would try to show insolvency under the statutes of New Jersey, and if insolvency could not be shown, he believed the attempt to wreck the corporation was so plainly evident as to demand relief in equity.

"The corporation was conceived in iniquity," he said, "maintained by fraud and cheat, and is ending in crime, and I believe my clients are performing a public duty. This corporation was organized as a mere paper corporation, with a capital of \$5,000, one year ago. The plaintiffs say they were induced in June, 1902, to subscribe for these bonds and stock upon a prospectus which was false in every particular."

The circular given to the New-York Stock Exchange was the statement which induced the complainants to invest in the bonds of the company.

"There is nothing warranting that statement in the bill of complaint," interrupted Mr. Corbin. "I will show that there is," replied Mr. Untermayer, "by reading a copy of the circular which is made part of Mr. Conklin's affidavit."

Mr. Untermayer turned to his papers and in a moment handed the circular over to opposing counsel, who thereupon made no further remark.

WORKING CAPITAL OF MILLIONS. Mr. Untermayer pointed out that the prospectus named a working capital of \$5,000,000, and now the defendants admitted it was little over \$3,000,000, and he asked why the directors had not corrected the error or informed the public of it in some way.

The prospectus put the earnings at \$2,225,000, but in the October statement this was reduced to \$1,000,000, and in the reorganization statement the earnings for eight months were only \$388,000. This was admitted to have been searched for. Finally it was found the company could not go on, and then the deal with Charles M. Schwab was made.

Referring to the purchase by Mr. Schwab of the Bethlehem Steel Company and the subsequent execution of a \$7,000,000 mortgage as a collateral guarantee on his sale and transfer of that property to the United States Shipbuilding Company, Mr. Untermayer declared it was as picturesque a proceeding as any of those made by the directors of the Sixth National Bank, who bought and sold the stock of their own corporation. He added:

"What benefit had the creditors of the defendant corporation under that mortgage? What benefit had the complainants in this suit? The records show that the total amount of cash paid for the Bethlehem company was \$39,000,000, and the proceeds for \$20,000,000 were used to pay off the \$10,000,000 mortgage on the very property transferred."

Mr. Untermayer asserted that after the Schwab deal the shipbuilding company sent out later financial statements about the concern, and he declared there was no doubt that the directors authorized these statements. He contended that Mr. Schwab controlled the affairs of the corporation, and that his interests in the present suit, it was natural, he said, that he should direct its affairs to his own best interests.

"We hold that the corporation," he said, "is insolvent as a business corporation in that it is unable to meet its obligations, and, secondly, we hold that it is insolvent in a broader sense in that its assets are far less than its liabilities."

Mr. Untermayer then proceeded to cite cases on which he depended in his contention that he had established insolvency.

Mr. Untermayer contended that no stronger proof of insolvency could be submitted than the proposed second mortgage of \$15,000,000 new preferred stock and \$1,000,000 of common stock.

CALLS SCHWAB'S ATTEMPT UNJUSTIFIABLE. "The attempt of Mr. Schwab," he said, "is one of the most unjustifiable attempts to wreck a corporation that has ever been heard of."

Mr. Untermayer asked who was to control the new company which the plan of reorganization proposed to take over the property, and answered that it would be Charles M. Schwab, two of his lawyers and Mr. Sheldon and Mr. Wetmore, all members of the reorganization committee. In spite of this, said he, Mr. Schwab had not seen fit even to answer the charges of this suit.

In closing, Mr. Untermayer declared that less than a year ago the company asserted it had cash assets of \$10,000,000, but that by a series of brilliant exploits without parallel in the realms of higher finance the treasurer of the company was forced to state that by reason of the use of this money for the purchase of plants and subsidiary corporations the company was now unable to pay maturing obligations due August 1 of \$24,000,000 and \$21,000,000. By its own admissions, Mr. Untermayer declared, the defendant had proved the insolvency of the corporation.

Mr. Corbin began the argument for the defendant corporation. He said he proposed to show that insolvency had not been proved, nor any fraud or mismanagement of assets established. He said he would have the receiver appointed, fraud and insolvency must be proved. It was also necessary to show that some part of the business had to be discontinued. His clients maintained that the appointment of a receiver would be detrimental to the interests of the stockholders and creditors.

There was no proof whatever, Mr. Corbin contended, of any fraud or mismanagement of assets on the part of the company with the intent to defraud the public, nor any that the officials of the company were responsible for publications in the newspapers by which the complainant alleged he was interested in making his purchases of stock. The prospectus to which the complainant referred, he said, was not issued by the company, for the company, he said, had no stock in existence at that time.

There was no proof, counsel maintained, as to the terms of the arrangement made with Mr. Schwab, as set forth by the complainants, nor any that the assets of the shipbuilding company were not worth \$10,000,000, or as to what they were worth. Counsel held that there was not the slightest proof that the company had any assets at all.

Judge Kirkpatrick gave what may be considered an indication that a receiver is to be appointed by the following statement from the bench:

"As I understand the law, the complainants in the action cannot be compelled to consent to the reorganization scheme unless the receiver is appointed without the consent of every one of the first mortgage bondholders, except by due process of law, that is, a foreclosure. Failure to pay interest due, and then, if there is a provision in the mortgage that the whole amount is due, foreclosure can be dealt with. While Mr. Sheldon may think it desirable to issue bonds in this way, I don't see how it can be done save by default in the mortgage, and, unless all the bondholders consent."

A report, which found no confirmation in the financial district, was current yesterday that a leading English shipbuilding concern had offered the purchase of the United States Shipbuilding Company. The terms offered were the assumption of the \$10,000,000 mortgage of the Bethlehem Steel Com-

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pany and the payment of a sum approximating 40 per cent of the amount of the bonded indebtedness of the shipbuilding company.

WAITING FOR MORGAN. Questions Depending on His Disposition—Expected To-day.

Wall Street is awaiting with more than usual interest the present homecoming of J. Pierpont Morgan, who is a passenger on the Oceanic, due at this port to-day. Rumors of possible reorganization of the International Mercantile Marine Company have been vigorously denied by members of the firm of J. P. Morgan & Co., but the low record prices recently made by the securities of the company and the fact that several of the leading English officers of the corporation are accompanying Mr. Morgan have led the Street to believe that some important development may be impending. It is also commonly reported that the United States Shipbuilding Company complication has had something to do with hastening Mr. Morgan's return from abroad, and it is also said that the question of a change in the presidency of the United States Steel Corporation awaits his decision, although the persistent rumor that Mr. Schwab is to retire is daily denied on authority.

Sir Clinton Dawkins, Bruce Lemay and Henry Wilding, directors of the International Mercantile Marine Company, accompany Mr. Morgan.

MRS. BALLOU AT FUNERAL. Submits No Proof of Marriage to Mr. Watrous.

The woman who has been known as Mrs. Katherine Ballou, but who declares that she was married to Walter Willson Watrous, who died suddenly at the Marlborough House, Atlantic City, on Sunday, left town last night without so far as could be learned, submitting any proofs in support of her declaration that she is the widow of Mr. Watrous. Since her return to this city from Atlantic City, when she accompanied Mr. Watrous's body, Mrs. Katherine Ballou, or Katherine Ballou Watrous, has been a guest at the Holland House.

With Mrs. Maud E. Spencer, of San Francisco, her sister, she left the hotel in the afternoon in a closed carriage, and drove to No. 352 Lexington-ave., the home of Mr. Watrous's mother and brother, Harry W. Watrous, where at 2 o'clock the funeral services were held. It has been announced that the funeral would be private. The two women, both heavily veiled, entered the house and took seats near the coffin. They were met at the door by Henry Watrous, but the meeting was purely formal.

The Rev. Robert Colyer, of the Church of the Messiah, spoke briefly, making no mention of a widow of the dead man. Throughout the exercises the immediate relatives were on the floor above that on which the coffin rested.

At the end of the services and after the women had viewed the body they left the house and were driven away.

"Mrs. Ballou," said Henry Watrous to a Tribune reporter, "came as a friend of the dead man, as I agreed she should before we left Atlantic City. You may state for me and for my relatives that if Mrs. Ballou is my brother's widow she will receive due consideration, but she will have to furnish incontrovertible proof of her marriage. Neither my mother nor myself knew that my brother was married. Our first intimation of such a fact was received by reading the newspapers."

Since last fall Mrs. Ballou has rented an apartment at No. 35 East Twenty-seventh-st. under the name of "Mrs. Watrous." There she remained until a short time ago, when she visited Atlantic City and was with Mr. Watrous at the time of his death.

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He said it was expected the treaty would be signed yesterday. The Cuban people were waiting anxiously for the treaty which they believed would establish a sound business basis between the two countries. Meanwhile business enterprises of various characters were being pushed forward, largely with American capital.

EXCELSIOR LIQUID POLISH. A Very Superior Article FOR CLEANING AND POLISHING Sterling Silver, Plated Ware, Plate Glass Windows and Mirrors. For Sale by LEWIS & CONGER, 130 and 132 West 42d Street and 135 West 41st Street, New York.

Books and Publications. John Burroughs says of Country Life in America: "It is certainly the most beautiful publication of the kind that has appeared in this country, and is doubtless destined to do much toward making our people genuine country lovers." June number sold out; order July now. Doubleday, Page & Co., S. A. N. Y.

Steamboats. BOSTON AND PONTS IN NEW ENGLAND. FALL RIVER LINE for Newport, Fall River, Boston and Portland. STEAMERS "PROVIDENCE" and "PURIAN." Leave Fall River 10 a. m., 1 p. m., 4 p. m., 7 p. m., 10 p. m. Leave Boston 10 a. m., 1 p. m., 4 p. m., 7 p. m., 10 p. m. Leave Portland 10 a. m., 1 p. m., 4 p. m., 7 p. m., 10 p. m.

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