



DROPS BENDER CHARGES GOVERNOR TAKES ACTION.

Says Evidence Doesn't Show That Supervisor Solicited Contributions.

Albany, Aug. 6.—Governor Higgins to-day dismissed the charges against Harry H. Bender, fiscal supervisor of state charities. These charges were made by the Civil Service Reform Association to the State Civil Service Commission, which investigated them and reported to the Governor. The charges were that political assessments had been collected and solicited from contributors in the office of the fiscal supervisor. The conclusion of the Governor is that the evidence does not show that Supervisor Bender solicited contributions and that the checks which he did receive from one employe were given to him by such employe for transmission to the treasurer of the Republican State Committee. Governor Higgins wrote a long memorandum setting forth his reasons for dismissing the charges. He says:

No prohibition (in Section 24 of the Civil Service law) is laid against voluntary contributions for political purposes by Civil Service employes, and it is at least doubtful whether the Legislature has the power to limit the freedom of action of state employes in this regard. No good reason seems to exist why such employes should not, if they desire, contribute to the legitimate expenses of a political party. Common knowledge teaches us that such expenses are necessarily large, and that they are met by the contributions of those who are interested in the success of the party. But whether or not such contributions should be permitted, it is enough to say that they are not prohibited so long as they are freely made and without compulsion or restraint. Nor is there any evidence in the proceedings from which it could be easily inferred that the contributions testified to by the employes in the office of the fiscal supervisor were not voluntary and free from compulsion. There is no evidence which tends to show that Mr. Bender ever solicited a political contribution from any employe in his office, or authorized Mr. Prescott to solicit such contributions. The proceedings are destitute of proof of the receipt of contributions by Mr. Bender from employes in his office, except in the single instance of Mr. Hobbs, who handed Mr. Bender a check for a campaign contribution in 1902, 1903 and 1904. No one had requested him to make a contribution. He made the contribution by check and received a receipt from the treasurer of the Republican State Committee. It does not appear that Mr. Bender was acting as the agent of the state committee; it appears that he acted solely as the agent of Hobbs in transmitting his contribution to the state committee.

In regard to a request for and the receipt of a political contribution from Harbor Master Way, of Albany County, the Governor holds that it was a violation of law because Way's position was in the unclassified service. Containing the Governor says:

But over and above any merely technical violation of the statute this investigation has disclosed in this office practices indicating a disregard of the spirit of the Civil Service law that if continued there or allowed to exist elsewhere would prove highly injurious to the public service. There can be no propriety in a contribution by a Civil Service employe to any political organization with which he is in sympathy, but such contributions should be entirely voluntary, and to place the question as far as possible beyond the field of doubt such a contribution should never be made through an official, or at the suggestion of another public official, and least of all should it be made through or at the suggestion of an official in the same department. That several employes in the office of the fiscal supervisor, and that one handed him to Mr. Bender, cannot fail to lead to a suspicion that the contributions were regarded, if not as compulsory, at least as prudent. From all such suspicions the state service everywhere should be absolutely free.

Governor Higgins says in conclusion: If from the evidence it appeared that Mr. Bender, directly or indirectly, coerced or sought to coerce the political action of his subordinates in regard to contributions or otherwise, I should not hesitate to remove him, but for the reasons given above I do not feel justified in taking such extreme action against a faithful official, under all the circumstances as they appear in this investigation.

HIGGINS OUSTS SHERIFF. Replaces Chemung County Official Who Took Employes' Fees.

Albany, Aug. 6.—Governor Higgins removed John M. McDowell from the office of Sheriff of Chemung County to-day, and appointed Stanley Day, of Elmira, to fill the vacancy. McDowell was tried on charges preferred by Harry B. Miller, of Elmira, testimony being taken before W. S. Thrasher, a commissioner appointed by the Governor. The evidence, according to a memorandum issued by the Governor, showed that McDowell had appointed as court attendants persons in employment as Sheriff, that they performed services except such as they would naturally render as employes of the Sheriff, and that the Sheriff appropriated to his own use the proceeds of certificates payable for their services. In ending Governor Higgins says:

A bare statement of these facts seems sufficient. The defense that all this was done in conformity with the practice of his predecessors, and that it is a vicious custom, and would not justify this officer's conduct. The existence and disclosure of these facts cannot but seriously impair the usefulness of a public officer intrusted with very responsible duties, calling for the highest integrity and good sense.

FIGHT PITCHED BATTLE. Two Thousand Tartars Attack Russian Troops in Sangesur.

Tiflis, Aug. 6.—According to a telegram from the District Chief of Sangesur to General Golitsky, Tartars attacked and fought a pitched battle with Russian troops last night. The combat lasted until 3 o'clock this afternoon. The Tartars were two thousand strong, and occupied favorable positions. The extent of their losses is not known. After a prolonged bombardment the Russian Tartars hoisted the white flag, but the district chief learned that this was a ruse, and that the Tartars were preparing for a night attack. He, therefore, altered the position of his troops, under cover of darkness, to meet the emergency.

NEGRO "LUCKY TO ESCAPE LYNCHING." Richmond, Va., Aug. 6.—"I wish I could hang just Justice Crutchfield in the police court to-day, as M. L. Lawrence, a Negro, was hanged before him. If Lawrence's crime had been committed Saturday instead of Sunday, he would probably have been lynched. The Negro, who was drunk, loitered about Broad street yesterday. As a woman passed him he slapped her face. Judge Crutchfield told the Negro he was lucky to escape lynching.

LANDING IMMIGRANTS AFTER TRYING DAY ABOARD STEAMSHIPS. IMMIGRANTS AND THEIR FRIENDS BOARDING THE BOAT FOR NEW YORK. LANDING IN NEW YORK.



STEAM BARGE TRANSFERRING IMMIGRANTS TO ELLIS ISLAND.

For story of landing of immigrants see page 2.

PUTS LID ON SARATOGA.

RAID ON ULLMAN CLUB.

Governor Warns Sheriff That He Must Stop Gambling.

Albany, Aug. 6.—Governor Higgins to-day, in a communication to the Sheriff of Saratoga County, warns that official that the anti-gambling laws must not be violated in that county, and informs the Sheriff that he will be held strictly accountable for their enforcement.

The communication of the Governor follows: It having come to my notice that the statutes prohibiting the keeping of gambling establishments and gambling apparatus and otherwise prohibiting gambling are or are to be systematically violated in Saratoga County, I hereby specifically call your attention to the matter and warn you that you will be held strictly accountable for the due execution of the law in this regard in your county.

[By Telegraph to The Tribune.] Saratoga, N. Y., Aug. 6.—A raid on a poker game at Joe Ullman's club to-night followed the order of Governor Higgins to Sheriff Cavanaugh that he must stop all gambling.

The rumor was received early in the evening that Governor Higgins had ordered Sheriff Cavanaugh to stop all gambling. The club was serene as a summer evening. Mr. Cavanaugh was in town to-day. He returned to his home in Waterford this evening, where he refused to talk over the telephone. Ullman was told that he must not open his club. He determined that he would, a small poker game was started, and he prepared to serve supper at 11 o'clock. The police got wind of this, and at 10:30 o'clock Pinkerton men and the police raided the place, arresting eight men, Ullman and J. Mackin among them. Ullman said that the matter was in the hands of his attorney, John L. Henning. Nothing has been done to Canfield, and it is said on good authority that nothing more will be done.

ARMY OFFICER A SUICIDE.

Major Scofield, Son of Late Lieutenant General, Feared Illness.

San Francisco, Aug. 6.—Major William B. Scofield, paymaster in the regular army, son of the late Lieutenant General Scofield, U. S. A., retired, shot and killed himself this afternoon. Major Scofield was on a leave of absence on account of ill health. In explanation of the suicide it is said that he feared an attack of locomotor ataxia, and that he would become a burden to his wife.

ARBITRATION FOR ALL.

Rio Congress in Favor of Thus Settling All Disputes.

Rio, Janeiro, Aug. 6.—The International American Conference to-day's session unanimously agreed upon a project providing for the arbitration of disputes between the countries represented. It ratifies the adherence of the American republics to the principle of arbitration and recommends that the Pan-American delegates to the Peace Conference be convened at The Hague be instructed to support a general arbitration convention. The vote on the project will be taken to-morrow. The project was signed by the arbitration committee, which is composed of representatives of every delegation attending the congress.

RECEPTION FOR SECRETARY ROO.

Sao Paulo, Brazil, Aug. 6.—Secretary Root spent the day visiting the government offices and schools. The Governor gave a reception in his honor to-night. The Secretary has been compelled to decline the offer of the municipality of Santos to entertain him at luncheon to-morrow.

FERRYBOAT ON LEDGE.

Hackensack, of College Point Line, Finds a Mud Flat.

The ferryboat Hackensack, of the College Point Line, plying between East 96th street, North Beach and College Point, drifted on to a ledge last night off East 133d street, and stayed there for almost an hour. There was a crowd of a hundred passengers aboard, among them a patient in charge of Dr. John F. Nelson. The greatest excitement prevailed for a time. The boat had laid to on a call of "man overboard." The Hackensack went ashore about 7:30 o'clock. She blew her whistle, and the tugboat Wade hurried to the scene. Captain Wade, of the tug, said he took eighty persons off the boat. The captain of the ferryboat, when everything was over, said the passengers did not get off the boat at all, but stayed on until the Hackensack floated and went on to her slip. The boat, he said, was not damaged.

ONCE WEALTHY, DIES A PAUPER.

[By Telegraph to The Tribune.] Sault Ste. Marie, Mich., Aug. 6.—Edgar Brown, a pioneer iron man and the discoverer of the Mesaba and Vermilion ranges, the richest of the great Lake Superior mining district, died at this afternoon in a pauper's cot at the Sault Ste. Marie Hospital. The two noted ore ranges Brown discovered here were worth \$14,000,000. Brown developed until they were worth \$14,000,000. Brown borrowed money of John D. Rockefeller on a call loan. When the loan was called in Brown was unable to pay it and the mining property passed into the hands of Mr. Rockefeller.

BANK DEFICIT MILLION.

DEATH AND SUICIDE.

Cashier Charged with Embezzlement—Police Protect Chicago Institution.

Chicago, Aug. 6.—The Milwaukee Avenue State Bank, one of the larger outlying banks in Chicago, was closed to-day by State Bank Examiner C. C. Jones, with a deficit in its accounts of close to a million dollars and with the whereabouts of two of its chief officers unknown to the authorities. The failure was responsible for the death of one of the depositors and for the suicide of another man who a month ago had placed the earnings of a lifetime in the institution. In the excitement following the announcement of the failure J. G. Visser, an officer of the Royal League, who had on deposit in the bank, funds of that organization, fell dead. Henry Koepke, a grocer, on hearing that the bank had suspended payment, went to the rear of his store and shot himself. He died a few minutes later. The bank had deposits amounting to about \$4,000,000, and loans and credits of about the same amount. Riotous scenes attended the announcement of the failure, and a large force of policemen struggled all day to keep an excited crowd of depositors, nearly all of whom were foreigners and included many women, from rushing the doors of the institution.

COUDERT PIER REBUILT.

ANOTHER RAID LIKELY.

Oyster Bay Shore Front Resident Defies Town Authorities.

[By Telegraph to The Tribune.] Oyster Bay, Aug. 6.—Another shore front battle may be pulled off to-morrow, for it has reached the ears of the village authorities that Frederic B. Couderc has rebuilt his pier in the face of the prohibitory orders of the Town Board and Highway Commissioners. This morning Mr. Couderc had a force of carpenters at work rebuilding his pier on his fallen pier, and long before noon it was as staunch and strong as it stood on Thursday morning before the destroying hand of the Highway Commissioners threw it into the water. Mr. Couderc evidently expected trouble, for he remained at home all day. Possibly he was waiting for the Highway Commissioners and their axe and crowbar men to appear, and it is just possible, too, that he had the shotgun he mentioned when he last spoke of the matter to Constable Jack McQuade. That occasion was last Friday morning, when McQuade served Mr. Couderc with the restraining order, forbidding him, in the name of the Town Board, to rebuild his pier until the courts should have settled the ownership of the ancient highway along the waterfront. Mr. Couderc told the constable that had he been present when the pier wreckers were at their work he would have defended the structure with a shotgun.

TWO KILLED IN WRECK.

Cincinnati and New York Limited Jumps Tracks Near Pittsburg.

Pittsburg, Aug. 6.—Two persons were killed in a wreck on the Pittsburg, Cleveland, Cincinnati and St. Louis, or P. C. N. Y. line, two miles outside this city, shortly before 11 o'clock to-night. The train was the Cincinnati and New York Limited, and was eastbound. The wreck occurred at a switch, but until an investigation is made it cannot be learned whether the switch was open or if there was an obstruction on the track. The train, which was made up of a sleeper, two chair cars, a dining car and a baggage car, left Columbus, Ohio, at 5:45 o'clock, central time, and was due in this city at 11 o'clock, eastern time. Just before reaching the bridge at the junction of the Monongahela and Allegheny rivers the engine jumped the track and fell against a high bluff on one side. The air brakes set automatically, but the baggage car fell on the opposite side of the track from the engine, toward a retaining wall, toppled over and caught fire. The remaining cars remained on the track. The engineer and men in the baggage car escaped injury, but the two firemen, who jumped in the direction opposite to that in which the engine toppled, were caught by the baggage car and killed. The fire was soon extinguished and a wrecking crew sent to clear the track.

LIGHTNING WRECKS A LAUNCH.

[By Telegraph to The Tribune.] Winsted, Conn., Aug. 6.—During an electric storm this afternoon a launch anchored on Highland Lake and bought last week by Charles Davis, of Torrington, was struck by lightning and wrecked. A party had left the craft only a few minutes before. Mrs. Harry Allen, of Torrington, and several other cottagers sitting on verandas near the shore, were slightly shocked.

BEST SERVICE TO CLEVELAND.

There are 11 trains per day to Cleveland via "America's Greatest Railroad," NEW YORK CENTRAL LINES, including the famous Lake Shore Limited.—Adv.

SUMMER COMPLAINTS CHILDREN ADULTS.

Dewey's Blackberry Brandy a positive cure. H. T. Dewey & Sons Co., 128 Fulton St., New York.—Adv.

J. R. S. WELLS ON RECEIVING SHIP.

[By Telegraph to The Tribune.] Norfolk, Va., Aug. 6.—J. Raynor Storrs Wells, the New York man who enlisted in the navy, was received aboard the receiving ship Franklin to-day as an ordinary seaman. Being a novice he is known as a "rookie." Wells was assigned to a hammock, and he took his place with the rest of the ordinary seamen.

RECEIVED FROM THE SOUTH.

[By Telegraph to The Tribune.] Memphis, Tenn., Aug. 6.—A mob of 3,000 men, shortly before 11 o'clock to-night forcibly entered Rowan County jail at Salisbury, removed three of the six Negroes charged with the murder of the Lyerly family at Barber Junction, July 13, and lynched them. Nease and John Gillespie and Jack Dillingham, supposed to be the principals in that crime, were the victims of mob vengeance. The remaining Negroes, Henry Lee, George Ervin and Bella Dillingham, were not molested, and later to-night officers hurried them off to Greensboro.

MOB SHOTS SPECTATORS.

Storms Jail and Hangs Lyerly Murder Prisoners.

The mob began gathering at sundown. Mayor Boyden promptly ordered the saloons closed, and with other well known citizens, United States Senator Overman, Judge Long, who was trying the Negroes, and Solicitor Hammer, gathered on the jail steps and addressed the crowd, which at that time numbered two thousand. There were howls and catcalls from the mob, but for a time there was no move—the mob lacked a leader. While citizens were appealing to the mob, two men slipped through the crowd and were entering the jail with hammers. They were discovered and arrested. The mob continued its yelling, but there was still no concerted move. About 9 o'clock Mayor Boyden called on the local military company, the Rowan Rifles, for aid. They assembled quickly, but were supplied with only blank cartridges, having no orders to shoot to kill. Fireman McLendon, of Charlotte, a Southern Railway employe, was shot in the stomach by a bullet said to have been fired by a member of the mob. He was fatally wounded. Will Troutman, a Negro drayman, was also seriously shot at about the same time. Both of the shootings are said to have been accidental, occasioned by some of the wild firing by members of the mob, with the evident intention of frightening citizens. At 10 o'clock there was a great stir in the mob, which had been augmented by fully five hundred men, who came, it is said, from Whitney, where the Whitney Reduction Company is developing the Yadkin water power. It was only a few minutes after their arrival when a crowd of fifty, forming a sort of flying wedge, made a break for the jail doors, overpowered the officers and effected an entrance. The great crowd outside surged in behind the leaders, and in a few moments more emerged from the door with their victims. The Negroes were quietly marched northward toward Spencer, but a halt was made at Henderson's ball grounds, on the edge of the town. There the Negroes were given time to confess the crime. They refused to either deny or confess, and were so thoroughly frightened as almost to have lost the power of speech. John Gillespie wept piteously and begged for his life. Tiring of his efforts to get statements from the Negroes, at midnight the ropes were quickly brought forward and adjusted, and the three were strung up to the limbs of one tree, and with howls and curses the crowd riddled the dangling bodies with bullets. George Ervin was taken from the jail with his associates and closely questioned. Then the mob led him back to his cell. Nease Gillespie maintained his innocence to the end. The other two would neither confess nor deny the crime. Ed Barber, a relative of the victims, followed the mob with the prisoners to the scene of the lynching and pleaded with them to return the Negroes to the jail and let the law take its course, but the mob paid no attention to him. The crime for which the three men were lynched was committed on the night of July 13, when the Lyerly family was murdered at Barber Junction. Isaac Lyerly, a well known farmer, his wife and two children were killed while asleep, a third child was fatally wounded, and the house set on fire.

CORSAIR RESCUES MAN.

Mr. Morgan on the Boat When Bather Is Pulled Aboard.

J. Pierpont Morgan's yacht Corsair took part in an exciting rescue in Hell Gate yesterday afternoon. Mr. Morgan was aboard. As the Corsair was heading up the East River, about the ebb tide, about 4 o'clock, three men who were bathing in a cove near the East River Park, opposite Hell Gate, were caught and swept out into the current. One of the men was carried almost under the bow of the Corsair. The big yacht stopped suddenly, reversed her engines and as the nearest man swept a life preserver was hurled from the yacht. The man grabbed it and in a few minutes was taken aboard. The other two were rescued by passing craft.

TO ASK PRESIDENT TO HUNT WOLVES.

[By Telegraph to The Tribune.] Memphis, Aug. 6.—Wolves are overrunning parts of Oklahoma to such an extent that Colonel Mangum, of Chattanooga, Okla., has arranged for a big wolf drive. An invitation will be sent to President Roosevelt to join in the drive. Colonel John Abernathy, United States Marshal of Oklahoma, will be in charge, and while Thanksgiving has been chosen for the hunt, should the President accept the invitation the date will probably be changed to suit him.

REDUCED RATES TO MINNEAPOLIS.

Via Pennsylvania Railroad, account G. A. R. Encampment. Tickets sold August 18, 11 and 12, good returning until August 31. Stop-over at Chicago returning. Further particulars of Ticket Agents.—Adv.

LYNCH THREE NEGROES.

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THE MOB BEGAN GATHERING AT SUNDOWN.

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HORSES WELL CARED FOR.

Superintendent C. A. Hankinson of the Society for the Prevention of Cruelty to Animals also provided for horses stricken by the heat.

TRAFFIC ON THE SURFACE AND ELEVATED LINES WAS UNUSUALLY HEAVY.

There wasn't a breath of air stirring in the subway, and the few persons who patronized the underground road took the express trains. The local subway trains were practically deserted.

THE FERRYBOATS OF THE HARBOR, ESPECIALLY THE MUNICIPAL FERRY TO ST. GEORGE, DID A LAND OFFICE BUSINESS.

Many persons who went there expecting to find a cool place in which to sleep were forced to go home or to sit on a bench if they could find one not occupied. Although no one was allowed to sleep on the grass, some brave ones ventured to do so, and in most cases the sympathetic policemen found it convenient not to see them. Most of the crowd remained in the park until 1 o'clock, when the police forced them to depart.

BROADWAY PARKS CROWDED.

The parks skirting Broadway and Fifth avenue were as crowded with sleepers at night as those in the thickly congested East Side, Bryant, Madison Square and Union Square parks were so closely packed that it would have been almost impossible to crowd a corporal's guard into any of them. Hundreds were stretched on the grass and others sat on benches and the police made no attempt to drive them out. The Park Commissioner having given orders that no one should be disturbed.

THE EAST RIVER PARK, WHICH EXTENDS ALONG THE RIVER FRONT FROM 48TH STREET NORTH TO 90TH STREET, WAS THROGGED FROM 6 O'CLOCK.

Families were massed on the benches and on the grass, the little ones lying on pillows while the parents stretched themselves out on comforters, but more frequently on the grass. It seemed as though the seventy-five thousand children which this district contains were all there. The police had little to do, but they kept moving among the campers-out to prevent thefts.

SEWARD PARK, ONE OF THE ROOMIEST OF THE SMALL PARKS, WAS JAMMED.

Benches were early pre-empted and seats were at a premium and hard to find till late in the night. The grass enclosures were also overrun, and early in the night the men stretched themselves out to sleep and hundreds of them looked as if they were prepared to spend the night in the open. The free stereopticon amused the crowd.

THE CENTRE PARKWAY IN DELAWARE STREET FROM THE BOWERY TO THE WILLIAMSBURG BRIDGE WAS ALSO CROWDED.

This wide, open street provided a fair sweep for the breeze, such as it was. As yet there is no grass along the centre, nor has there been any attempt provided benches. The East Side parks were equal to the occasion, however, and brought their own chairs or camp stools. Boxes were often used as settees. Those who did not make these provisions for their comfort sprawled on the bare earth and tried to keep cool there.

OVER AT THE UNIVERSITY SETTLEMENT BUILDING THEY HAD A BIG KINDERGARTEN CLASS DURING THE