LOSES $30,000,000 CASE

Count George of Merenberg Defeated by a Crown Princess.

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After a trial which has been in progress at Wiesbaden for over six months, and in which a fortune of some $30,000,000 was at stake, Count George of Merenberg, morganatic son of the late Prince Nicholas of Nassau, has had final judgment pronounced against him by the German courts, and has been condemned to pay all the enormous costs of this cause célèbre. The defendant was the fifteen-year-old Crown Princess of Luxemburg, represented by her mother, the Grand Duchess Regent of Luxemburg, who was supported by the reigning Grand Duchess of Baden, only sister of the moribund and paretic Grand Duke of Luxemburg, and by other agnates of the House of Nassau, first and foremost, Duke Alexander of Oldenburg, as son of the late Princess Theresa of Nassau.

Count George of Merenberg, who through his mother is a grandson of Russia's most famous poet, Pushkin, and who is married to the elder of the two illegitimate daughters of Emperor Alexander II of Russia, and of Princess Youriefska (née Dolgorouki), began by putting forward pretensions to be recognized as Crown Prince of Luxemburg, and as regent of the grand duchy, while the now dying grand duke was ill, on the plea that the rights of the princesses of the House of Nassau to the throne of Luxemburg did not come into force so long as there were any princes of Nassau in existence, and that therefore his rights to the crown were superior to those of the grand duke's daughters.

Both the national legislature and the tribunals of Luxemburg denied Count Merenberg's claims, on the ground that the marriage of his parents was of an altogether morganatic character, and proclaimed the eldest daughter of the grand duke as heir apparent to the throne, as crown princess of the grand duchy and as hereditary Princess of Nassau.

Defeated in Luxemburg, Count Merenberg, as a German, thereupon appealed to the German courts, not for the throne of Luxemburg, but for the control of the great $30,000,000 fortune of the House of Nassau, nearly all of the property being situated in Germany. He was induced to institute the suit by certain German Radical lawyers, who encouraged him in the belief that morganatic marriages contracted by princes of the reigning families of Germany have the same value in the eyes of German law as ordinary matrimonial alliances. Of course, had he been able to establish this, and to obtain thereby the control and eventual possession of the Nassau property, he would have had grounds for presenting anew his pretensions to the throne of Luxemburg. But the German courts have now decided against him. They have declared that the morganatic marriage of his parents was not of such a character as to entitle him to succeed to any of the honors, titles or rights which his father may have possessed as a prince of Nassau and of Luxemburg, and they have decreed that the fifteen-year-old Crown Princess of Nassau is the lawful heiress to the great property vested in her father, as chief of the House of Nassau, as she is heiress to his throne.

ANOTHER ARCHDUCHESS'S MESALLIANCE.

Emperor Francis Joseph has caused the Grand Master and Grand Marshal of his court, Prince Montenuovo, to issue a somewhat remarkable official announcement, in connection with the marriage the other day of Archduchess Renata to Prince Jerome Radziwill. The announcement is to the effect that, inasmuch as the union is not "Ebenburtig," that is to say, a marriage where both parties are of equal rank, the archduchess has forfeited her rank as an archduchess and her predicates of imperial and royal highness. The Emperor, while he gave the necessary consent to the match, takes this means of notifying every one that, in his eyes, and in those of the laws of Austria and Hungary, it is a mesalliance.

The Radziwills, although they have both Russian and German titles of prince and have been allowed to retain some of their former Polish ducal dignities, are, nevertheless, of the lower nobility and figure as such in Part III of the "Almanach de Gotha."

The High Nobility, whose names are contained in Part II of the "Gotha," are all families who enjoyed sovereign or petty sovereign status during the existence of the Holy Roman Empire, which was brought to an end by the first Napoleon a little over a hundred years ago. Among the prerogatives retained by these so-called mediatized houses of the high nobility is that of mating on a footing of equality with the now reigning houses of Europe; and there have been a number of matrimonial alliances between them and the Hapsburgs in modern times.

Thus the Archduchess Isabella, wife of the Archduke Frederick, was a Princess Croy, daughter of the mediatized duke of that name. Her daughter, Archduchess Christine, is married to Prince Emmanuel Salm-Salm, and another daughter, Archduchess Marie, was recently led to the altar by Prince Godfrey Hohenlohe. Then, too, there is Archduchess Elizabeth, only child of the late crown prince, who is wedded to Prince Otto Windisch-Graetz, a cousin of Prince Vincent of the same family, who is attached to the Austrian Embassy at Washington.

According to the pronouncement just made by Emperor Francis Joseph, none of these archduchesses have forfeited their predicates of imperial and royal highnesses, although they have been obliged to renounce their place in the line of succession to the throne and to content themselves with the precedence of their husbands. But Renata of Hapsburg, who is a daughter of Archduke Stephen, the sailor member of the imperial family, and who is a niece of Queen Christina of Spain, has now ceased to be an imperial and royal highness, and will have to content herself henceforth with the status of a mere Princess Radziwill.

OFFICIAL STATUS OF THE RADZIWILLS.

This public proclamation of ex-Archduchess Renata's marriage as a mésalliance will be unpleasant reading for the Radziwill family, and may astonish many who recall that in the eighteenth century at least two matrimonial unions took place between the reigning house of Prussia and the Radziwills. But at the time when old Emperor William wished to lead Princess Elise Radziwill to the altar, in the early part of the nineteenth century, it was definitely decided that the Radziwills were not, strictly speaking, qualified to mate with royalty, and in consequence thereof the union did not take place, and William was compelled some time afterward, for purely dynastic reasons, to contract a loveless marriage with Princess Augusta of Saxe-Weimar.

Emperor Francis Joseph has likewise been prompted in taking the step with regard to the marriage of his young cousin Ronata to Prince Jerome Radziwill by the fact that the latter belongs to a branch of the house of Radziwill which has been rather unfortunate in its matrimonial alliances; at any rate, from the point of view of the Austrian and the German courts. Thus, his mother is a Spaniard, coming from Barcelona, of very bourgeois birth, whose first husband was a merchant of Barcelona engaged in the South American trade. Moreover, Prince Jerome's father is a brother of that Prince Constantine Radziwill who, through his marriage with Louise Blanc (her mother was an inn chambermaid), has become one of the part proprietors of the great public gambling establishment at Monte Carlo. In one word, Prince Jerome Radziwill does not in any manner satisfy the genealogical requirements which are exacted on the part of even the ordinary Austrian nobles at the Austrian court, and which are likewise regarded as more or less indispensable to admission to the great world at Vienna.

HIS BIRTHDAY ON GOOD FRIDAY.

King Leopold's seventy-fourth birthday falls this year on Good Friday, and he is delighted, since it furnishes him with an excellent excuse for the countermanding of all the festivities which should take place by rights in Belgium on the anniversary of the birth of the sovereign. He is now enjoying himself in the South of France, with the Baroness Vaughn and his two little boys, established in a villa in the immediate neighborhood of his own residence, and has no inclination whatsoever to undertake the long and wearisome trip back to Brussels merely in order to attend at a lot of tiresome official ceremonies organized by a number of people who for the most part, as he well knows, wish him dead.

Leopold's birthday has always been a source of annoyance to him, and time and again has he been held up to obloquy in the Belgian press for absenting himself from the country on this particular day of all others in the year. On one memorable occasion he failed to notify either his family or his ministers of his impending departure, and when princes and princesses, ministers of state, the foreign envoys, delegations from the Senate and from the lower house of the legislature, from the army, the municipality, the judiciary and the leading public organizations of the kingdom assembled in grand official array at the royal palace at Brussels to present to him their good wishes, a grand military review having been arranged for the afternoon, no trace of Leopold could be found, nor was anything heard of him until, a fortnight later, a Cabinet crisis led to his being run to earth while touring in a remote part of Switzerland, in the strictest incognito and in fair and frail company.

MARQUISE DE FONTENOY.

OBITUARY.

JOSEPH P. M'INTYRE.

Seattle, March 30.—Joseph Peter McIntyre, chaplain of the battleship Oregon during the run from the Puget Sound navy yard around Cape Horn to Santiago, died to-day from nervous disorders resulting from service in the Spanish-American War and exposure following the San Francisco earthquake and fire.

Chaplain Joseph P. McIntyre created a sensation by his wholesale criticisms of Admiral Sampson and Captain Robley D. Evans, for which he was court-martialled and dismissed from the service. Chaplain McIntyre was aboard the Oregon during the battle of Santiago. After the engagement he obtained leave of absence and went to his home in Denver. He delivered a lecture in one of the churches of that city, in which he referred at length to the fight. Published accounts of the lecture said he accused Admiral Sampson of reporting his flagship to be nearer the battle than she really was in order that Sampson might get his share of the bounty money. Chaplain McIntyre was also quoted as reflecting on the courage of Captain Evans and as saying that all the eastern-built American ships in the fight had been constructed under contracts awarded through political influence, and were, therefore, inferior to the Oregon. At the trial the chaplain said he was suffering from nervous breakdown and was temporarily insane at the time of delivering the lecture.

In 1898 Mr. McIntyre married Mrs. Lucy H. Gordon, widow of Robert Gordon, an attorney of San Francisco. Mr. McIntyre's first wife had died the previous year. The marriage to Mrs. Gordon took place at Pasadena soon after he left the navy, but was kept secret for two years, as an uncle of Mrs. Gordon had left her $200,000 provided she should remain the widow of Robert Gordon. The marriage was not divulged until unpleasant gossip made it necessary.

L. D. HUNTINGTON.

Washington, March 30.—L. D. Huntington, of New Rochelle, N. Y., a member of the New York Stock Exchange, died on a Pullman car just before reaching this city to-day, en route from Charleston, S. C., to his home. Mr. Huntington was accompanied by a daughter, Miss E. C. Huntington, and had been traveling in the South for his health.

Although Lawrence D. Huntington, sr., was next to the oldest member of the New York Stock Exchange and had been active in Wall Street at one time, he was probably best known as a yachtsman, having designed and built more yachts than perhaps any other person. Mr. Huntington was a Democrat and was intimately acquainted with the late ex-President Cleveland and E. C. Benedict, having accompanied them on many fishing expeditions. As a fisherman, too, he was regarded as an authority, having served for several years as State Fish Commissioner.

Up to three years ago Mr. Huntington was head of the shipyard at New Rochelle. Ill health, however, forced him to retire, and he had since been travelling in the South hoping to regain his health. On his retirement he was succeeded by his son, Lawrence D. Huntington, jr. Mr. Huntington was seventy-five years old and was at one time president of the old village of New Rochelle. Two sons and two daughters survive him. No arrangements for the funeral have been made.

MRS. SARAH E. H. LARKIN.

Mrs. Sarah Elizabeth Hobby Larkin, widow of Francis Larkin, died yesterday at her home, No. 1 West 72d street, after a lingering illness. Mrs. Larkin was eighty-three years of age, and for many years resided at Ossining, where her husband was one of the leading lawyers of Westchester County. She is survived by a son, Frank Larkin, a lawyer, of Westchester; another son, John Larkin, a lawyer, of this city, and a daughter, Mrs. Adrian H. Joline, wife of one of the receivers of the Metropolitan Street Railway Company.

The funeral services will be held at Trinity Church, Ossining, at 3:30 o'clock to-morrow afternoon. The friends of the family will leave the Grand Central Station at 1:55 o'clock on that day for Ossining.

JOHN COREY HERSEY.

John Corey Hersey, chief clerk of the entry division in the naval office of the Custom House, died yesterday from Bright's disease after a short illness at his home, No. 141 East 18th street, Flatbush. Mr. Hersey was born in Lowell, Mass., in 1847, and was graduated from the Sheffield Scientific School at Yale in 1868. For several years he engaged in civil engineering and railroad building on the Northern Pacific and other Western railroads. Thirty years ago Mr. Hersey was appointed to the Custom House. He was considered an authority on the interpretation of tariff schedules and had made several compilations of decisions.

The funeral will be held this evening at 8 o'clock. Burial will be in the family plot at Morristown, N. Y.

OBITUARY NOTES.

JOHN W. WILSON, president of the Baptist Social Union and ex-president of the Baptist Young People's Social Union, died at his home, No. 433 6th street, Brooklyn, Monday, after a brief illness. He was born in Manhattan April 2, 1849, and moved to Brooklyn early in life. For thirty-five years he was connected with the banking house of C. J. Lawrence & Co., of Wall street.

EDWARD M'ROBERTS, a brother of Hugh McRoberts, who was at one time Republican leader of Tompkinsville, Staten Island, and also Quarantine Commissioner, died yesterday at the age of fifty-nine years at his home in Tompkinsville from pneumonia, which developed from a cold he contracted while attending the inauguration of President Taft at Washington. He was unmarried.

MRS. PAULINE ULLMAN BAMBERGER, widow of Jacob F. Bamberger, a wholesale dry-goods merchant of this city, died at her home, No. 55 West 56th street, yesterday morning after a brief illness. Mrs. Bamberger was born in Louisville, Ky., sixty-four years ago. Three sons, Leon J., Edward S. and Irving W. Bamberger, who conduct the firm of Bamberger Brothers, wholesale dry-goods merchants, in Waverley Place, survive her.

FUNERAL OF MRS. LESTER WALLACK.

The funeral of Mrs. Lester Wallack was held yesterday at the Little Church Around the Corner. The Rev. Dr. George Houghton, the rector, conducted the service, the coffin resting on the same spot where twenty-one years ago her husband's body had rested. Near it were her daughter, Mrs. Sewall, and Lester Wallack, jr., the grandson.

The church was pretty well filled with a gathering of oldtime New Yorkers and theatrical people. Charles Barton, the treasurer of Wallack's Theatre in the early days; E. M. Holland, the actor, who used to be the leading man in the stock company at the old house; George Freeman, George McLean and George Truman, of the old staff of the theatre in the days of Mrs. Wallack's husband, and "Joe" Driscoll and "Jim" Aikens, who used to be stagehands there, were present and accompanied the body to the cemetery.

PHILLIPS-EXETER ALUMNI AT DINNER.

Alumni in New York and vicinity of Phillips-Exeter Academy held a dinner last night at the Hotel Manhattan, about one hundred and twenty-five members of the association being present. The academy was represented by Principal Harlan P. Amen and Professor James A. Tufts, who has been connected with the institution for thirty-one years. The other guests and speakers were Dr. John H. Finley, president of the College of the City of New York; S. Sidney Smith, president of the board of trustees of the academy, and George A. Plimpton, one of the members of the board.

While the dinner was at its height "Jim" Hogan, Deputy Commmissioner of the Street Cleaning Department and a former captain of the Exeter football team, appeared and was roundly cheered, as was Deputy Police Commissioner Hanson, who is a graduate of Exeter.

NEW CHARTER FOR CITY

J. HAMPDEN DOUGHERTY EXPLAINS FEATURES.

He Takes Up Legislative Powers of Council and Shows Why Brief Grants Are Favored.

SECOND ARTICLE.

The commission invites thoughtful consideration of its work. Charter deals tersely with city's obligations. Charter definitions. Council takes place of Board of Aldermen, is reduced in number and unsalaried. Legislative powers of Council. Why a brief grant of legislative power is substituted for a lengthy enumeration.

(By J. Hampden Dougherty, member of the Charter Commission.)

The former article aimed to show the desirability of simplification of the charter and of its division into the structural and the administrative, the charter to be exempt, as far as possible, from change, the code being incident to it as time might require.

As the work of the commission has found a few critics, it should be borne in mind that the value of any effort is not to be impaired by a happy epigram. Sir Isaac Newton, in the House of Commons, might not, in a contest of wit, have been able to defend his law of gravitation against a phrase maker. That the world was a sphere was quite conclusively refuted in certain mediæval minds by the promise of the Bible that at the last day we should be caught up to meet the Lord in the air, which could not be if the world were not a plane. The commission cannot meet all critics; it asks merely that its work be thoughtfully examined before judgment is pronounced.

TREATS OF CITY'S OBLIGATIONS.

Chapter I of the new charter treats, among other things, of the city's corporate powers and obligations. All its ancient rights, privileges and powers are retained. One section of thirty lines continues all the city's obligations to its creditors and preserves and maintains in force all pledges, securities and sinking funds for their payment. This section supersedes a number of sections of the existing charter, necessary, perhaps, in the formation of a new city, in which in varied phrase the holders of bonds of the several municipal corporations consolidated into greater New York were guaranteed the payment of their claims. Chapter I deals also with definitions. In the present charter words are defined with needless frequency and not always in identical language. Chapter II contains several provisions of general application regarding the duties of officers and employes. Chapter III deals with the Council, which supersedes the Board of Aldermen. The Council is to contain thirty-nine members; the present Board of Aldermen has seventy-three; and as the city's experience with an unpaid Board of Education has, in the main, proved satisfactory, the commission recommends that councilmen receive no salary, believing that "if the office (of councilman) be removed from the field of small pecuniary political prizes it will no longer be utilized as an adjunct to the organized political machinery of parties." To the Council is confided large and efficient legislative power. It will have the right, in certain respects, to alter, amend or repeal the administrative code. Such an office should attract men to whom the duties of an alderman, as generally conceived, would be repellant. Authority to issue licenses is taken from the Council and reposed in a license bureau under the control of the Board of Estimate and Apportionment. That board will, as at present, have exclusive control of the grant of public franchises. Thus the powers of the Council will be strictly legislative.

BROAD GRANT OF LEGISLATIVE POWER.

A cardinal departure has been made from the present charter in a broad grant of legislative power. This has been criticised as an unwise innovation, whereas it is a return to the ancient and most respected models. One critic complains that Section 34 contains no express power to the Council to enact a building code. The new charter makes the Council the residuary grantee of all city powers not elsewhere located, and Section 34, which embodies this ample grant, closely resembles the charter for cities of the second class drafted by the late Robert Earl, once chief judge of the Court of Appeals. If a comprehensive grant in few terms is preferable in a charter for cities of the second class to a long detailed enumeration of powers, why is it not so in a charter for New York City? No attempted enumeration of powers is satisfactory, because however long the list there is usually added a dragnet provision to include powers not specifically given. Thus the present charter, after a detailed specification of aldermanic powers quite as lengthy as this article, declares that no enumeration shall be held to limit the legislative power of the Board of Aldermen, and that it may exercise all legislative powers vested in the city not inconsistent with the act itself or the Constitution or laws of the United States or of this state. It has seemed wiser to the commission to confer the legislative power in a few comprehensive terms, thus following the precedent not only of the charter of cities of the second class in this state, but of many cities of the first class in other states. In doing so the commission has returned to the plan of the city's earliest charter and abandoned the plan first originated in 1870.

The Montgomerie Charter, granted by George II, gave the Common Council of the former city of New York full power and authority to make all such laws, statutes rights, ordinances and constitutions as to it should seem useful or necessary for the good rule and government of the city, provided that the same were not repugnant to the laws of England or of the colony. Of this grant of power Chancellor Kent said:

> These broad and latitudinary powers were given to be exercised with sound discretion and with a liberal spirit commensurate with the growing wants and prosperity of a great commercial metropolis. The courts construe powers liberally for this purpose (City Charter and Kent's Notes, page 123).

PROVISIONS OF CHARTER OF 1830.

There was no enumeration of legislative powers in the City Charter of 1830. That charter was a genuine city constitution, drawn by the residents of the city elected as delegates to the city convention of 1829. Details were left for the council, to determine, thus showing the intent to give the city freedom in shaping its own form of government. Alluding to encroachments which even in that early day the Legislature began to make upon charter powers by special legislation, Chancellor Kent said that whenever the special statute did not supply authority in a given instance—

> The Common Council can always resort to the never failing powers under the charter, which gives broad and large authority commensurate to every case.

The amended charter of 1849 contained no detailed enumeration of legislative powers. The Tweed charter of 1870 was the first to limit the city's law-making ability. Nevertheless, besides a long list of enumerated powers, the charter of 1870 contained the following provision:

> The Common Council shall have power to make, continue, modify and repeal such ordinances, regulations and resolutions as may be necessary to carry into effect any and all of the powers now vested in, or by this act conferred upon, the corporation, and shall have power to enforce obedience thereto. . . . And shall . . . in addition to other powers elsewhere specially granted . . . have power to carry into effect and enforce any of the powers, privileges and rights at any time granted and bestowed upon or possessed by the said corporation.

The charter drawn by the Committee of Seventy in 1872 contained a comprehensive grant of legislative authority. It was approved by the Senate and the Assembly, but vetoed by Governor Hoffman solely upon the ground that its provision for minority representation was unconstitutional. The charter of 1873, following the evil example set in 1870, contained a long enumeration of powers, and these precedents were followed in 1897, together with the broad power section, to which reference has been made.

THE BROOKLYN CHARTER OF 1895.

The Brooklyn Charter of 1895, after an enumeration of specific powers, provided as follows:

> Sec. 13. The Common Council shall also have power to make, establish, alter, modify, amend and repeal all such other ordinances, rules, police, health, excise, fire and building regulations and bylaws not contrary to the laws of the state or of the United States, as they may deem necessary to carry into effect the powers conferred on it by this act or by any other law of the state, and such as they may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of public health, peace and prosperity of said city and its inhabitants.

It thus appears that a broad grant of power to the Council means simply a restoration of the powers historically belonging to the Board of Aldermen.

The sections by which legislative power—and legislative power alone—are conferred upon the Council are therefore neither novel in form nor unsupported by experience. But to prevent the city from shaping its own government as if it were independent of the state, its power to alter or amend the administrative code is carefully safeguarded. Misconception upon this point has aroused opposition in some quarters. Only those sections of the code which are expressly brought under the control of the Council will be susceptible of amendment by it. The wisdom of this grant of power will be apparent. There are many provisions of the existing charter which, being purely administrative rules and regulations, should be alterable by the Council. This body will be dignified by the power, and the Legislature, relieved from an unnecessary burden, will be freer to devote its time to governmental considerations of a broader and more general nature.

It may interest the city's teaching staff to learn that the Council will have no power to amend provisions of the code applicable to the Department of Education, this being deemed a subject outside of its province.

Succeeding articles will deal with borough government, the Board of Estimate and the financial side of the city's business.

PADEREWSKI WILL WRITE OPERA.

May Return to New York in Two Years if Rheumatism Is Cured.

Ignace Paderewski, the pianist, who became afflicted with rheumatism recently, sailed for Europe yesterday with his wife on the Kaiser Wilhelm der Grosse. He said he would return to this country if the affliction disappeared, but that he was not likely to visit New York before two years.

The pianist said he would devote himself to composition for the next two years, and that he would make an effort to complete a short opera which he had already begun.

Concerning his engagements abroad, Mr. Paderewski said: "There are several contracts, made before I came to New York, which call for recitals in Europe. Whether I shall appear depends wholly upon the condition of my left arm. I still have intense pain in my arm, and I am unable to say just what will come of it."

The pianist said that he released a German accident insurance company some time ago because it did not deal fairly with him when he was unable to play. "On two occasions," he said, "I was unable to appear through accident, and instead of living up to its contract the company that insured me against accident gave me only $150 on each occasion. Then it wrote for a release, which I gladly gave. After that I never bothered about insurance."

Mr. Paderewski said he could not say how much money he had lost through the rheumatic affliction of his arm.

GEORGE M. COHAN BACK TO STAGE.

Let the "boys at the Metropole" rejoice and be glad at heart! George M. Cohan still lives, and having heard that Henry B. Harris broke the bank at Monte Carlo, he intends to give the public a real "thriller" by returning to the stage to-morrow night. The "Yankee Doodle" comedian is ever ill at ease when experimenting with the "rest cure." Then, too, there is only one George M. in the country and the public will have no substitutes. A mere actor could try to be funny, but it take a "Yankee Doodle" comedian to write songs and twist his legs into multitudinous shapes.

Having reflected upon the matter for five weeks, George M. decided to increase his bank account before he retires permanently from the stage. Here's the statement he sent last night:

> "I will resume my role in 'The Yankee Prince' on Thursday night at the Forrest Theatre, Boston. I am too strong to loaf any longer. Idleness is ——, so I am going back to work."

PLAYERS SEE "THE RETURN OF EVE."

Bertha Galland gave a special performance yesterday afternoon of "The Return of Eve" at the Herald Square Theatre for members of the theatrical profession. The lower part of the house was packed with "stars," great and small. Miss Galland made a speech at the close of the second act.

Among the players present were James T. Powers, Charles Cherry, Mabel Barrison, Harry Conor, Jameson Lee Finney, E. H. Sothern, Julia Marlowe, Wilton Lackaye, William Collier, Tom Wise, Douglas Fairbanks, Elsie Janis, Charles Richman, Gustav Frohman, Dallas Welford, Kate Claxton, Frank McIntyre and John Barrymore.

TO ERECT THEATRE IN BAY RIDGE.

Harry Fields, brother of Lew Fields, the comedian, said yesterday he had closed a deal with the Shuberts for the erection of a theatre in Bay Ridge, Brooklyn, to play first class attractions. The house will cost $175,000, and will be placed between 50th and 60th streets in Fifth avenue. Mr. Fields plans to have the building completed before Christmas.

ANNETTE KELLERMANN RESTRAINED.

Judge Ward handed down a decision yesterday in the United States Circuit Court restraining Annette Kellermann, described as the diving Venus, from appearing on the stage under any other management than that of Benjamin F. Keith, who has vaudeville interests throughout the United States. The action in which the present decision was rendered was begun when Miss Kellermann quit the Keith & Proctor circuit and signed a new contract with their rival in the vaudeville business—William Morris.

TO LECTURE ON "PARIS," NOT "VIENNA."

Owing to a change in plans, the management of the Burton Holmes "travelogues" announced yesterday that Wright Kramer would lecture on "Paris" at the West End Theatre on Friday afternoon, instead of "Vienna," as was originally planned.

BUYS FIRST BOOK OF AUTHORS' CLUB.

A copy of a souvenir volume of the First Book of the Authors' Club, containing signatures of 100 authors, brought the highest price—$60—yesterday afternoon at the first session of the sale of the library of the late L. D. Griggs, of Waterbury, Conn. D. S. Ayer was the purchaser. F. W. Hunter paid $28 for a catalogue of the etchings and dry-points of James Abbott McNeill Whistler—a first edition. He also obtained for $26 a copy of Koehler's "Etching: An Outline of Its Technical Processes and Its History," containing an original etching by Whistler, entitled "A Street in London," and thirty plates by old and modern etchers. The sale of the library continues to-day at 2:30 p. m.

Two hundred and twenty-four engravings and etchings from the Griggs estate were sold at last night's session. The highest price was $240, which Frederick Koppell paid for "Christ and the Woman of Samaria," by Campagnola. The sale of etchings and engravings will continue this evening.

WOMAN HONORED BY THE POPE.

The awarding of membership in the Order of Knighthood of the Church and the Papacy by Pope Pius X to Miss Eleanor Colgan, of No. 101 Sixth avenue, Brooklyn, for work among Italian children was announced yesterday. She received the cross of the order, which is of solid gold and is suspended from a pin by white and scarlet ribbons. Miss Colgan is the first woman in this country to win the cross of this order, which was instituted by Pope Leo XIII in 1888. A graduate of the Teachers College of Columbia University, she is now an instructor in the Brooklyn Training School for Teachers and superintendent of the Sunday school in the Church of Our Lady of Peace, Carroll street, near Fourth avenue, where the work was performed that brought her the commendation of the Pope.

PROVIDE FOR 400 OFFICIAL GUESTS.

Albany, March 30.—Following a meeting of the New York Lake Champlain Tercentenary Commission, held here to-day, Senator Hill, of Buffalo, secretary of the commission, announced that the state had reserved for the accommodation of its guests, including President Taft, the members of his Cabinet, Speaker Cannon, Senator Root, Governor Prouty of Vermont, the ambassadors of Great Britain and France, and Earl Grey, Governor General of Canada; Premier Laurier and others, during the celebration beginning on July 4 four hundred rooms in the Hotel Champlain, on Bluff Point.

MUSIC

"TRISTAN UND ISOLDE."

A performance of Wagner's "Tristan und Isolde" was given at the Metropolitan Opera House yesterday, which began at 5:30 o'clock in the afternoon, was interrupted for an hour and fifty minutes after the first act, and was then resumed and continued to the end. Why such an experiment should have been tried it is not easy to explain on rational grounds. It enabled Mr. Hertz to restore some excisions which Mr. Mahler had unwisely made last year, and to that extent it was commendable; but not altogether necessary. It was well that those who wished to hear Isolde's exoneration from Brangäne's lips in the last act should do so, but that might have been done in a continuous performance, as has been the case for twenty years. But there were delightful features in the performance. For one thing it served to indicate how powerful a hold Wagner's tragedy has upon the public; for, in spite of the awkward time, there was a fine audience in attendance and the performance, most admirable in every respect, did not fail of appreciation in a single point. It was not wholly an unexpurgated performance. There were cuts, and there is no reason why there should not be cuts. It is an unfortunate habit of composers to disregard the capacity of the public for endurance. Wagner is not the only one whose works have had to suffer curtailment in order that the public might be kept inside the theatre till the close of a lyric drama. Meyerbeer was another, and before him Rossini quit going to the Académie in Paris when his operas were performed because he could not endure their dismemberment. Some one once met him on the street and asked him if he were not going to the opera. "What are they playing?" he asked. "Guillaume Tell." "Indeed! Which act?" Now, an abbreviation of "Tristan und Isolde" is in something of a different case than a heroic curtailment of "Guillaume Tell," but it is still possible to accomplish it without serious offence to either the genius of the poet-composer or the enjoyment of the listeners. So admirable was yesterday's representation that surely no one missed an omitted note or word. From beginning to end the principal performers sang and played as if inspired. For them, at least, it was a special occasion. Mme. Gadski may have poured forth a greater plenitude and opulent beauty of voice on some other occasion, but if so it is not easy to recall when. So, also, Mr. Burrian, Mme. Homer, Mr. Soomer and Mr. Blass. Everything under Mr. Hertz's direction was splendidly uplifting.

THE NEW YORK SYMPHONY ORCHESTRA.

Had the New York Symphony Orchestra and its conductor designed the principal work on last evening's programme at Carnegie Hall to serve as a message and a watchword until the organization shall resume its ministrations next year, the choice of that work could scarcely have been more appropriate. The C minor symphony of Johannes Brahms, for this it was, breathes a spirit now calmly philosophical, now full of militant energy, but ever alive to essential beauty. No saner, wholesomer or loveller musical thinking has been done, it might well be said, since Brahms conceived and materialized, in exquisitely moulded form, the masterpiece that Mr. Damrosch set before the fine audience that was gathered for the final concert of the Symphony Society's series. There have been readings of the work more potent than this occasion brought forth, and especially of the first movement, with its brooding yet purposeful mood, but the symphony as a whole created a deep impression, particularly the last movement, which aroused the conductor, as well as the orchestra players, to a high pitch of communicative power. The brass choir covered itself with glory here, and the strings and wood winds were not less admirable. The other numbers on Mr. Damrosch's list were the valse and finale from Tschaikowsky's Serenade, for strings, and the overture to "Der Freischütz."

Mr. Gervase Elwes, the English tenor, was the soloist, and his delightfully clear and intelligent enunciation was one of the salient features of the concert. How completely Mr. Elwes embodies the best English tradition has already been suggested here. Last night's doings disclosed the smooth, flowing quality of his by no means remarkable voice, and the musicianly way in which he approaches his tasks. The recitative and aria from Handel's "Jephtha" were sung by him with conviction and authority.

NEXT WEEK AT METROPOLITAN.

The additional week of opera at the Metropolitan Opera House will be devoted to Richard Wagner's Der Ring des Nibelungen and to special performances of "Aida," "Madama Butterfly" and Verdi's "Requiem Mass." "Das Rheingold" will be given on Monday evening, "Die Walküre" on Tuesday evening, "Siegfried" on Thursday evening and "Götterdämmerung" will bring the series to a close on Saturday evening. "Aida" is announced for Thursday evening, with a cast that will include Mmes. Destinn, Gay and Sparkes and MM. Caruso, Amato, Didur and Rossi. "Madama Butterfly" will be heard Saturday afternoon. A special concert will be given on Friday evening, when Verdi's "Requiem Mass" will be sung by Mmes. Destinn and Homer and MM. Martin and Witherspoon and the double chorus of the Metropolitan Opera House.

PROMINENT ARRIVALS AT THE HOTELS

BELMONT—Mr. and Mrs. Gardner M. Lane, Boston. GOTHAM—Colonel and Mrs. D. E. Bradstreet, Louisville. HOLLAND—Horace D. Taft, Watertown, Conn. MANHATTAN—Melville Church, Washington. MURRAY HILL—Walter Bliss, Hartford. WALDORF-ASTORIA—Sir Edward Clouston, Montreal; Clive Runnells, Chicago. WOLCOTT—R. Bleecker Rathbone, Purchase, N. Y.

WHAT IS GOING ON TO-DAY.

Free admission to the Metropolitan Museum of Art, the American Museum of Natural History and the Zoological Garden.

Ringling Brothers' Circus, Madison Square Garden.

Devotional meeting of the Ladies' Christian Union, chapel of the Collegiate Church, Fifth avenue and 48th street, 11 a. m.

Euchre under the auspices of the New Yorkers, Hotel Astor, 2 p. m.

Dr. Walter Bensel on "Street Cleaning," College of Physicians and Surgeons, No. 437 West 59th street, 5 p. m.

First annual dinner of the Optimist Club, Waldorf-Astoria, evening.

Annual dinner of the Chemung County Society, Hotel Manhattan, evening.

Meeting of the New York Church Club, No. 53 East 56th street, evening.

Meeting of the Phi Beta Kappa fraternity, Hotel Astor, 8 p. m.

Twenty-eighth annual commencement exercises of the New York Trade School, assembly hall of the school, First avenue and 48th street, 8:15 p. m.

Concert by the Wednesday Harmony Club for the benefit of the Free Industrial School for Crippled Children, Waldorf-Astoria, 9 p. m.

Meeting of the New York City Branch Needlework Guild of America, at the home of Miss Bigelow, No. 21 Gramercy Park, at 3 p. m.

THE WEATHER REPORT.

Official Record and Forecast.—Washington, March 30.—The kite flight at Mount Weather Tuesday showed a rapid decrease in temperature with increase in altitude up to a mile above the station, and a somewhat slower decrease above that level. The temperature at an altitude of a mile was about 8 degrees, on the mountain top 34 degrees, and in Loudon Valley 46 degrees.

Showers or snow flurries occurred Tuesday from the lake region and upper Ohio Valley over the middle Atlantic and New England states. Rain fell in the Pacific and plateau districts, and rain or snow in the Rocky Mountain regions. Temperature has fallen in the Atlantic and Gulf states, and has risen in the West and Northwest.

Fair weather is indicated for the eastern portion of the country Wednesday. In the plains states and Rocky Mountain districts the weather will be unsettled, with snow. During Thursday the area of precipitation will extend over the central valleys and the Western lake region. Temperatures will not be marked.

The winds along the New England and middle Atlantic coasts will be moderate northwest; on the south Atlantic coast, light northerly, along the east Gulf coast the winds will be moderate east to southeast; along the west Gulf coast, moderate to brisk southeast; on Lake Michigan, light to moderate north.

Steamers departing Wednesday for European ports will have moderate northwest winds and partly cloudy weather to the Grand Banks.

Forecast for Special Localities.—For New England and Eastern New York, fair to-day and Thursday; moderate northwest winds.

For Eastern Pennsylvania and New Jersey, fair to-day and Thursday; moderate northwest winds.

For Western Pennsylvania and Western New York, fair to-day; increasing cloudiness Thursday.

Local Official Record.—The following official record from the weather bureau shows the changes in the temperature for the last twenty-four hours, in comparison with the corresponding date of last year:

	1908.	1909.		1908.	1909.
3 a. m.	37	36	6 p. m.	49	44
6 a. m.	36	34	9 p. m.	46	39
9 a. m.	40	38	11 p. m.	45	38
12 m.	44	43	12 p. m.	45	—
4 p. m.	49	45			

Highest temperature yesterday, 45 degrees; lowest, 34; average, 40. Average for corresponding date last year, 42. Average for corresponding date last thirty-three years, 42.

Local forecast: To-day, fair; Thursday, fair; moderate northwest winds.

METEORITE FOR MUSEUM.

Purchased from Two Cowboys, Who Found It in Colorado.

Dr. Hermon C. Bumpus, director of the American Museum of Natural History, announced yesterday the acquisition by the museum of a meteorite of extraordinary scientific value and interest, weighing 682 pounds. It was found about twenty miles southwest of Cripple Creek, Col., by two cowboys and purchased by the trustees.

Dr. Edmund Otis Hovey, of the department of geology, said this mass of meteoric iron was about 3 feet long, 15 inches wide and 8 inches thick. Its surface is pitted and scored as an effect of friction with the atmosphere. Dr. Hovey said the friction with the air caused such an increase of temperature that the surface of the meteorite was melted and actually rubbed off.

This specimen will be placed in the foyer of the museum among the other great meteorites now on exhibition there, comprising the three meteorites brought back from Cape York, Greenland, by Commander Robert E. Peary; the Willamette meteorite, found near Portland, Ore., and large fragments of the Canyon Diablo meteorite, from Arizona.

HARRIS A MONTE CARLO WINNER.

Associates in Theatrical Business Expect Feast When He Returns.

If reports emanating from the Hudson Theatre are true, Henry B. Harris is now a member of the distinguished group that has been credited with "breaking" the bank at Monte Carlo. His associates in the theatrical industry intend to make him spend a quarter of his earnings in feasting some famishing "stars" and the weary group of "returning" pilgrims always visible on Broadway at this season of the year.

The actual amount that Mr. Harris won at Monte Carlo is said to be $24,000. Nobody could be found yesterday who would make an affidavit to that effect, but it is enough for Henry B.'s friends that his local representatives say so. There will be no end to the merriment when he returns.

MME. MODJESKA IMPROVING.

Los Angeles, Cal., March 30.—Mme. Modjeska is improving, according to a statement made to-day by her physician. If her condition remains the same to-morrow, she will be removed to a hospital.

Died.

Death notices appearing in THE TRIBUNE will be republished in the Tri-Weekly Tribune without extra charge.

Abrams, Susie.
Brayton, Catherine C.
Brewster, Julia V.
Canfield, James H.
Colgate, Hannah.
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