

SAY POLICE WINKED AT WIRE TAPPING SWINDLE

Whitman Has Major Pennington, Who Lost \$55,000, Before Grand Jury.

FLEECE LAST WINTER

Private Detectives Dig Up Evidence and Prosecutor Starts Proceedings Long Deferred.

Major Edward Pennington, whose city home is at the Waldorf and who is said to be well known at Palm Beach, paid a belated visit to Police Headquarters yesterday to try to pick out from the Rogues' Gallery the features of the men who relieved him of \$55,000 last winter by means of the wire tapping swindle. Through that visit it became known not only that Major Pennington had been fleeced, but also that the District Attorney was investigating alleged police connivance at the swindle.

Major Pennington, it was learned, was a witness on Monday before the continued July grand jury, the body which has been continued for the purpose of investigating charges of police graft as they come up. It is expected that he will be called before the grand jury again to-morrow. Detectives employed by William J. Burns brought the case of Major Pennington to the District Attorney's attention.

Since last spring, when there seemed to be an epidemic of wire tappers, hints have been brought to District Attorney Whitman that the police were not as zealous as they might be in suppressing the evil. Several alleged wire tappers were arrested, but some of them were insisted in their contention that others were allowed to operate without hindrance and in some cases even with the connivance of the police.

Prosecutor Bides His Time. Bits of corroboration drifted into the District Attorney's office, but neither the charges nor the corroboration was definite enough to justify any criminal procedure. All the bits were carefully labelled and filed away, however, for future reference. Every hint that seemed to promise a solution of the problem was carefully investigated. Last summer Joseph Du Vivier, an Assistant District Attorney, was recalled from his vacation and sent post haste to Mount Clemens, Mich., to investigate a case in which it was believed some evidence could be found against certain policemen.

At considerable trouble and expense the complaint was brought here, and it was found that there was no tangible evidence on which to proceed. Moreover, the two men charged as principals in the swindle jumped their bail and no evidence against them was left. There was no evidence against the others, and after the complainant had testified that the police entered the place before he had really bet any of his own money they were discharged.

When the Burns detectives dug up the case of Major Pennington the District Attorney felt that at last there was some chance of getting valuable information. The Burns men assured him that not only had Major Pennington, a reputable man, been swindled in the most barefaced manner, but the police had apparently made little or no effort to bring the offenders to justice. In fact, it was not until yesterday that Major Pennington looked over the Rogues' Gallery.

J. Robert Rubin, the Assistant District Attorney, who presented Major Pennington to the grand jury, would not discuss the matter yesterday, although he admitted that the case had been put in and he seemed hopeful of the result.

How the Job Was Done. It was said that last January Major Pennington ran up to New York from Florida for a few days, and that he made the acquaintance of an affable man at the Waldorf, who told him an interesting story of a "clean-up" planned by an employee of a telegraph company who was about to be discharged and intended to make some money on the "ponies" before he got his walking papers. Major Pennington was told that racing results would be withheld until favored persons had placed their bets in poolrooms.

In company with his new friend he went to a house in West 48th street, and was conducted to a room fitted up as a poolroom. It is said that Major Pennington made a bet of \$5,000, and in an afternoon he had won \$25,000. An unfortunate mistake was made by some one, the money was placed on the wrong horse and was lost. The major's friend offered to make it good out of his own pocket and regain the amount on the next race.

The inference was plain, and it is said that Major Pennington not only appreciated it, but rose to the bait and decided to recoup his own losses. Accordingly he put up \$30,000 on the next race and lost that also.

The Burns detectives reported to the District Attorney that when Major Pennington denounced his "friend," the "telegraph operator" and all their acquaintances as scoundrels and swindlers, he was told that not only was he a party to an illegal transaction but that "big men" in the Police Department were "interested" and that it would be useless for him to take his complaint to Police Headquarters.

FINED FOR NOISY WAGON TO INDICT DIRECTORS. Driver of Truck Pays \$1 for Disturbing Health Board. Magistrate Breen yesterday imposed a fine of \$1 on Christopher McManus, a driver for the Degnon Construction Company, as a result of the action of Health Commissioner Lederle. On Monday, during an important conference, the truckman was said to have passed in the street below the Commissioner's office with a number of iron girders on the truck. The girders were said to have been loose, whereas the Sanitary Code provides they should be bound together to prevent rattling.

The noise was so great the Health Commissioner could not hear what was going on in his office. He immediately detailed a sanitary patrolman to catch the offender, and yesterday, after some sleuthing, McManus was caught, haled to court and fined.

EVERYBODY WAS DOING IT YESTERDAY. Even the jacksies on the flagship Connecticut who were not lucky enough to have shore leave had their bulletin board showing the Giants-Red Sox score.



PRINCE D'ARAGONA LANDS Comes from Ellis Island in Commissioner's Launch.

The prince has landed. The royal son of the house of Aragona, who was held at Ellis Island because of a rumor which preceded him from France that he had been expelled thence on account of gambling, was released from custody yesterday and allowed to seek the welcome seclusion of the Ritz-Carlton. Commissioner William Williams of the Bureau of Immigration issued the following statement regarding his release.

The case of Prince Pignatelli d'Aragona: After a most careful consideration of this case and after receipt of advices from the American Embassy in Paris, the Ellis Island authorities have reached the conclusion that this man does not belong to any of the classes of aliens whom the laws exclude from admission to the United States. That was the only question before them for determination. He was therefore allowed to land this afternoon.

CREELMAN ASKS FOR MEN Wants 25 Inspectors, Will Take Five and Four More Examiners.

President Creelman of the Civil Service Commission appeared before the budget committee of the Board of Estimate and Apportionment yesterday to ask for twenty-five additional inspectors to look into the character and records of applicants for civil service places. He had increased the number asked for by twenty since the attacks made upon his department by the elderman committee investigating the Police Department.

IN COURT OVER BIG LOSS Application Against Stock Brokers, However, Is Denied.

Justice Gavegan rendered a decision yesterday denying the motion of Gustave A. Pifer, a wealthy American now living in Paris, for an order to compel Wasserman Brothers, brokers, to reopen their accounting of Pifer's transactions, which showed a loss to him of \$38,129. Pifer said he gave the brokers a discretionary order to buy and sell for him not more than two thousand shares of stock. The brokers rendered their account in April, 1910, and Pifer said that the brokers failed to send him his original order and that the account which he had paid was fraudulent.

DRASTIC ACTION PROMISED FOR SOFT COAL Roads in Jersey City.

The directors of the railways having terminals in or running through Jersey City that use soft coal will be indicted for maintaining a smoke nuisance. They were informed yesterday of the decision of the officials to prosecute them if the nuisance is not forthwith abated. The officials will continue the crusade with indictments every fortnight until the nuisance ceases.

THE TRIBUNE'S ROOM AND BOARD REGISTER contains a condensed list of furnished rooms. 320 Tribune Building.—Adv.

SAILORS CLEAN SHIPS IN EARLY MORNING Everything Spic and Span as "Pretty Young Things" Make Most of First Visiting Day.

The Yankton was first the yacht of Sarah Bernhard, the French actress. She cruised about the Mediterranean in the boat for several years, entertaining coteries of friends, and finally sold here to A. S. Barber, who later disposed of her to E. H. Converse.

At the outbreak of the Spanish-American War the boat was sold to the government, and was transformed from a polished, richly furnished yacht to a grim warrior of the sea, in which capacity she served this country in valorous manner. No wonder she preened her fighting feathers yesterday and carried herself with regal mien.

An incident showing the unrelaxing discipline prevailing in the navy occurred when the McCall dropped her anchor yesterday and took her place with her sister ships in the line that reaches almost from the Battery sea wall to Yonkers in the north.

The McCall is commanded by young Lieutenant Hugo Osterhaus, jr., son of the admiral of the fleet. After the captains of the Michigan and the Virginia had put off from their ships and paid their official respects to Admiral Osterhaus, Lieutenant Osterhaus prepared himself for his official visit. Arrayed in the full uniform of his rank, the young naval officer boarded a launch and was ferried to the Connecticut, the flagship of the squadron. Mounting her deck, he saluted the flag lieutenant and announced:

"Lieutenant Osterhaus, commanding the torpedo boat destroyer McCall, presents his compliments to Rear Admiral Osterhaus, admiral of the fleet, and announces the arrival of his vessel in harbor."

The flag lieutenant, as unbending in his austerity as Lieutenant Osterhaus, returned his salute and sent an orderly below to bear the message to Admiral Osterhaus. The orderly returned in a few minutes and announced in crisp tones:

"Rear Admiral Osterhaus presents his compliments to Lieutenant Osterhaus, commanding the McCall, and will be pleased to receive him below."

In the mean time Admiral Osterhaus was bustling into his full dress uniform. When the last bit of gold braid had been attached and the gold scabbard sabre adjusted at the proper angle, he gave the word to his orderly, and the door was thrown open to Lieutenant Osterhaus.

The young naval officer, on the threshold of his career, stood stiffly at attention in the doorway and brought his right hand up in salute. The rear admiral, grown gray in the service of his country, returned the salute with the utmost gravity, with never a sign of family ties between the two.

When the door of the cabin had closed behind the two, leaving them alone, there was probably a sudden relaxation of discipline and naval red tape. In fact, sounds issued from behind the door that sounded suspiciously like thumpings on broad backs and hearty handshakes, as "when two strong men stand face to face."

The result of the ball game between the Giants and the Red Sox was quickly posted on a bulletin beneath one of the three-inch guns on the Connecticut, and was received with tremendous cheering. The men seemed about equally divided in their partnership for the teams.

On Friday afternoon Admiral Osterhaus will entertain Miss Helen Gould at luncheon on his flagship.

ALL HARBOR CRAFT BUSY Admirals Mayor's Guest at Luncheon—Yankton's Gallant History—Discipline on the Flagship.

It was "cleaning up" day yesterday for the sailors of the fleet, and from sunrise until noon they were busy burnishing up the brass work, putting a gloss on the decks and arraying the grim sea fighters in bunting. The manner in which the tars made the wooden decks shine with spick and spanness would have caused the ordinary New York housewife to heave a sigh of regret that sailors could not be hired as housemaids.

It was the first official "visiting day" for the men who man Uncle Sam's warships, and they were intent upon making a good showing before the critical eyes of Manhattan's fair sex. The day broke fair and cold, but sailors are not folk who let abed because of a snap in the air, and they had half their chores done before the average New Yorker was turning over for the second time, preparatory to getting up.

By noon every ship was glistening with the polish of many hours' work and flaunted her finery in as skittish a manner as any grand dame. The sailors then had time to lounge about a bit and listen to the "Ohs" and "Ahs" of admiration from the galaxy of pretty young things who swarmed out to greet them.

Every imaginable type of craft was commandeered into use to make the round of the fleet. Puffing little "steamers," sleek motor boats, sloops and catboats and the more plodding rowboat all were there, and all were jammed as full of humanity as the law would allow. This time, however, there was none of the usual bickerings and disputes about the prices to be charged for passage on these craft.

Announcement had been made earlier in the week that owners of such boats would be permitted to charge only 25 cents for the trip out and the same amount for the return trip, and most of the boats from which the sightseeing craft started had large banners spread to the breeze announcing that fact.

The Admirals Come Ashore. Soon after the noon hour, while the twenty thousand-odd sailors were being fed below decks, the big Connecticut's launch ranged alongside the admiral's gangway at the side, and Rear Admiral Osterhaus, resplendent in blue and gold, followed by Rear Admiral Winslow, similarly attired, walked down and stepped into the launch and were taken to shore.

From the landing they were driven in automobiles to the Claremont Inn, atop Riverside Drive and in the shadow of Grant's Tomb.

Here the two big men of the fleet were greeted by Mayor Gaynor and R. A. C. Smith, and they had luncheon. It was the Mayor's "treat," and rumor had it that the Mayor performed his duty in a most thorough manner, from "soup to nuts."

The fighting strength of the mighty armada already spread upon the tranquil bosom of the Hudson was added to materially yesterday, when the battleships Virginia and Michigan steamed proudly up the river, trailed by the ocean-going torpedo boat destroyer McCall, and the revenue cutter Mohawk. The heavy collier Cyclops brought up the rear.

One of the boats that excited universal interest was the little Yankton, now designated as a fleet tender, but which has seen more action and smelled more gunpowder in real battle than many of her bigger sisters.

Although now practically used as a messenger among the other boats of the fleet, the Yankton has had an eventful history.

KILLED MAN FOR FORTY CENTS. Anthony Coles, a negro, who pleaded guilty to manslaughter in the second degree yesterday before Judge Rosalaky in General Sessions, admitted that the fight in which he killed Pasquale Scarangelo was over a matter of forty cents, which Scarangelo said Coles owed him. Coles was moving at the time, and among his effects was a baseball bat which was handy when Scarangelo dunned him. Coles struck the Italian on the head with it, fracturing his skull. He was recommended for a week for sentence.

J.M. Gidding & Co. OUTER APPAREL, MILLINERY, FURS FOR WOMEN, MISSES and JUNIORS

ELBERT HUBBARD on a recent visit to this establishment had this to say:

"It has been a great pleasure to look over your very wonderful and beautiful store. The quiet, the beauty, the intelligence of your people and the rare goods form a combination that I will not soon forget."

Mr. Hubbard is a man who has traveled much and observed more—and to have paid this compliment to us is flattering in the extreme—yet it is what hundreds of other keen critics have told us, and bears out the statement we have so often made to the readers of this paper—

This establishment not only offers you the most authentic fashions shown in this country, but gives you a Personal Store Service heretofore not known in establishments of this kind.

While Women's Outer-dress of the finest and most luxurious character is an important feature of our displays, the great strength of our showing lies in the splendid assortment of outer-garments we offer at moderate prices.

Whether you desire to spend \$35 for an excellent Tailor-made Suit or Dress—\$15 for a smart Hat—\$10 for a fashionable blouse—\$25 for an excellent Utility coat—or desire to purchase wearables of the most luxurious sort—your wants can be readily satisfied from the superb stocks.

The location of this store in the most fashionable shopping district in the world does not necessarily mean that prices are any higher than elsewhere. We court the closest comparison, in the sincere belief that we offer the best intrinsic values of any house in New York.

We request the opportunity of proving this to you.

Visit this Store de Luxe now, when the most fashionable Parisian modes are vying for your favor with the best products of American artists. We welcome you.

Fifth Avenue at 46th Street

AMUSEMENTS. ASTOR COHAN & HARRIS, Lessees and Managers. FIRST MATINEE TO-DAY at 2.15. THE WOMAN HATERS. "It fairly drips charming melodies from beginning to end."—Mr. De Pop, N. Y. World. "Most assuredly successful."—Mr. Reamer, N. Y. Sun. "The music is the prettiest in the city—and that is saying a lot."—Mr. Dale, N. Y. American. "Dainty and tuneful. The music is lovely."—Mr. Klausner, N. Y. Times. "Pretty music. An excellent cast."—Mr. Davies, Eve. Sun. "A delightful entertainment."—Mr. Sherwin, N. Y. Globe. "A big success. Strictly on its merit."—Mr. Wolf, N. Y. Telegraph. "Delightful."—Mr. Sawyer, Eve. Post.

ELECTRICAL EXPOSITION AND AUTOMOBILE SHOW. Showing the results of 30 years of Edison Service in New York. EDISON SERVICE IN NEW YORK. New Grand Central Palace. Opens at 3 o'clock To-day. ACADEMY OF MUSIC, Matinee To-day. THE GIRL FROM BRIGHTON AND CABARET.

DEATH RATE'S LOW RECORD September Mortality Falls Below Average for 14 Years. The lowest mortality rate for any September in the history of the Department of Health was the record established last month, 5,149, according to a report issued yesterday, by Health Commissioner Lederle. There were 10,861 births, or an increase of 142, compared with September, 1911. The number of marriages reported was 4,086, a decrease of 13, as compared with September last year.

Announcement! THE SALE OF COURSE TICKETS FOR THE ELMENDORF LECTURES CLOSES TO-DAY AT NOON AT CARNegie HALL. PRICES \$5, \$4, \$3, \$2.50. SINGLE SEATS OFFERED BY GIBSON.

COHAN'S THEATRE. GEO. COHAN'S B'way & 45th St. Evs. 8:15. Mats. To-day & Sat. 2:15. GEO. COHAN'S THE COMEDY. GEO. COHAN in his latest play, "BROADWAY" JONES. COHAN'S CATCHIEST COMEDY. GRAND 25th St., 8th Ave. Top Mat. To-day. David Belasco's THE COMEDY. JOE WEBER'S B'way & 29th St. Evs. 8:30. TO-NIGHT—HIGHLANDERS' NIGHT. A SCRAPE OF THE PEN. HAMMERSTEIN'S EDNA GOODRICH & Co. 25th St. Evs. 8:15. Mats. To-day & Sat. 2:15. B'way & 29th St. Evs. 8:30. TO-NIGHT—HIGHLANDERS' NIGHT. B'way & 29th St. Evs. 8:30. MAT. EVERY DAY AT 2:30. PAUL RAINEY'S AFRICAN HUNT.



Now turn the light on evening clothes! Why pay a tailor's price? We use the identical fabrics the most exclusive tailors buy, cut the suits just as carefully, fit you as perfectly, before you order instead of afterwards.

The difference in price is all saving, and no risk! Dress Suits \$42 to \$70. Dinner Coats \$19 to \$28.

Dress shirts—novelties such as our so-called "thousand-tuck" Tuxedo shirt, and our Special \$2.50 dress shirt, each shirt packed in a separate box. Knitted silk reefers and mufflers.

Dress gloves, dress ties, solid linen collars, silk socks, silk handkerchiefs.

Pumps and patent leather shoes. Silk Hats, Opera Hats, Canes.

Vest chains, studs and links. ROGERS PEET COMPANY, Three Broadway Stores at Warren St. 13th St. 34th St.

AMUSEMENTS.

NEW YORK'S LEADING THEATRES. EMPIRE B'way & 46th St. Evs. at 8:15. Mats. To-day and Sat. at 2:15. JOHN DREW. LYCEUM West 45th St. Evs. 8:15 Sharp. Mats. To-morrow & Sat. 2:15. MISS BILLIE BURKE. CRITERION B'way, 44th St. Evs. at 8:15. Mats. To-day & Sat. 2:15. TANTALIZING TOMMY. GARRICK 35th St., nr. B'way. Evs. 8:15. JOHN MASON THE ATTACK. HUDSON 47th St., nr. B'way. Evs. 8:15. MATINEE TO-DAY BEST SEATS \$1.50. ROBERT LORAIN MAN AND PARK. 56th St., Col. Circle. Evs. 8:20. Mats. Wed., Sat. Mat. To-day, Sat. 2:15. A WHIRLWIND OF MIRTH & MELODY. CLIFTON CRAWFORD. NEW AMSTERDAM West 42d St. Evs. 8:15. Mats. Wed. & Sat. 2:15. POPULAR PRICED MATINEE TO-DAY. BELASCO 41st St. Evs. 8:15. Best Balcony Seats. \$1.00. Excellent Balcony Seats. 75c. Entire 2nd Balcony. 50c. The Grandest Musical Romance.

THE COUNT OF LUXEMBOURG. LIBERTY West 42d St. Evs. at 8:15. Mats. To-day and Sat. 2:15. MATINEE TO-DAY BEST SEATS \$1.50. MILESTONES. OH! OH! DELPHINE. GAUITY B'way and 48th. Evs. at 8:30. Another Cohan-Harris Success. OFFICER 666. GLOBE B'way. Evs. 8:15. Matinees 4:15. THE CHARITY GIRL with RALPH HERR.

ELTINGE THEATRE W 42d St. Evs. 8:15. Mats. Today & Sat. 2:15. WITHIN THE LAW. CENTURY THEATRE 82nd & C. Pk. Mat. 2:15. First Performances Sat'y at 7 P.M. Second Annual Tremendous Spectacle.

THE DAUGHTER OF HEAVEN. Seats on Sale for First 4 Weeks. LITTLE THEATRE, 44th St., W. of B'way. Evs. 8:15. Matinees Sat. 2:15. THE AFFAIRS OF ANATOL. WALLACK'S B'way & 30th. TUES., OCT. 15. Opening. With the comp'y from the Royal Theatre, London. Seats on Sale To-morrow.

B-F KEITH'S NEW YORK THEATRES. UNION SQ. B'way. Taylor Granville & Laura Gray in "The Girl from the Sun." COLONIAL B'way. Lulu Glaser, "Detective." ALHAMBRA. Clark & Hamilton. HARLEM. OLD HEIDELBERG. BELASCO 41st St., nr. B'way. Evs. 8:15. Matinees Thurs. & Read at 2:15. "MISS STARR TRIUMPHS" N.Y. Critic. DAVID FRANCES STARR presents in the CASE OF BECKY. REPUBLIC 42d St. Evs. 8:15. Sat. 2:15. William Elliott and David Belasco present "GOVERNOR'S LADY."

BOSTON SYMPHONY ORCHESTRA. Dr. Karl Muck, Conductor. 5th Ave. B'way. GEORGE BEBAN & Co. D'ly Mat. 2:30. MCKAY, Carl Demarest.