N. P. RECEIVERS RESIGN.

THIS IS DUE TO A QUESTION OF JURISDICTION BETWEEN COURTS.

A Conflict Between Judges of Co-ordinate Powers that Will Be Deplored by the Judiciary and the Bar—The Complications and Misfortunes of the Northern Pacific Railroad Property Increased.

Thomas F. Oakes, Henry C. Payne, and Henry C. Rouse filed yesterday with Judge Jenkins of the United States Circuit Court for the Eastern District of Wisconsin their resignation as receivers of the Northern Pacific Railroad Company. This gives a new and unexpected turn to the already sadly complicated affairs of the unfortunate Northern Pacific Company. The resignations of the receivers are the result of the conflict of jurisdiction between the United States Circuit Court for the District of Washington and the similar court for the Eastern District of Wisconsin. That conflict is set forth in detail by the receivers in their communication to the last-named Court resigning their offices. Judge Jenkins of that Court issued an order yesterday directing all parties in interest to appear before him on Sept. 27 to submit suggestions respecting the appointment of successors to Messrs. Oakes, Payne, and Rouse. The plain inference from this order is that Judge Jenkins intends to maintain his jurisdiction over the receivers and the Northern Pacific property.

The resignation of the receivers is dated Sept. 20. In that communication the receivers set forth in detail the facts of their appointment in the suit of creditors, first by Judge Jenkins and then in original actions in all of the other United States Circuit Courts within whose districts the Northern Pacific property lies. Their reappointment, also in original actions, in the suit to foreclose the second and third mortgages, is also set forth, and the fact is noted that each receiver was ordered to give a bond of $500,000. Attention is called to the fact that the orders entered in the several other jurisdictions were in substantially the same form as those entered in Judge Jenkins's court, and they were entered upon the principles of comity, recognizing his Court as the Court of primary jurisdiction. At no time since the appointment of the receivers has any one of those courts exercised any but ancillary power or jurisdiction over the receivers by order or otherwise, except with reference to the claims of creditors local to the several jurisdictions.

The jurisdiction of Judge Jenkins as the Court of primary jurisdiction has been not only recognized and accepted for over two years by each and every other Court having any of the railroad property in its jurisdiction, but also by each and every party having any interest in the subject matter, namely, by the railroad company, its general creditors, all the bondholders' committees, and the trustee of all the mortgages. Pursuant to that authority, the vast trust has been administered as a single system. The defendant—that is, the Northern Pacific Company—has, from time to time, and many times, appeared in Judge Jenkins' Court and filed answers, pleas, and other pleadings, and at no time has the defendant or any party to the cause in any way challenged or questioned the jurisdiction of that court until the President of the company, Grayton Ives, attacked the receivers and the jurisdiction of the Court appointing them before Judge Hanford of the United States Circuit Court of Washington last month. Judge Hanford has already ruled that he has primary jurisdiction in the premises, and he has directed the receivers to file their accounts with him and to report to him in all matters as if his Court was the one of primary jurisdiction. In other words, he has attempted to take the control of the property, so far as he can, out of the hands of a subordinate co-ordinate tribunal that was first appealed to in the premises.

Stripped of legal phraseology, the reasons the receivers give for resigning are as follows:

"Your receivers manifestly cannot administer the trust with justice to the parties interested therein or to themselves, if subject to the conflicting instructions as to the general administration from two or more independent tribunals. The property is an entirety, and the franchise under which the railroad is operated is indivisible. It is manifest that your receivers cannot, consistently with their duties to themselves or others, submit their accounts in a general administration of the trust to the adjudication of different tribunals. We cannot abide, nor can we ask our sureties to abide, the dangers of the difference of opinion between courts, each assuming to be controlling as to the expenditures of the receivers and the general administration, in view of the immensity of the sums involved.

"While perfectly willing to answer any charges which are or can be made against our administration, the order of the United States Circuit Court for the District of Washington renders it necessary for us to call on or before Oct. 2 not only to answer, plead, or demur to the charges there filed, but to give within that jurisdiction a bond of $100,000 each, and to file in that Court full, just, and true accounts of our receipts and disbursements in the past, and monthly hereafter. The result of a failure to comply with the order of the Court as to accounting and reports does not need to be pointed out; in other words, unless your receivers recognize, as they understand it, that that Court is the Court of primary jurisdiction, they will of necessity be in contumacy, and cannot attend upon said Court to support any answer to any charge in person without being liable to punishment for contempt of court for failure to make such general accountings.

"Your receivers are not willing, under the circumstances, to file an additional bond in each jurisdiction, nor are they willing to put themselves or their sureties in position to endanger their right to challenge the jurisdiction of that Court to reject or pass upon their accounts in the general administration of said trust, which since their appointment on Aug. 15, 1893, have been, upon due notice to all parties, in obedience to the orders of the United States Circuit Court for the Eastern District of Wisconsin, and the United States Circuit Court for the District of Minnesota, and the acquiescence of all courts, including the United States Circuit Court for the District of Washington, and of all parties, examined, approved, and adjudicated by this Court which first appointed them.

"Your receivers respectfully petitioned the honorable the Circuit Court for the District of Washington, upon the presentation of said charges, that the defendant company preferring the same be directed to present them in the first instance of this Court for trial and adjudication, not only because the nature of most of said charges seemed to render this the appropriate tribunal, but because the final disposition of said charges in this Court of primary jurisdiction, whether favorable or adverse to your petitioners, would, in the nature of things, be decisive and protect your receivers from being obliged to agitate and again defend against the same charges in the various jurisdictions.

"Your receivers were especially influenced to urge a reference of said charges to this Court because some of them had already been discussed in a previous trial herein and others had arisen under orders specially made by this court, and raised the question to be decided by this Court whether the orders of this Court have or have not been obeyed. The Circuit Court for the District of Washington held, however, that so far as this Court in its judicial action in this cause is concerned, the principle of comity does not apply to this receivership.

"It is the understanding of your receivers that the Circuit Court for the District of Washington has, to all intents and purposes, asserted primary jurisdiction of this cause and of this receivership. Your receivers feel that in this exigency their duty is to the great property committed to their care, and that if the conflict of jurisdiction is to proceed and results, as seems apparent, in separate receiverships for portions of the railroad, it will greatly minimize the loss and injury to the trust estate, if receivers appointed by this Court and by each court as shall hold its jurisdiction to be primary, are free from contumacy to other courts.

"Your receivers having been appointed, although only in the exercise, as they understand it, of ancillary jurisdiction by the several courts, owe to each some duty, the extent of which is in judicial conflict. We deem it for the best interests of the trust estate that we should promptly resign our trust to this Court, and such other courts as may recognize its primary jurisdiction, to appoint new receivers who will owe no duty, legally or otherwise, to any court not recognizing such primary jurisdiction, and who will, therefore, be able to deal with separate receiverships over portions of the line, should such unfortunately be created, without the embarrassment of alleged contumacy. A double receivership and the operation of the system in sections could not be otherwise than a calamity to the interests of the public.

"It is conceded that the west system of the Northern Pacific Railroad Company, comprising with its main line, beginning at Ashland, Wis., and more than twenty-five branch lines, is a road over 2,000 miles, with a land grant of over 30,000,000 acres, can only be administered as it has been done, as a unit and a single system, through a single court, and not by independent tribunals, separated, moreover, by hundreds of the continent. We venture to believe that in some ways conflict of jurisdiction and the establishment of separate receiverships, with a view to the prosecution of greatly increased business to Eastern markets, loss of earnings, the destruction of service, dismemberment, and general confusion, may be averted.

"It should be say that in addition to the other reasons stated as suggested as governing our present action, it is no unwillingness to be in any manner responsive to the Circuit Court for the District of Washington, or to any court to which it may, in any sense, owe a duty. We have endeavored to so administer the trust as to deserve the confidence of the Court and all parties interested in the property, and have proceeded in the discharge of our duties under circumstances of unparalleled difficulty and complication from the beginning."

At the office of Sullivan & Cromwell, counsel to the receivers, it was said that there was nothing to be added to the statements made by the receivers to the Court. It has been common report that the receivers would ask Judge Jenkins for instructions in the matter of obeying Judge Hanford's order, but their resignation makes the conflict between the two courts absolute and definite.

DURRANT'S TRIAL.

The Prosecution Closes and the Defence Will Open To-day.

SAN FRANCISCO, Sept. 24.—As far as the prosecution is concerned the Durrant case is closed. All the direct evidence they have against the young man is before the jury. This afternoon District Attorney Barnes announced that the prosecution had closed. Its case is made up of a chain of circumstances strong in itself, but if one link is broken the whole theory of the prosecution will fall.

The case as it now stands shows Durrant to have met Blanche Lamont on the afternoon of April 3, to have accompanied her on the street car from the normal school to Emanuel Church, and to have entered that structure with her. Half an hour after he entered the church he was seen there by Organist King in a perturbed and almost fainting condition. A few days later he tried to pawn Blanche Lamont's ring, and still later the body of the girl was found in the belfry of the church. There is the whole case against the young man.

To-morrow the defence will begin to combat this array of evidence. Just how they will do it is a secret, but they assert that the whole fabric of the prosecution will be demolished in short order. It is said that the defence will make no opening statement.

The testimony to-day gathered together the ragged ends of evidence and rounded out the case for the prosecution. One witness the defence turned to its own advantage. He was Dr. C. E. Farnum, demonstrator of anatomy at the Cooper Medical College. The prosecution wanted to show that the blocks placed under the head of Blanche Lamont were as a medical student would have placed them. Dr. Farnum said they scarcely showed the work of a medical student. The defence will argue that the murderer of Blanche Lamont must have wanted the body to decompose as rapidly as possible, and if he had been a medical student he would not have so put blocks under the head, for that would only delay decomposition.

William Stirling, a plumber, testified that he worked on the gas fixtures in the church on April 2 and April 4. He changed the tips on many burners and said that much gas may have escaped. This witness the defence will also claim for its own, thus supporting Durrant's statement that he smelled gas in the church and went between the ceiling and the roof to discover the leak; also that he was overcome by this escaped gas, causing his faint condition when he appeared to Organist King in the auditorium of the church.

Detective Anthony told of the statement made by Durrant that he saw Blanche Lamont only on the morning of April 3, and Dr. T. A. Pogel corroborated this. Prof. Charles Scherrustein and Organist King said they were entirely ignorant how their names came to be written on the piece of paper enclosing Blanche Lamont's rings which was sent her aunt. Then Allen Church, ex-janitor of Emanuel Church, testified that Durrant had a key to the side door of the church and also to the janitor's room.

STORAGE WAREHOUSE BURNED.

Its Falling Wall Crushes an Adjoining Tenement—Loss $117,000.

One of the hottest fires the Fire Department has had to fight in a long time occurred in the Globe Storage Warehouse, at 305 East Sixty-first street, yesterday afternoon. Four alarms were rung, and before the seventeen companies could get the flames under control the large six-story building was completely gutted and part of the rear and west walls had fallen.

The basement of the building, which had a frontage of 50 feet and a depth of 125 feet, was used for stabling purposes. On the first floor was a carpet-cleaning concern; the next three floors were devoted to storage, and the fifth and sixth floors were occupied by Max Bowsky, manufacturer of furs. Carlton Conover, a boy employed in the storage premises, saw flames on the fourth floor shortly after 3 o'clock. He ran to the window and shouted to A. B. Yedders, the proprietor, who was in his office on the opposite side of the street.

Mr. Yedders immediately had an alarm of fire rung, and his men hurriedly took the horses, seven in number, from the basement. So rapid was the spreading of the flames that by the time Battalion Chief Duane arrived after the first alarm the fifth and sixth floors were in a blaze.

In less than an hour after the fire was discovered the roof and all the floors fell in. People in all parts of the block began to move their goods out in expectation of the fire spreading.

From the very first it was seen that there was no chance of saving the burning warehouse, so all the energies of the firemen were directed toward keeping the fire within the walls. In this they succeeded, but about 5 o'clock a part of the rear wall fell out, crushing by its weight a three-story frame tenement in the rear of 1,174 Second avenue. In this lived six poor families, mostly widows with small children, who lost everything they had.

A. B. Yedders, who owns the warehouse, estimates his loss on the building and contents at $100,000. Max Bowsky, the fur manufacturer, estimates his loss at $10,000. John G. Haggerty, who owned the frame tenement that was crushed, places his loss at $4,000, and the tenements on either side of the warehouse were damaged by water to the extent of about $1,500 each.

STABBED WIFE AND SON.

Thomas McGowan Enforces Discipline with a Knife.

The family of Thomas McGowan, living at 228 East 108th street, drank and enjoyed themselves until nearly 1 o'clock yesterday morning, when Thomas, Jr., objected to something which his father said.

"Do you think I'll be bossed in my own house by my own son?" the father cried, and drawing a pocket knife he slashed Thomas, Jr., in the back.

The mother, Mrs. Jane McGowan, went to the rescue of her son, and received a slashing blow on the head which laid her scalp open for some three inches.

Patrick McGowan, an uncle and godfather to Patrick McGowan, another son of Thomas's, took a hand in the row, and was cut in the head. Young Patrick and his sister finally succeeded in quieting the old man, and got themselves so blood-stained in tending to the injured that they were also thought to be hurt, but they were not.

The police first heard of the affair when Thomas, Jr., rushed bleeding into the East 104th street station with the report that an Italian had cut him. He was quickly followed by his brother Patrick, who said that Thomas, Jr., had tried to kill Mrs. McGowan.

Police were sent to the house and they arrested Thomas and Patrick the elder. They were held for examination yesterday in the Harlem Court.

A RABBI ALLEGES DETRACTION.

Says His Butcher Shop Trade Was Hurt by an Orthodox Neighbor.

Rabbi Rothschild not only presides over a synagogue, but conducts a butcher shop at 342 Henderson street, Jersey City. It is in a Jewish neighborhood and from the two concerns the rabbi makes a good living. The Jewish New Year's celebration during the past week created a large demand on the rabbi for "trefer" meat. In consequence his business prospered, and as neighboring orthodox tradesmen were compelled to close their stores the rabbi reaped a harvest. As a consequence some of the tradesmen became envious, and it is alleged that Aaron Silberman, a clothier, circulated stories to the effect that Rothschild instead of selling "trefer" meat was supplying his customers with meat killed in Gentile fashion.

The effects of the stories were disastrous to the rabbi's business and unpleasant to his customers. Those who had bought meat and had not yet eaten it promptly rejected it. Those who had partaken of the unorthodox food resorted to emetics. An angry crowd of Jews gathered about the rabbi's door yesterday and made things lively. Rothschild then brought suit against his alleged detractor for $15,000 damages. The papers were served yesterday, and Silberman was arrested on an action in tort. He was confined in the county jail, where he will be unable to get any "trefer" meat until he has given a bond to insure payment of the damages should the case go against him.

Run Down by a Reckless Cyclist.

Ex-Alderman William H. Baldwin of Newark is confined to his house in that city by the result of injuries inflicted by a reckless cyclist. On Monday night Mr. Baldwin was crossing the asphalt pavement at the corner of Washington and James streets when he was bowled over by a scorching wheelman, who rode rapidly away and escaped identification. Mr. Baldwin, who is about 60 years old, was bruised on the right hip and knee and his cheek bone was laid bare.

RALLIED TO AID IRELAND.

NATIONAL CONVENTION OF IRISH SOCIETIES OPENS IN CHICAGO.

An Organization to Be Formed to Assist the Emerald Isle in Its Political Struggles—Ex-Congressman Finerty Speaks.

CHICAGO, Sept. 24.—The National Convention of Irish Societies to form an organization in the United States to strive for home rule for Ireland and other political measures met in the Auditorium to-day. The Convention is really the outcome of the recent Tory victory in Great Britain. It was seen that the movement for Ireland's real freedom was blocked practically by this election, and a correspondence began between Irish leaders in this country, which resulted in calling this Convention. Irish societies of all kinds, political, social, beneficial, and literary, were invited to send delegates. The appeal met with a hearty reception. More than 1,000 delegates were appointed.

Among the more noted arrivals were: O'Connor McLaughlin, New York; Mayor J. Mulcahey, Houston, Tex.; John Graves, Omaha; O'Neill Ryan, St. Louis; Cal Finucane, Los Angeles; Matthew Kearns, Denver; Maurice F. Wilhere, Patrick O'Neill, Patrick Kelley, Philadelphia; J. P. Sutton, Attorney Langan, Judge E. M. Shannon, Capt. Condon, Major Foley, C. J. Riley, New York; W. D. Clark, Butte City; J. S. Smith, P. F. Hannon, J. M. Connor, Boston; T. B. Meaney, New Orleans; Andrew J. Hoolin and J. J. O'Connor, St. Louis; Judge Savage, Venetia, Cal.; Timothy Moroley, New Orleans; P. E. Davorl, Dallas, Tex.; Patrick F. Butler, Hartford; M. A. Walsh, Dallas; John J. Cassidy, Wilmington, Del.; Thomas E. Barron, Washington; Frank J. Killen, Buffalo; James Dwyer, Utica; John P. O'Connell and John O'Connor, Dayton, O.; G. W. Sweeney, Cincinnati; N. P. Murphy, Minneapolis; John O'Toole, Altoona, Pa.; Jeremiah Shea, San Francisco; Edmund Lynch, Kansas City; J. E. Kennedy, Anaconda, Mont.; M. P. Mooney, John Walsh, J. P. Madigan, M. C. Malloy, M. P. Cummings, William Gavin, Hugh Bambrick, Cleveland; James McElroy and John Coleman, Buffalo; J. M. Clark, Milwaukee.

The Convention had been called to assemble at 10 o'clock, but at that hour only a handful of delegates had appeared. Unrecognized, except by a very few, P. J. Tynan, whose name is linked with the tragedy of Phœnix Park, and who is known generally as "Number One," came in and took a seat in the rear. It was not until 12 o'clock that the Convention was called to order by J. J. O'Connell, Chairman of the Local Committee. Fully a hundred cablegrams and domestic despatches wishing success to the new movement were received, and some of them were subsequently read to the Convention. Among the cablegrams were:

LIMERICK, Sept. 24.—Limerick men are with you. MURPHY.

GALWAY, Sept. 24.—Irish of Galway wish you success. M. O'SULLIVAN.

CORK, Sept. 24.—Munster with you for Irish independence. CORK.

KINSALE, Sept. 24.—South Cork with you in struggle for independence. HOLLAND.

Chairman Finerty delivered the opening address. He said the Fenians were the first body that had ever made the English Government listen to reason. Should the great Irish race give up the struggle because the House of Lords said aye, they shall remain enslaved? There were cries of "No" in response to this interrogatory, and the speaker went on to say that the "Noes" came from twenty million of Irish hearts on this continent and from fifty millions more of all nationalities whose hearts beat in sympathy with Ireland's struggle. There were some who thought that the Convention might do something to implicate the Government of the United States with England. Did the display of Stars and Stripes before them, did the showing of national colors all about them inspire in their minds any such idea? Anything that would harrass the American Government?

It was scarcely necessary to remind those present that there were hundreds of places in the United States that bore the name of Lafayette, who broke neutrality laws to aid the struggling American Republic? Was it that neutrality laws did England observe when in the civil war she gave her colors and her ships under false pretences to sweep American commerce from the sea? "Neutrality laws stand as nothing against a nation's freedom," went on the speaker. "Else what mean these overwhelming sympathies and demands for Cuba throughout the country? I am about as loyal as any man to the American flag and a respecter of American laws, but I would not be ashamed to stand on the platform with Lafayette, with De Kalb, with Pulaski and Daly, at the head of a hundred thousand armed men breaking the neutrality laws to liberate Cuba, or of a half million Sneaking them with England in behalf of Ireland's independence." (Great cheering.)

"We are here to proclaim to the world that the Irish race is neither dead nor disheartened. We are not of a breed that run out. There are more of us now than ever before. We are a wall of fire that can never be extinguished. We will never give up the struggle. We are here to consolidate all forces for an aggressive move against England, that never never will be her under the law of nations. She is surrounded by enemies. France, Germany, Russia all hate her. For twenty-five years the foreign policy of America has not been what it should be, and if the Government had been as patriotic as is the American nation, to-day Ireland would be free. Ships intended in Corinto would have heard the broadsides of the American fleet."

"From to-day," concluded the speaker, "let us inaugurate the new movement. Let us work for the establishment of an Irish republic, free and independent."

The Chairman resumed his seat amid applause that continued for several minutes. Then committees on credentials and permanent organization were appointed and the Convention took a recess of an hour. The Committee on Permanent Organization reported in favor of continuing the temporary officers, and Mr. Finerty resumed the chair.

The afternoon session was of less than an hour's duration and devoted to the appointment of committees on credentials, rules, and other routine business. A cable despatch from London signed Ryan, and reading, "The Irishmen of London are with you in the Irish cause. Let us act unitedly and all will be won," evoked loud applause. Several additional greetings from Boston, Philadelphia, Albany, Augusta, Ga., San Francisco, Holyoke, Mass., and other cities were read by Secretary Sutton. Some pledged funds for any earnest effort to free Ireland.

Others urged the Convention to ask for nothing more than complete independence and to accept nothing less; others voiced the sentiment, "Complete separation, no matter by what means accomplished." Long applause followed the Emmet Guards of Philadelphia ended: "The new movement must end only in the complete autonomy of Ireland."

About 700 delegates, representing nearly every State and Territory, were in attendance at the afternoon session. There was no local "packing." Chicago and Illinois not having more than twenty-five of the total.

Russians Going Back Home.

TOPEKA, Kan., Sept. 24. A number of Russian farmers from Shawnee, Pottawatomie, and Ellis counties met here yesterday and started for Russia. This is the fourth large party that has left Kansas for their former homes this year. Each of the number has between $3,000 and $5,000 cash to make life easy in the Czar's empire. Others will follow as soon as they can make the necessary arrangements.

Huckleberry Car Hits a Telegraph Post.

Car 125 of the Union trolley line, running from West Farms to Mount Vernon, took a misplaced switch in Morris Park avenue at Van Nest last night, left the track and crashed into a telegraph pole. Two of the women in the car fainted. No one was hurt. Travel on the road was impeded for an hour.

SICK HEADACHE

Positively cured by these Little Pills.

They also relieve Distress from Dyspepsia, Indigestion and Too Hearty Eating. A perfect remedy for Dizziness, Nausea, Drowsiness, Bad Taste in the Mouth, Coated Tongue, Pain in the Side, TORPID LIVER. They regulate the Bowels. Purely Vegetable.

Small Pill. Small Dose. Small Price.

London Made Covert Overcoats $10

Short, sharp, snappy. Just as full of style as if they cost thirty or more dollars. Never heard of one that wore out—they're different from other overcoats that way as well as other ways. Some for $15 or $20.—select to suit you.

Llama Thibet Overcoats $12.50, Lined with very good satin worth $17 most people say.

E O THOMPSON
245 Broadway
Opposite City Hall Park—Corner Murray St. 720

WAS THE $200 A GIFT OR A LOAN?

Undertaker Baque Hints that Mrs. Ballardt Was Fond of Him.

Undertaker John Baque of Williamsburgh has been sued by Mathias Ballardt, an old and well-to-do retired builder, of 427 Bushwick avenue, to recover $200, which Ballardt alleges he loaned the undertaker several months ago. Ballardt is more than 80 years old and his wife is many years younger. They have known Baque for nearly twenty years. He is about 40 years old, and was a bachelor when the $200 was given to him by Mrs. Ballardt, who got it from her husband.

About a year ago Baque buried the husband of Mrs. Mary Heck. Last month the widow became Mrs. Baque. The marriage seemed to arouse the anger of Mrs. Ballardt, and it is alleged that she induced her husband to institute the present suit. The case was before Justice Petterson yesterday, and Lawyer Glaser, who appeared for the undertaker, asked that the proceedings be dismissed on the ground that the money was a gift and not a loan.

"The money," said the lawyer, "was given to Baque by Ballardt at the request of Mrs. Ballardt. What excuse she offered to her husband for the loan I cannot say, but she got the money for my client with the understanding that she was to become Mrs. Baque when Mr. Ballardt, whom the Court can see is aged and infirm, had passed to his eternal reward. This $200 Mr. Baque invested in a team of horses which he uses in his business. It is possible that Mr. Baque grew tired of waiting for Mr. Ballardt to die. At any rate Mr. Baque recently got married, and the ink on the marriage certificate was scarcely dry when this action was instituted. We don't say that we won't be ready at some future date to fulfil our part of the contract. Life is uncertain. When Mr. Ballardt dies and Mrs. Baque passes away, Mrs. Ballardt may become Mrs. Baque."

The case was adjourned for one week. The Ballardts were seen at their home last evening, and claimed that Baque's statements as absurd. They said that the money was loaned to Baque to help him in his business; that Baque promised to employ a son of Ballardt, did so for four weeks, and then discharged him.

Baque said last night: "Mrs. Ballardt owes me $200 for my services and money. She gave me the money under the conditions my lawyer mentioned, and I don't know but that I may be able at some time to keep them, for there was no time limit."

"That's all true," interrupted Baque's wife. "Mr. Baque, he married my dead husband and then fell in love with me. But that is all right. Maybe at some other time he will make good his contract." Baque expressed his determination to fight the suit.

WHEELING.

The Positions of the Class B Riders—Banker's Action Upheld—Other News.

The important Eastern race meetings are now drawing to a close, and the class B men will take a rest before going for records. In the positions of the leading men in the number of winnings throughout the circuit E. C. Bald has preference with 105 points scored during the season. Cooper, the Detroit racing man, is second with 92 points. The latter gave Bald a close run during the present month, but was unable to overcome the big lead that Bald secured early in the season. The other racing men range as follows in points scored:

Cabanne, 58; C. M. Murphy, 50; Arthur Gardiner, 48; F. Titus, 46; Bliss, 41; Jenny, 37; Brown, 36; L. C. Johnson, 35; Custer, 25; Reigler and Kiser, 23; Bigby, 22; Madlox and Sems, 19; McLeod and McIntosh, 15; Kennedy, 14; Ryan, 13; Hoffman, 12; Reifert, 11; Butler, 11; E. A. Callahan, 11; Allen, E. C. Johnson, C. H. Callahan, Bernhart, 10; Bird, 9; Eddy, 7; Barry, Terrill, Iler, 6.

A London letter to the *American Cyclist* criticises the treatment that George Banker, the American national champion, received at the recent international world's championships as follows:

"There is an opinion on this side that Banker was treated abominably at Cologne. Whatever may be said or done now, Banker is the undoubted professional champion of the world, all Protin's nonsense and all the bogey of the officials to the contrary notwithstanding. Of the facts of the case there can be no question. Protin was beaten in his heat and therefore had not the slightest right to ride in the final at all; yet the officials allowed themselves to be bluffed into letting him start. This was wrong to begin with. It is said that Banker was fairly upset at seeing again in the final the man who had been knocked out in his heat. In this heat Banker had without doubt done his best and very possibly had shot his bolt. He was, consequently, quite unnerved for the final heat when seeing a man allowed to start who had no right there, for such an injustice would upset any man who was honestly trying to win. Report says that Banker had a good cry when he returned to the dressing room. There is nothing derogatory in this, although some would-be authorities affect to consider it an exhibition of childishness. It is nothing of the kind. It is the physical symptoms of a breakdown in the overstrung nerves; and the shedding of tears in such a case is a positive physical relief; and those who think otherwise are merely such as are only possessed of the animal characteristics, or who have cultivated these at the expense of the mental. But the silly decision to run the race again kicks me. The case is as simple a one as ever was seen. A man rides in the final who has no right there. What can be easier than to ignore his riding; in fact to treat the race just as if he were not there?"

The Rockville Wheel Club has elected the following officers:

President, W. H. Sill; Vice-President, F. A. Randall; Financial Secretary, E. J. Silcox; Recording Secretary, H. B. Noble; Captain, W. S. Irwin; Lieutenants, H. C. Kik and F. J. Lake; Color Bearer, E. F. Williams; Bugler, E. H. Durr.

The first annual meeting of the United States Military Wheelmen will be held in this city on Oct. 15.

The membership of the League of American Wheelmen reached 35,021 last week.

The Mercury Wheelmen of Flushing have elected the following officers:

A. Hepburn, President; E. Ronger, Vice-President; Frederick Martin, Secretary-Treasurer; W. Clarke, Captain; Maxwell West and Leslie Whitting, Lieutenants.

The Connecticut division of the League of American Wheelmen have nominated the following officers:

For Chief Consul, P. W. Westlake, Bridgeport; Vice-Consul, Charles H. Rockville; Secretary-Treasurer, L. H. Sweet, Hartford. Representatives: W. H. Houke, Meriden; W. H. Hale, New Haven; C. W. Wilson, Waterbury; R. F. Kelsey, Hartford.

Odds and Ends of Sports.

J. O'C.—Six feet 5½ inches was the official measurement.

Thomas Wall, representing the Grand Trunk water polo team of Toronto, Canada, arrived in New York yesterday with a view to arranging a series of games with the New York A. C.

Lord Aberdeen Returning East.

OTTAWA, Sept. 24.—Lord Aberdeen has left British Columbia sooner than was expected, having made an appointment to meet Sir Julian Pauncefote, British Ambassador at Washington, at Ottawa on next Monday to discuss matters which have assumed an international character between Canada and the United States. It is understood that one of the chief objects of this conference is to take preliminary steps toward securing the appointment of a Board of arbitration to adjust the claims of the British sealers for seizure by United States cruisers in Behring Sea.

New Jersey County School Superintendents Elected.

TRENTON, Sept. 24.—The State Board of Education met to-day at the State House and elected the following County Superintendents: Cumberland, J. M. Gilespel; Gloucester, W. H. Eldridge; Union, B. Holmes; Warren, R. S. Prior; Hunterdon, J. F. Hoffman.

The vacancy in Atlantic county was not filled.

THE TIDE BAFFLES BRAND,

OTHERWISE SPRUCE IV. WOULD PROBABLY HAVE WON.

The Triangular Race for the Seawanhaka Small Boat Trophy Declared Off After Five Hours of Useless Work Against Head Tides and Light Winds—A Shift of Wind Lets the Englishmen Get the Lead.

Light airs, calms, and the tide prevented the second or triangular race for the Seawanhaka Club's international small boat trophy between the Ethelwynn and Spruce IV. being finished within the time limit, so they will sail it over again to-day. For five hours the tiny racers struggled against fate, and, as on Saturday, Spruce IV., thanks to Mr. Brand's clever handling, was over an eighth of a mile ahead when the time limit expired.

While at one time the little English half-rater was nearly ten minutes ahead, her lead was largely due to a shift of wind which occurred in the last or windward leg of the first round. Judging by the work of the two boats under equal conditions, the Ethelwynn can beat the Spruce IV. on all points of sailing, and if they get a good breeze to-day, the general opinion seems to be that the little American will win easily.

There was a fine breeze early yesterday morning from the northwest, but it died completely away before the hour arrived for the start. Both yachts were towed out to the line at noon. After the committee steamer, Commodore E. C. Benedict's Oneida, arrived at the starting line off Centre Island Buoy, it was announced that the course for the day would be east by north half north, two miles; northwest, two miles, and south by west half west, two miles, to be sailed over twice, a total distance of twelve miles. The wind was light from the southwest when the preliminary gun was fired at 12:45 o'clock. At 12:55 the preparatory gun sounded, and at 1 o'clock the starting signal was given. In the mean time the miniature racers manœuvred for position and the Englishman, as usual, got a little the best of the start. Both crossed almost together, however; so close, in fact, it was hard to say which had the lead as they slipped across the line at 1:00:30, just thirty seconds after the gun.

Both had their booms eased off to port and their dainty little spinnakers set to starboard. Mr. Brand, however, blanketed the Ethelwynn just before they crossed, and a foul looked inevitable, when in came the Ethelwynn's spinnaker and Spruce passed by in safety.

Then followed some pretty clever work on the part of the skippers of both yachts, each being blanketed in turn. The Ethelwynn finally got clear and rounded the first mark some distance ahead, their times being: Ethelwynn, 1:42:37; Spruce, 1:44:42, showing a gain of 2 minutes and 11 seconds for the Ethelwynn on the run of two miles down the wind.

After gybing around the mark they had a two-mile reach on the port tack to the second turning mark, which they rounded as follows: Ethelwynn, 2:05:12; Spruce, 2:07:09. Their elapsed times between the marks were: Ethelwynn, 22 minutes 41 seconds; Spruce, 22 minutes 27 seconds, a gain of 14 seconds for Spruce.

They now had a dead beat to the home mark. Both stood in toward the shore on the starboard tack. The last of the flood tide helped them up to windward, and the Ethelwynn seemed to be footing faster and pointing higher. The Ethelwynn, which now had a good lead, unfortunately, as it proved, stood in past Lloyd's Neck, when the wind suddenly lightened and hauled up to the westward, making the Spruce the windward instead of the leeward boat. Both yachts made a number of short hitches in shore, but the wind died away and they made little or no progress for some time, when the Spruce got the first of a new breeze from the southwest and completed the first round a long way ahead, their times being: Spruce, 3:20:08; Ethelwynn, 3:36:10. The Spruce beat the Ethelwynn by about 16 seconds on the leg.

The Spruce still further increased her lead on the run to the first mark on the second round, where she was timed at 4:17:48; Ethelwynn, 4:26:39, a gain of 1 minute 49 seconds for the English boat on this leg.

The wind increased a little here and the Ethelwynn picked up 3 minutes 38 seconds on the reach to the second mark, their rounding times being: Spruce, 4:55:12; Ethelwynn, 5:00:25.

The Ethelwynn still further reduced the Spruce's lead on the beat to the finish, but as neither could finish on this tack they required to tack ship, the race was declared off. As the way over the Richard Peck passed between the two tiny racers, and the Ethelwynn got the worst of her wash. No harm was done, however, as the Spruce, a second later, was badly bothered by a working schooner which covered her bow and forced her to tack ship. The race Mr. Brand seemed to think that but for that schooner he might have been able to finish in time, but as he only lost about two minutes at the outside, and the Spruce was fully half an hour from the mark when the time limit expired, it is certain that the Spruce would not have finished in time in any event. Mr. Brand said that but for the strong ebb tide the race could easily have been finished in time, and that his boat would have won, while C. J. Field, the Ethelwynn's owner, was equally confident that but for the shift of wind during the first round he would have won easily. The Race Committee are seriously considering the question of extending the time limit to six hours, though it is doubtful if they can do this without the consent of both owners.

ANOTHER CABLE FROM C. D. ROSE.

He Again States that His Yacht Will Race Without Restrictions as to Condition.

There is a belief at the New York Yacht Club that the full text of Charles D. Rose's challenge for the America's Cup with the cutter Distant Shore may be on the Cunard line steamer Umbria, which left Queenstown last Sunday afternoon, and is due in this city on Saturday. As soon as the letter is received a special meeting of the New York Yacht Club will be called to consider the challenge, and a new cup committee will be appointed to attend to it, or else the matter will be referred to the present cup committee, of which ex-Commodore James D. Smith is Chairman.

A cable was received yesterday in reply to Secretary Oddie's acknowledgments of the receipt of the cabled summary of the challenge, sent to Secretary Percy Thellusson of the Royal Victoria Yacht Club and Mr. Rose on Monday. It read:

J. V. S. Oddie, Secretary, New York Yacht Club, New York:

Your message received. I confirm personally challenge sent through Royal Victoria Club in my name. Confirmatory letter will follow immediately and I make no restrictions as to conditions.

NEWMARKET, Sept. 24. CHARLES ROSE.

Mr. Oddie sent another cable to Mr. Rose, stating briefly: "Yours of this date as to conditions received." There is general satisfaction at Mr. Rose's attitude.

At 10:30 o'clock yesterday morning Capt. John Gulliy of the tug Ida L. Tebo took the Valkyrie down the bay from the Erie Basin and slowly circled about off Robbin's Reef until the yacht's compasses were adjusted. An expert performed the work. The yacht was away from her berth for three hours. Capt. Cranfield did not receive his sailing orders yesterday, but expects them at any time.

DRAGOON WINS THE SERIES.

End of the Larchmont Races for Special Classes.

The eighth and last race in the Larchmont Yacht Club's series for its special classes was sailed yesterday. It resulted in a victory for Wilmer Hennen's Acushla, which beat F. M. Freeman's Dragoon by 18 minutes and 15 seconds. Dragoon wins the series, however, as she has made 4 firsts and 4 seconds, a total of 24 points. Acushla has 4 firsts and 2 seconds, a total of 20 points.

Dragoon gets the cup offered by Commodore H. M. Gillig to the yacht scoring the highest number of points. She does not get the club cup for the boat winning the most races in the series, as the rules specify, in case one boat wins both, the club cup goes to the second boat. It is therefore won by Acushla.

Vaquero did not race yesterday, as she finished her series on Monday. She will probably get both cups in her class, as all her opponents withdrew. Summaries:

SPECIAL 34-FOOT CLASS.

Name.	Time of start. H. M. S.	Time of mark. H. M. S.	Finish. H. M. S.	Elapsed time. H. M. S.
Acushla	2 04 00	3 44 42	4 51 04	2 47 04
Dragoon	2 08 14	3 50 51	4 51 38	2 39 03

Twenty of the Defender's Crew at Home.

GREEN'S LANDING, Deer Island, Me., Sept. 24.—Twenty of the Defender's crew arrived home at 8:30 o'clock this morning, and were received by about 2,000 persons. An old brass cannon was used in connection with two church bells and steamboat and quarry whistles to make a noise. All the men expressed a wish to have a chance next year to Best Defender's qualities in a decent breeze. As to the foul some think that Capt. Haff intended to give way to Cranfield's buff, through fear of injury to Defender, but not Capt. Terry told him to keep his course, as he had the right of way. Twelve men were left behind at New Rochelle.

Children Cry for Pitcher's Castoria.

"Londonderry Lithia"

Stands pre-eminently at the

Head of All Table Waters.

It is sparkling, palatable and refreshing. Has strong end