CROKER AND RYAN TESTIFY.

LATTER'S TRIAL ENDS—HEARING OF THE MANDAMUS CASE.

Justice Hall Reserves Decision—Sturgis Says He Was Informed That He Had Power to Relieve Croker—Will Give Reasons at "the Proper Time."

Two steps were taken yesterday toward ending the trouble in the Fire Department. The application of Chief Edward J. Croker, who was "relieved" by Commissioner Sturgis, for a writ of mandamus compelling Mr. Sturgis to restore him was argued in the Supreme Court and the taking of testimony in the hearing of the charges against Chief Ryan of the Department of Construction and Repairs was ended.

Chief Croker testified at the hearing and attended the argument which took place before Justice Hall, who took the papers in the case and reserved decision. J. J. Delaney represented Mr. Croker while Assistant Corporation Counsel Farley appeared for the Commissioner. In presenting the case Mr. Farley said:

The case in a nutshell is this: Chief Croker applied for and received a leave of absence for sixty days. He returned and reported for duty on the 19th of this month, before the time of his leave of absence expired. Commissioner Sturgis insisted that he continue his vacation until the time specified, and this Mr. Croker refused to do. Thereupon the order was issued. It has not the effect of a suspension. It simply relieves the chief until his vacation is over. Whatever appointments or assignments are to be made can be passed on by him when he reports for duty every Monday morning, as he has been directed to do. His duty continues just the same.

All this was in response to the argument of Mr. Delaney, who cited section 728 of the Charter to show that the appointments made by the Commissioner were limited to those recommended by the Chief—that the duties of Commissioner and Chief were coördinate.

"Under the action of the Commissioner," continued Mr. Delaney, "Mr. Purroy is illegally created Chief of the department. Under the rules of the department the Commissioner has no authority to suspend anybody from duty."

"Not even pending a trial?" asked Justice Hall.

"No, sir," replied Mr. Delaney. "There is no authority whatever for any suspension. In this case there has been an attempt to dodge that issue. Instead of 'suspended' the word 'relieved' is used.

"I maintain," continued Mr. Delaney, "that in this order relieved means suspended, and nothing else. The order says that Mr. Croker shall report each Monday morning at 10 o'clock. In the meantime another officer has been assigned to command of the force, and Mr. Croker may go on reporting every week until the trump of doom without obtaining any satisfaction."

Mr. Farley in reply denied that the court had any power to review the administrative acts of the Commissioner, and argued that the latter was well within his rights if he decided that the best interests of the department would be served if the head of the uniformed force were temporarily relieved.

Commissioner Sturgis, in speaking of the relieving of Mr. Croker, yesterday afternoon said:

"I consulted with the Corporation Counsel and was advised that as Commissioner I had the authority, when it seemed to me that the best interests of the department demanded it, to relieve the Chief of the uniformed force or other heads of departments temporarily from duty. This relief from duty must be, however, confined to a limited length of time. To continue it indefinitely would be tyrannny.

"Acting under this advice I relieved Mr. Croker. When the proper time comes I shall give the reasons, assuming full responsibility for the act. Until I am convinced that that time has come, I am not going to be bullied into making a statement as certain newspapers seem to be attempting."

Chief Croker was the first witness to appear at the Ryan hearing yesterday morning. Delos McCurdy, Ryan's counsel, jumped right into the heart of things with his questions.

Q. What is your position? A. I am Chief of the department.

Q. It has been testified to that sixteen lengths of hose was sent to the Polo Grounds, together with a nozzle and some coupling; do you know how it got there?

A. Yes. Mr. Scannell, the former Commissioner, ordered it to be sent there.

Q. To whom did you give the order to send it?

A. I gave the order to Chief Ryan.

Q. Was there hose at the Polo Grounds before you came in the department?

A. There was hose there before I became Chief.

Q. Was the hose sent up by you or Mr. Ryan, or simply by order?

A. It was sent up by order from Commissioner Scannell.

Q. Somebody has said that you have horses in the department. Have you?

A. I haven't got any now, but I did have one for a short time, and I never used it for any other than department purposes. It was used by me in the department eight or nine months.

Q. Did you have an automobile?

A. I had one of my own and one owned by the department. I have used them both for department purposes pure and simple.

Q. Did you ever have it repaired in the department shops?

A. It broke down one day while I was going to a fire, and some slight repairs were made upon it afterward. I never used my horse or buggy or carriage or automobile for any other than department purposes. I never had the time.

Edward J. Moore, general foreman of the Fire Department repair shops, testified that men only worked overtime on emergency work, and that he regarded the work on Saturday afternoons and Sundays, which it had been testified was pretty regularly done, as emergency work.

"Each chief of battalion has two light wagons," said Commissioner Sturgis. "Do you consider the repair of one of these wagons as emergency work when the battalion chief has his reserve wagon to go about in?"

The witness said he did.

"Why?"

"Well, one of the wagons might have rubber-tired wheels and when a chief has been driving about in a rubber tire wagon he does not like to go about in a wagon with iron tires."

Capt. Ryan was the last witness called. In response to questions from his counsel, Mr. McCurdy, he said that he had got the orders to repair Commissioner Scannell's wagons and harnesses and to make a dog collar, either direct from Commissioner Scannell himself or from him through Chief Shea.

Q. Did you ever do any of this kind of work without orders? A. I did not.

Q. Did you make a dog collar for Commissioner Scannell? A. I had an order from him to make a dog collar and harnesses and I obeyed the order.

Q. Did you send a hose, a hose nozzle and wrench to the ball ground? A. I did.

Q. Who directed you to do so? A. Mr. Scannell, through Mr. Croker. It was an old hose that we used to lend to the Park Department. I lent out no hose or other property without an order from Commissioner Scannell.

Q. Did you ever in the purchases that were made for your department receive a penny of pecuniary advantage? A. No, nor a fraction of a penny.

Commissioner Sturgis asked Capt. Ryan if once, when Mr. Bridge had inspected a purchase of spokes and reported on them adversely, the accused had said to Bridge: "That won't do; you had better go over them again."

"As emphatically as I can, I deny that I ever said that," replied Capt. Ryan.

The Commissioner then asked the witness if he regarded the work of four or five men on nearly every Saturday and Sunday as emergency work justifying overtime pay.

"I do not," replied, Capt. Ryan, "and it would not have gone on had I known it. They can come and tell about it here, but could not speak to me about it at the time."

The Commissioner then went into the matter of former Commissioner Scannell's private wagon and harness repairing and dog-collar making.

"Do you consider," asked Commissioner Sturgis, "that if the Commissioner gives you an illegal order you are obligated to obey it?"

"Yes," replied the witness, "I believe it my duty as a member of the uniformed force to obey the order of my superior and let him take the responsibility if it is illegal."

"If the Commissioner ordered you to do a job that would defraud the city would you feel obliged to do it?"

"Yes, and leave the Commissioner to take the consequences."

The Commissioner after a few more questions, and on Mr. McCurdy's saying that Capt. Ryan had no more witnesses to produce, announced that the investigation was closed.

Mr. McCurdy received permission from the Commissioner to submit a brief on the case within two weeks.

OTHER FIREMEN "RELIEVED."

Capt. Grady and Lieut. Madigan Are Drawing Pay but Not Working.

Fire Chief E. F. Croker is not the only member of the uniformed force who has been "relieved" by Commissioner Sturgis. Capt. Grady and Lieut. John Madigan have each been "relieved" and are drawing pay from the city without doing any work. The two officers were recently tried on charges and suspended, and then were restored to duty.

WESTERN RANGE-BRED HORSES.

A Matched Pair Will Draw Secretary Wilson's Official Carriage.

WASHINGTON, Aug. 22.—Secretary Wilson's official carriage will be drawn this winter by a pair of matched seal-brown Western range-bred horses, brought here from the Ames College in Iowa. Several years ago, when Western horses could be bought cheap, an experiment was undertaken at the Ames Experiment Station to determine the qualities and value of range-bred horses. The colts were carefully selected, both as regarded breeding and individual excellence, and the experiment proved very satisfactory. The Agricultural Department will soon issue an illustrated bulletin on the subject of range-bred horses and a photograph of Secretary Wilson's team will appear in it.

Two Warships to Be Withdrawn From Venezuelan Waters.

WASHINGTON, Aug. 22.—According to advices received at the State Department from Minister Bowen at Caracas, the situation in Venezuela has very much improved. A cablegram received from Minister Bowen says that there is no longer any necessity for the presence of three United States warships, and that two can be withdrawn without any difficulty.

In view of this information the Navy Department will send the Marietta to Colon, to which place she was going when diverted to Venezuela. The Topeka, which was last reported at Porto Cabello, having returned there from a trip to Barcelona, will also be withdrawn and ordered north.

D., L. & W. Takes a General Freight Agent.

President W. H. Truesdale of the Delaware, Lackawanna and Western Railroad has appointed Nathaniel Duke general freight agent of that road for all the New England territory with headquarters in Boston. This is one of the results of the Lackawanna's new traffic agreement with the New York, New Haven and Hartford.

Nourish the Weak Nerves, Build Up Wasted Tissue, and Purify the Stagnant Blood in August.

PAINE'S CELERY COMPOUND,

Nature's Summer Medicine,

The One Great Health Builder.

Paine's Celery Compound supplies the needs of the weak, sickly, and diseased in a way that no other medicine can do. It never fails to brace and strengthen the weakened nerves; it forms new tissue, and quickly purifies the foul and stagnant blood, allowing it to course with freedom and life to every part of the body. Paine's Celery Compound is the great furnisher of nutriment for the weak and rundown nervous system.

The use of a few bottles of Paine's Celery Compound produces results that are most astonishing and happy to the sick. The thin, emaciated body soon takes on solid flesh, the skin is clear, the eyes bright and sparkling, pain in the back is banished, the liver and kidneys work healthily, the digestive organs do duty with unfailing regularity, feelings of new energy and well being take the place of nervousness, despondency, and melancholia.

Nourishing the nerves, the formation of fresh tissue, and cleansing of the blood by Paine's Celery Compound, means a new, vigorous, and happy life. There can be no failures when Paine's Celery Compound is used; it truly "makes sick people well."

The care worn and overworked housewife receives strength for her daily duties by using

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INSIST upon JOHANN HOFF'S and you will not be imposed upon. No substitute is "just as good."

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VIRGINIA HOT SPRINGS.

2,500 FEET ELEVATION. ON CHESAPEAKE & OHIO RY.

Pre-eminent Among All-Year-Round Resorts.

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This fine brick structure will be fully completed September first. Has 400 rooms and 200 private baths, each room supplied with long-distance 'phone and modern appointments. Brokers' office with direct New York wire.

MAGNIFICENT BATH HOUSE and most curative waters known for rheumatism, gout, obesity and nervous troubles.

FINE GOLF LINKS and NEW CLUB HOUSE with squash court, lounging room, café, ping-pong tables, &c. Tennis courts and all out-door amusements. Orchestra.

Compartment car from New York. Excursion tickets, 362 Broadway, New York, and offices Pennsylvania Railroad and connecting lines throughout the country.

FRED STERRY, Manager. Hot Springs, Bath Co., Va.

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"THE IMPERIAL LIMITED."

A New Trans-Continental Service.

On June 15 the Canadian Pacific Railway will begin an extra fast train service to the Rocky Mountains and Pacific ports. This train will be supplemental to the trans-continental express which leaves Montreal and Toronto daily.

The Imperial Limited

will consist of sleeping, dining and baggage cars. It will be despatched tri-weekly—Sundays, Wednesdays and Fridays—from Montreal and Toronto, uniting at North Bay, and will reach Banff in 72 hours, and Vancouver in 97 hours.

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110 Rooms. Fireproof. American and European Plan. 100 yards from shore. Billiards and Bowling Alleys. Up to date. Bay 22d st. and Cropsey av.

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Steamer "NANTASKET" leaves Pier 15, E. R., N. Y., 1.30; foot 31st st., E. R., 1.50 P. M. Returning, due in New York 9.15 P. M. EXCURSION 50 CENTS.

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Leave 34th st., E. R., N. Y., week days, 5.30, 6.40, 7.40, 9.20, 11.00 A. M., 12.10 half hourly 1.10 to 3.40, 4.20, 5.10, 5.40, 6.00, 6.40, 7.10, 7.40, 8.10, 8.40, 9.30, 10.50 P. M. Excursion Fare, 40c.

Leave East N. Y. 25 minutes after 34th st. time. From Whitehall st., N. Y., via 39th st., S. B'klyn Ferry, connecting with L. I. R. R. Leave week days only 7.00, 8.00, 8.20, 11.00 A. M., 1.00, 2.20, 3.40, 4.20, 5.00, 5.40 P. M. Excursion Fare, 50c.

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Leave 34th st., E. R., N. Y., week days, 7.00, 7.50, 10.50 A. M. (1.00 Saturdays) 1.50, 3.50, 4.50, 5.30, 5.50, 6.50, 8.00, 10.00 P. M.

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Leave Pier (New) No. 1, North River. Half hour later.

Leave NEW IRON PIER, CONEY ISLAND, 10.40, 11.40 a. m., 12.40, 1.40, 2.20, 3.00, 3.40, 4.25, 5.10, 5.55, 6.40, 7.25, 8.10, 8.55, 9.40, 10.40 p. m.

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From New York, West 22d St. Pier, 9.00 A. M.
From New York, West 129th St. Pier, 9.15 A. M.
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The elegant steamer "NANTASKET" leaves Pier 13, E. R., N. Y., near foot Wall st., 9.30; foot 31st st., E. R., 9.45 A. M. Returning, due New York 6.30 P. M. EXCURSION 50 CENTS.

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Merion (new)....Aug. 20 | Commonwealth..Sept. 10

Saloon, $65 and $80 upward, according to steamer.

BOSTON-MEDITERRANEAN SERVICE.

GIBRALTAR, NAPLES, GENOA.

Cambroman, Aug. 16, Sept. 27, Nov. 8.
Vancouver, Sept. 6, Oct. 18, Nov. 29.

First class fare New York to Boston allowed in connection with saloon tickets, Mediterranean Service.

For rates, &c., address DOMINION Line, Boston, or EDWIN H. LOW, Gen'l Agt., 1123 B'way, New York.

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Between San Francisco, Honolulu, Yokohama, Kobe, Nagasaki, Shanghai and Hong Kong.

Steamers leave San Francisco at 1 P. M.

Korea..... Aug. 30 | Hongkong Maru..Sept. 16
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For freight, passage and general information apply at 349 Broadway, or 1 Battery Place, Washington B'ld'g, and 287 Broadway, N. Y. City.

ATLANTIC TRANSPORT LINE. NEW YORK—LONDON.

MINNETONKA.....Aug. 23, 8.30 A. M.
MINNEHAHA.....Aug. 30, 3 P. M.
MESABA.....Sept. 6, 9 A. M.
MINNEAPOLIS.....Sept. 13, 2 P. M.
MINNETONKA.....Sept. 20, 7 A. M.
MINNEHAHA.....Sept. 27, 2 P. M.

ALL MODERN STEAMERS, LUXURIOUSLY FITTED WITH EVERY CONVENIENCE. ALL STATEROOMS AMIDSHIPS ON UPPER DECKS. FIRST CABIN PASSENGERS CARRIED FROM NEW YORK TO LONDON.

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F. Bismarck, Aug 21, 10 AM | A Victoria, Sept. 11, 10 AM
Columbia, Aug 28, 10 AM | F Bismarck, Sept 18, 10 AM

TWIN-SCREW PASSENGER SERVICE.

Patricia, Aug 26, 10:30 AM | Waldersee, Sept. 9, 10:30 AM
Bluecher, Sept. 2, 10 AM | Pennsylva, Sept. 16, 3 PM

HAMBURG-AMERICAN LINE.

Offices, 35 & 37 Broadway. Piers, Hoboken, N. J.

NORTH GERMAN LLOYD S. S. CO.

EAST EXPRESS SERVICE. PLYMOUTH, CHERBOURG, BREMEN.

Kronprinz, Aug 26, 10 AM | Kronprinz, Sept. 23, 9 AM
Kaiser..... Sept. 9, 10 AM | Kaiser..... Oct. 7, 10 AM
Kaiserin, Sept. 16, 10 AM | Kaiserin.... Oct. 14, 10 AM

OELRICHS & CO., 5 BROADWAY, N. Y.

AMERICAN LINE.

NEW YORK—SOUTHAMPTON—LONDON.

Phila'a....Aug. 27, 10 AM | *Southwark, Sept. 3, noon
St. Paul....Sept. 3, 10 AM | St. Louis, Sept. 10, 10 AM

*From Pier "C," York st., Jersey City, N. J.

RED STAR LINE.

NEW YORK—ANTWERP—PARIS.

Kroonland, Aug. 23, noon | Friesland....Sept. 6, noon
Zeeland....Aug. 30, noon | Vaderland....Sept. 13, noon

INTERNATIONAL NAVIGATION COMPANY. Piers 14 and 15, N. R. Office, 73 Broadway, N. Y.

Canadian Pacific Railway.

Intended steamship sailings from Vancouver.

JAPAN, CHINA and PHILIPPINE ISLANDS.

R.M.S. Athenian, Sept. 1 | R. M. S. Tartar....Oct. 20
Emp. of China.... Sept. 8 | Emp. of Japan .... Nov. 3
Emp. of India.... Oct. 6 | R.M.S. Athenian, Nov. 17

HAWAIIAN ISLANDS and AUSTRALIA.

Aorangi..... Sept. 19 | Moana..... Oct. 17

For rates apply 353 Broadway and 1 Broadway.

SEA ROUTE TO CALIFORNIA.

Ss. Seguranca.....Aug. 26 | Advance..... Sept. 2

CABIN, $105; STEERAGE, $40. Including Meals and Berth.

PANAMA RAILROAD STEAMSHIP LINE.

Office, 24 State St. R. L. WALKER, Traffic Mgr.

HOLLAND-AMERICA LINE

NEW YORK-ROTTERDAM VIA BOULOGNE S.M. New Twin-Screw Steamers of 13,000 tons Register.

Twin-Screw Steamer ROTTERDAM Aug. 23, 10 A. M.
Twin-Screw Steamer NOORDAM Aug. 30, 10 A. M.
Twin-Screw Steamer STATENDAM Sept. 6, 10 A. M.

Apply to Holland-America Line, 39 B'way, N. Y.

OLD DOMINION LINE.

DAILY SERVICE.

For Old Point Comfort, Norfolk, Portsmouth, Pinner's Point and Newport News, Va., connecting for Petersburg, Richmond, Virginia Beach, Washington, D. C., and entire South and West.

Freight and passenger steamers sail from Pier 26, N. R., foot Beach st., every weekday at 3 P. M.

H. B. WALKER, Traffic Manager.

ANCHOR LINE Glasgow, via Londonderry.

From Pier 54, North River, foot of West 24th st. Columbia...Aug. 23, noon | Astoria.....Sept. 6, noon
Ethiopia....Aug. 30, noon | Furnessia..Sept. 13, noon

First saloon, $60 and upward.

Second saloon, $35 and up; third class, $26 and up. HENDERSON BROTHERS, 17 and 19 Broadway.

WHITE STAR LINE.

NEW YORK—QUEENSTOWN—LIVERPOOL.

Oceanic....Aug. 27, noon | Celtic.....Sept. 3, noon
Majestic....Sept. 3, noon | Germanic. Sept. 10, noon

Pier 48, North River, office, 9 Broadway, New York.

CUNARD LINE TO LIVERPOOL via Queenstown. From Pier 51, North River.

Umbria.....Aug 23, 10 A.M. | Etruria....Sept. 6, 9 A.M.
Lucania....Aug. 30, noon | Campania. Sept. 13, noon

VERNON H. BROWN & CO., Gen. Agts., 29 B'way.

STEAMBOATS.

Albany Evening Line

Direct Route for Saratoga, Lake George, Adirondacks and Thousand Islands.

Steamer ADIRONDACK or DEAN RICHMOND leaves Pier 32, N. R., foot Canal St., at 6 P. M., week days only, making direct connection with express trains for above named points. Saturday night steamer connects with trains for Sharon Springs, Saratoga, North Creek, Caldwell and steamer on Lake George. Summer Boats Free.

Block Island, R. I., Orient, Greenport, Shelter Island and Sag Harbor, L. I. Via Montauk Steamboat Co.'s Line.

Steamers leave N. Y., Pier 13, E. R., near Wall st., week days, except Saturdays, 5.30 P. M., Saturdays, 1 P. M. Mondays, extra trip, 8 A. M., for Greenport and Sag Harbor.

Saturdays a steamer of the Montauk Co.'s line connects at Montauk with L. I. R. R. train leaving New York, 34th st., 1.20, Pier 13, near Wall st., 1.00; Flatbush av., Brooklyn, 1.19 P. M., arrives Block Island 7.00 P. M.

BRIDGEPORT boats daily (Sunday excepted) Pier (new) 31, East River, near Market slip, 11 A. M. and 3 P. M.; East 31st st., 3.30 P. M. Connecting at Bridgeport with trains for New Haven and points on N. Y., N. H. & H. R. R. Saturday's afternoon boat Pier (new) 31, E. R., 2 P. M.; East 31st st., 2.30 P. M. Sundays (new) Pier 31, E. R., 5 P. M.; East 31st st., 5.15 P. M.

TROY BOATS

leave Pier 46, N. R., foot West 10th Street, daily, 6 P. M., except Saturday. SUNDAY STEAMERS TOUCH AT ALBANY. Direct railroad connection at Troy for all resorts North and East.

Excursions, TROY, $2.50. SARATOGA, $4.50. Dining-rooms on Main Deck. Searchlight Display.

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