PITTSBURG DISPATCH. TUESDAY, MAY 6, 1890. BACK FROM CANADA IN HONOR OF BECK. the rules, keep the debate within reasonable APFOR BUSINESS AND FINANCIAL Durston to show that in this case no such SWELLING THE GERMAN ARMY. THE WEBSTER MYSTERY. HE HAS DISAPPEARED conditions had been secured. Mr. Sherman then said that "a law which authorized the NEWS, LIVE STOCK AND PRODUCE ength. When this subject had been disposed of the river and harbor men made another effort, this time seeking to have adopted a special rule providing for the consideration of their bill immediately after final action An Increase of the Cavalry and Infantry THEJUNEX PLAINED DEATH OFMISS HOYLE MARKETS, SEE ELEVENTH PAGE, SEC. warden to go into the convict's cell with a OND PART. the Frontiers RECALLED. The First of New York's Boodle Alrope at any time within a fixed week, could clearly not be due process of law. The warden might hang him by the neck or by the heels, or bind him and leave him to Both Branches of Congress Adjourn Washington Quinlan, Heir to Mill-BERLIN, May 5 .- The Reichsanziger, in The Singular Conduct of Her Uncle Andrew THAT SHOCKING CASE announcing the preparation of the bill to in-crease the field artillery by 70 batteries and dermen Returns to Surrender. in Honor of Senator Beck. ions, Drops Out of Sight. of their bill immediately after final action upon the tariff oill, but again they were de-fented. There was some talk about the re-maining business before Congress, and it became evident that the general feeling that a final adjournment could be reached about the middle of July. The members of the Committee on Rivers and Harbors feel some-what indignant over the manner in which their bill has been side-tracked. They ap-preciate the fact that unless early action is taken upon that measure that it may fail by and His Elopement With the Dead Girl's Sister-A Mystery Upon Which Light is perish of terror and exhaustion, but such a law would not leave more to his discre-tion than this burden of experiment thus unloaded by the Legislature on the the army corps by special troops, says the ACCOMPANIED BY HIS BROTHER Beginning to Dawn at This Late Day. SEVERAL FEELING TRIBUTES PAID. state of things among the neighbors of Ger-many does not admit of Germany continuing HE HAS HADVERY BEAVY LOSSES. The Kemmler Argument Before the STAFFORD SPRINGS, May 5 .- The mys the present military system, under which ery of beautiful Lilla Hoyle's murder in U. S. Supreme Court. He Goes to the District Attorney's Office to the artillery is strengthened at the expense of the infantry. It is therefore necessary to fix a more effective strength for the army. An increase of the cavalry and infantry prison keeper leaves to him. The possibil-Congressman Who Knew the Decensed New Member of the New York Stock Er-Webster, Mass., whose body was found tucked into a corn crib on a lonely road in ity under a statute of such a result makes i Have a Bond Made. From 10 Years of Age. unconstitutional. Thus in the United States against Reese (92d U. S. 221) this court says: 'A penal statute which is in change Initiated. THE EIGHTH AMENDMENT QUOTED, Oxford, a mile or so from Webster, has never been solved. The young girl stepped As increase of the cavaly and initiality near the western and eastern frontiers is also intended. It will be the duty of the troops in those sections to advance to the frontier in the event of war, without awaitnever been solved. The young girl stepped out of her boarding house on the evening of September 1, 1887, and her friends did not see her again until her remains were accidentally discovered by hunters in the crib. The world knows absolutely nothing more about the circumstances of her death. A belated wayfarer dimly saw a carriage dashing along the Oxford road that evening TELLS OF SENATOR BECK'S RECORD. precisite the fact that unless early action is taken upon that measure that it may fail by reason of a lack of time for due considera-tion by the Senate. Yielding to the inevi-table, however, they are determined to press BUT BECOMES VERY IMPATIENT. HE STARTED OUT VERY WELL FIXED. court says: A penal statute which is in general language broad enough to cover wrongful acts without as well as within the constitutional jurisdiction cannot be limited Which, Coupled With the Fourteenth, May And Speaks of His Career as One of a Typical And Leaves the Place Without Accomplishing the constitutional jurisdiction cannot be limited by judicial construction, so as to make it operate only in that which Congress may rightfully prohibit and punish." "The same principle was applied in the trade mark cases (100 U. S. 98), the Harris case (106 U. S. 642), and the case of Bald-Only About 35 Years of 'Age and Worth Three Quar-Save Kemmler's Life. ing the reserves, to repel attacks. It is expected that the increased expenditures will not exceed 18,000,000 marks annually, table, nowever, they are determined to press its consideration as soon as the tariff bill is out of the way, and will antagonize all other legislation until the river and harbor bill is disposed of. Mission Intended. American Citizen, ters of a Million. CRUEL AND UNUSUAL PUNISHMENT Ex-Alderman Sayles, of New York, has Both the Senate and House adjourned Broker Washington Quinlan, of the New yesterday to show sorrow for the death of left the Canadian colony and returned to Minister Smith at Berlin. Fork Stock Exchange, is missing. It is and heard a woman's faint scream Totally Forbidden by the Constitution of the United the metropolis. He went to the District Senator Beck, of Kentucky. In the House win versus Franks (120 U. S. 686), and in BERLIN, May 5 .- Mr. Charles Emory thought the fear of losses which he might Miss Hoyle was a shop girl and had many RECRUITING CHANGED. Hartung against the people (22d N.Y. 106). The Court of Appeals said: "As both parts may be inflicted and as the convict is, under Mr. Breckenridge arose, and said he had Attorney's office for the purpose of giving admirers, and suspicion connected severa of them with her fate, but not definitely States. Smith, the newly appointed American Min not be able make good led him to get out of known the deceased from 10 years of age, himself up, got nervous while there and ister to Russia, has arrived in this city in the way. He was a millionaire's son. De-REGIMENTAL WORK SUBSTITUTED FOR Her uncle, Andrew Hoyle, a rather pecu and found him in all his course of life a left. company with Count Von Munster, the Roger H. Sherman, counsel for Kemmler, the law, exposed to the double infliction, i tectives are looking for him. iar person, was thought to know something about her death, and some people fancied that Lilla's younger sister, Alice, who told many varying sto-THE GENERAL DEPOT SYSTEM. typical American citizen. German ambassador to France, who came to Berlin on a visit. Mr. Smith is the guest of is within the definitions an ex-post fact who was to have been electrocuted last SPECIAL TELEGRAM TO THE DISPATCH.1 ISPECIAL TELEGRAM TO THE DISPATCH.) Plans for the Coming Season of Enginee Wednesday, appeared before the United WASHINGTON, May 5 .- There was an Mr. Phelps, the American Minister to Ger-many. He dined this evening with Count Schouvaloff, the Russian ambassador. NEW YORK, May 5 .- One of the profes-Study and the Curriculum Adopted-NEW YORK, May 5 .- Henry L. Sayles, Mr. Justice Field then asked: "Do you States Supreme Court yesterday. In behalf unusually large attendance of Senators ries about her sister, might have thrown light upon the tragedy if she had wished to Mining, Torpedace and Hydrography the ex-Alderman of 1884, is here again from a claim that the eighth amendment applies? sional traders on the Stock Exchange, who of his client he quoted the Eighth and Fourpresent in the chamber, and of spectators in Mr. Sherman answered "not without the has been trying to keep prices down foreign shore; that is, he was here for Principal Studies. teanth Amendments to the Constitution. A the galleries this morning when the opening do so. Local officers of the law and New York and Boston detectives worked at the aid of the fourteenth. I contend that the while the silver boom has carried them up, awhile, and maybe he is yet. He is the SPECIAL TELEGRAM TO TER DISPATCH. decision will probably be handed down on prayer was offered by the chaplain. Mr. eighth amendment confers upon citizens of the Uniled States a limited immunity from The Sultan Supports the Company, has disappeared. He is said to have lost first of the colony in Canada to venture WASHINGTON, May 5 .- The present systhe 29th instant. ZANEI BAR, May 5 .- The suspension o case for months, wrought out ingenious theories, and finally abandoned it, having attained no plausible explanation of the Beck's desk and chair were covered with his head, but those members of the Exback into the jurisdiction tem of general recruiting service in the civil and unusual punishment, and that this black crape, and a feeling of solemnity perperations by the British East African change who did business with him last army is to be modified. There is an insuffi-New York. Sayles ran away on limited privilege is extended and protected by the fourteenth amendment. But I also INFECTAL TELEGRAM TO THE DISPATCH. Company owing to the pressure of England and Germany has disgusted the natives, vaded the chamber. As soon as the journal of Saturday was read, Mr. Blackburn rose Thursday, when he sold large amounts of cient number of recruits secured, the enlistthe eve of his trial WASHINGTON, May 5 .- The case of the by the fourteenth amendment. But I also contend that the language, 'due process of law,' is broader than any of the first ten amendments, and that cruel punishment, if unusual, cannot be due process of law. I refer to what Your Honor held in the Slaughter crime. the charge of bribery in October, 1886, and Now a singular incident recalls public stocks, expressed the opinion at the time that ments averaging not over 350 a month. Similar difficulty is experienced who fear that those countries desire to dis-credit and further confiscate the Sultan's condemned murderer William Kemmler, and with a voice suffused with emotion, said: attention to the tragedy. It is the elope-ment the other day of the uncle, Andrew Hoyle and Lilla's sister Alice. Andrew his indulgences had been such that he Brother Sol Sayles, Brother Henry's part-"Mr. President, my old colleague is dead. sentenced to death by means of electricity, rights. The Sultan loyally supports the might better have refrained from appearing each spring and summer. The requirener in the butcher business at Jefferson Marhas now reached the Supreme Court of the It is not my purpose at this time to speak either of him or the great services which he in public. His name is Washington Quinket, and his bondsman had to pay \$25,000 to ompany. ments physical, mental and moral, for reand Alice have been fast friends for years United States, and bids fair to become a lan, and it came to the surface to-day that and during the investigation of the mur-der he was the staunch defender and guar-dian of Alice. Soon after the murder of Lilla, Alice went to live in Andrew Hoyle's home, and the relations between the city treasury. The brothers met Brother cruits are very exacting, and the number of noted one in legal history. Roger M. Sher-Crispi Threatens to Resign. has rendered to his country. the stocks he sold on Thursday and Friday House cases (16 Wallace, 118) where you collistments could at any time be increased Sol up town this morning and they went toman, Kemmler's lawyer, arrived here from ROME, May 5-The Senate to-day in the "In the freshness of the sorrow, the love said 'the constitution specifies in terms gether to the District Attorney's office, so were for his own account, and not, as some by a less strict application of these reguladebate on the charitles bill rejected the New York early this morning. He was not which I bore him would blind with its only a few of the privileges and immunitie of his fellow brokers imagined at the time, in execution of an order. Quinlan is a fair that Brother Henry could surrender himself tions. This the War Department is unwillat all sanguine that a writ would be granted, clause providing for church expenses. tears. The drapery of his desk furnishes a of citizens, but they are very comprehento District Attorney Fellows. ing to do. Relief will perhaps be afforded by the adoption of regimental recruiting, already satisfactorily tested in the Eleventh and Twenty-third Regiments sive in their character above all and in-cluding all the rest the right of not being Premier Crispi thereupon declared that he would resign in order to decide the question feeling confident that the court would uncle and niece became so openly affection fitting type of the sorrow which pervades type of a class that has of late years been AT THE DISTRICT ATTORNEY'S. ate that there were frequent stormy scenes between Andrew and his wife. Finally promptly meet the motion with the preceevery heart in this chamber. A great Comincreasing in the membership of the Stock of the dissolution of the Cabinet or its re-construction under Signor Saracco. His announcement caused great excitement. deprived of life without due process of They reached the office at about 2 o'clock. dent of their decision in the Merzin case, monwealth with bowed head to-day puts on Exchange. Alice went to her brother's house in Spen-cer, and has resided there during the past year, but Andrew planned so that he was of infantry. It is proposed to extend this privilege to the Seventh Cavalry stationed at Sayles, when he took French leave, was fat in which it was decided the court would not the weeds of mourning. At an appropriate At the conclusion of the hearing in the A RICH MAN'S SON. and rosy. He is fat still, but not rosy, and grant a writ of habeas corpus except in time and in the early future, I will ask the Senate to afford to his friends an opportunity to pay their tribute to his memory. I will case the Court took an adjournment until He is the son of the late W. J. Quinlan, posts in Kansas and the Indian Territory; the there is a plentiful sprinkling of gray in his cases of peculiar and pressing necessity. Mr. Sherman was satisfied, however, that Monday. The work of the present term is finished requently with her. His neighbors say Stenmer Richmond Foundered. Second Artillery, whose batteries are lo-cated in seven States in the division of the Atlantic, including Fort Adams, R. I.; Fort Trumbull, Coun., and Fort Schuyler, N. X., and the Third Infantry stationed in the wealthy lace importer, who founded the he was constantly moving back and forth between Webster and Spencer. At length dark hair and mustache. In the haleyon LONDON, May 5 .- A cable dispatch re Chemical National Bank. His father left Aldermanic days, too, he was given to fine raiment and sparkling jewels. To-day he ceived here to-day from Buenos Ayres

his case is now in such a condition that no further steps in the direction of Kemmler's execution can be had, at least until the October term of court. As to the exact status of the case, now that the writ has been refused, Mr. Sherman says: "If the Supreme Court have deemed the question a trivial one they would have summarily denied the application on its merits. They have, however, simply decided that as a writ is properly pending in the United States Circuit Court, which stays the execution and which they have appellate power to review, they will not interfere. The writ must now be heard by Judge Wallace. The writ must now be heard by Judge Wallace. The writ of error does not dispose of the proceedings. There is much evidence to be taken of matters oc-curring since the evidence in the State's courts was closed, and Judge Wallace will have newer and more recent light on the

SAFE UNTIL OCTOBER.

subject.

"It appears impossible that a final de-cision can be reached before the next October term of the Supreme Court." It was not generally known that the motion was to be made to-day in the Kemmler case, and consequently there were very few lawyers or spectators in the Supreme Court chamber when it was presented. Assistant Attorney General Mauray was there, and also Enoch Totten, George Appleby and one or two more prominent members of the Washington bar. There was a full bench, every member of the court being present. A batch of decisions were handed down immediately after the court met, and then Mr Sherman prose. He proceeded to argue that a prima facie case was presented of a violation of the Fourteenth Amendment.

He said: "It is unnecessary to argue that the eighth amendment was originally a restriction upon the powers of the States. The lourteenth amendment requires that the States shall proceed by due process of

The work of the present term is misned except the handing down of some decisions. This will be done on Monday. Mr. Sherman returned to New York to-night. The members of the court and states that the British steamer Richmond has foundered near the eastern coast of the Argentine Republic. lawyers generally regard the Kemmler case a most interesting and important one, and it is the general opinion so far as can be ascertained here that the Court will en-Smashed the Machinery. PARIS, May 5 .- Strikers at Lille to-day deavor to be prepared to render a decision on the 19th inst. immediately after listening assaulted a number of workmen and smashed some machinery in a factory. They were dispersed by military. to the arguments. ANOTHER WRIT GRANTED. Foreign Notes. Apparently the Only Things in Connecti LORD CHIEF JUSTICE COLERIDGE is so i Which Can be Executed. hat he could not be in court yesterday. BUFFALO, May 5.-Another writ THE international rifle contest at Rome yes habeas corpus has been issued in the case of terday was opened by King Humbert, who fired the first shot. Kemmler, the murderer. Copies were this morning served upon District Attorney Quinlan and others interested in the case, including Warden Durston, to produce Kemmler before Judge Underwood at Aubrn on Saturday next.

The writ was granted by Judge Corlett and was obtained by Charies S. Hatch. I is issued to dispose of the question as to whether the warden of the State prison at Auburn can legally execute Kemmler. A stay of execution was some time ago asked upon the same ground, Mr. Hatch urging that nobody but the Sheriff of Erie county could execute his client.

THE ELKS' MEETING. Legal Measures to Prevent Its Taking Plac

in Cleveland. NEW YORK, May 5 .- Justice Barrett, of

Cleveland, O., and Secretary Arthur C.

AT Vienna the strike of the railway em ployes has been settled, the authorities conced-ing higher wages. A COMMITTEE of the House of Lords urges Parliament to correct the evils arising from the "sweating system." A BOMB exploded in front of the Merchants and Manufacturers' clubhouse at Barcelons yesterday, wrecking the doors and windows. the following is a copy. It was addressed to Secretary George W. Ely and signed by Solomon Hanford:

He thinks the next election

TO ELECT BECK'S SUCCESSOR

the 13th Instant.

LOUISVILLE, May 5 .- Governor Buck-

a successor will consequently take place on

May 13. A joint resolution of respect and

regret was adopted by the Legislature. One

HARRIMAN HALF WAY.

He Has Broken Down Fourteen Horses and

is Ahead of Schedule Time.

LAMAR, COL., May 5 .- Colonel J.

Harriman, who is walking from Wabash,

wager of \$10,000, arrived here at 7 o'clock

Ind., to San Francisco within 65 days on

paragraph of these is as follows;

wants t

the Senate.

the Supreme Court, to-day granted a temporary injunction restraining the Benevolent and Protective Order of Elks from holding their annual meeting of 1890 in

on Saturday or yesterday.

MONTANA IN A PLIGHT.

tussell Harrison Says the State is Nov Running on Tick.

CHICAGO, May 5 .- Russell B. Harrison is apprehensive that the State of Montana will find itself in a desperate condition unless the Governor calls an extra session of

the Legislature very soon. "As affairs are

HIS LOSSES FIGURED UP. The Stock Exchange was formally notihed of Mr. Quinlan's disappearance from ousiness in a note from his counsel, of which

On behalf of the family of Mr. Washington Quinlan, one of your members, I beg to notify you of his disappearance, due, as they are forced to believe, to mental derangement. From the clerks in his office it is learned that

there are several outstanding contracts made by him with members of the exchange. This notice is given that the other parties may take measures to protect themselves. The brokers were not inclined to takeQuinthe Legislature very soon. "As affairs are now," Russell said to-day, "the State is obliged to carry on its business and its \$100,000, and was ashamed to tace the charitable institutions on credit, as not a cent has been appropriated for the public use. Just how long this credit will last there is no telling, but in the nuture of things it can't last very in the nuture of things it can't last very

nim, according to all accounts, about \$750,he removed to another house in Webster 000, and after traveling and enjoying life then quit his wife and 14-year-old daughter and went to Spencer to live. Later in other ways for a few years, he determined he rejoined his wife, removed with his family to Pawtucket, R. I., and summoned to buck the tiger in Wall street. Now, at the age of 35, he is discred-Alice there. Not many days ago he packed up his personal property and informed his ited in Wall street, and to-day about 13,000 shares of stock that he had sold short were bought in under the rules of the Exchange. ife that he was going to Illinois, but Mrs. Hoyle refused to accompany him if he took Alice along too. Thereupon Andrew ship-ped all his household belongings to Worces-It is generally estimated he was short about \$30,000, but many of the brokers with whom he had made contracts suspected something wrong on Saturday, and closed the contracts themselves. Quinlan is said to have boasted to some of his friends on Friday that he was ter and stored them there, and induced hi wife to sign a deed of sale of the Webster home, promising to divide the proceeds with her, but he did not keep that promise. Sud short 22,000 shares. A large part of his sales on Thursday were on seller, three days' option. From which it is inferred that he expected or hoped the market would go his way before those contracts came due lenly he and Alice disappeared, and Mrs. Hoyle and her daughter were left destitute n Pawtucket. She returned to Webster and btained employment in the mill there, but was stricken with pneumonia, and now the town authorities are caring for her. It is ot known whither Andrew and Alice have fled, but it is believed they have gone These later incidents have deepened the nystery of Lilla Hoyle's fate, The actions

f Andrew and Alice have been enigmatof Andrew and Alice have been enigmat-ical, and it has long been the opinion of many Webster people that Alice continu-ally receives money from a mysterious source and that she has shared it with her

A VERY ORDERLY PROCEEDING. The McKeesport Tube Works Men Take

Leisurely Action. SPECIAL TELEGRAM TO THE DISPATCH.

MCKEESPORT, May 5 .- At 6:15 o'clock this evening, a peculiar time in the day, when the entire plant of the tube works is idle, the day forces having gone to supper and the night men not yet starting in, a meeting was held at the Palace Rink by the

now ask the Senate to consider the resolu-tions which I send to the clerk's desk." RESOLUTIONS OF REGRET.

The resolutions as sent were adopted as follows:

securing suitable men exist at these places Resolved. That the Senate has heard with as they do in Northern New York, where the Eleventh Infantry is located, or great sorrow of the death of the Hon, James B. Beek, late Senator from the State of Ken-Montana, where the companies the Twenty-third Infantry are on tucky.

Resolved. That a committee of seven Sen tors be appointed by the President pro tem. to duty. The men thus obtained have been so ators be appointed by the President pro tem. to take order for superintending the funeral of Mr. Beck, which will take place to-morrow, Tuesday, in the Senate chamber, at 1 o'clock P. M., and that the Senate will attend the same. Resolved, As a further mark of the respect entertained by the Senate for his memory, that his remains be removed from Washington to Kentucky in charge of the Sergeant-at-Arms and attended by the Committee, which shall have full power to carry this resolution into effect. Resolved, That the Secretary communicate these proceedings to the House of Representatives to attend the funeral to-morrow (Tuesday) at 1 o'clock and to appoint a like committee. far reported as satisfactory. Their superiority over recruits obtained at the general depots must be determined by time. The programme of study and instruction for the enaulug summer season at the United States Engineer School at Willet's Point, N. Y., has been arranged. The five subjects to be treated are military engineering, tor-pedo drills, civil engineering, field astronomy and military photography. The important features of military engineering will be

map-making, when each Lieutenaut will be required to make four

to attend the funeral to-morrow (Tuesday) at 1 o'clock and to appoint a like committee. Resolved, That invitations be extended to the President of the United States and the members of his Cabinet, the Chief Justices and the Associate Justices of the Supreme Court and the Diplomatic Corps to attend the funeral in the Senate chamber. The resolutions were declared adopted unan-imously, and the Senate superintend the funeral: Messrs. Blackburn, Harris, Vance, Kenna, Dawes, Evarts and Manderson. mile-foot reconnoissances; mining trestle and pantoon drill. The cers of the torpedo class will be divided into details of at least two officers

ACTION OF THE HOUSE. A message having been received from the Senate announcing the death of Senator

Beck and inviting the House to be prese at the funeral services to-morrow Mr. Breckenridge, of Kentucky, offered a resolution accepting the invitation and request-

ing the Speaker to appoint a committee of From a Chimp nine Representatives to take action with a From the New York World.]

A Conductor Who Wanted to Collect Fare From a Chimpanzee.

Minnesota and South Dakota.

It is considered that the same facilities for

Henry. Then Colonel Fellows gave Ker-nan a bench warrant for brother Henry, and bother Sol and Kernan de-parted together. If he found brother Henry it was Kernan's intention to lock him up over night in police head-quarters, but it was believed that it was exeach for the purpose of taking charge of the preparation and planting of a grand group of torpedoes. Occasionally loaded mines are to be planted and fired as in actual tremely unlikely that brother Henry would let himself be found, and that he would keep iet himself be tound, and that he would keep himself extremely dark until to-morrow, when he will appear in General Sessions and surrender himself with a prospect of having ample time to perfect his bail bond before the close of the day's business. It is not at all probable that Sayles will be tried. In civil engineering, instrumental surveys of one square mile and hydrographic surreys will be made. The first season in astronomy includes sextant work and transit and zenith telescope work, and the second includes sextant work. He was not a member of the "combine" of of 13 of the Board of 1884, and the indict-

offi-

and the

TOOK IT FOR & GIRL ments against all the other Aldermen of that Board who were not members of the

mining and

"combine" were dismissed, Colonel Fel-laws indorsing the indictments, against them to the effect that there never

ment cannot be the process of law, even if there had been no eighth amendment. The mode of killing by electricity is, beyond all uestion, unnsual. Any infliction of death Who knows or can know that the is cruel. errible stroke which expels the soul from the body is not cruel and intense in its anguish in a greater measure as its result is swift? Theories as to the relative speed of the nervous fluid and the lightning are mere theories. The law of nature has made pain the warning, and to that end the accom-paniment of violent death.

AN UNKNOWN DEATH PENALTY. "It might suffice to say that this mode of killing be at once cruel (how cruel and to what degree is of no consequence) and unusual, the punishment was unconstitutional.

At this point in the argument Mr. Justice Field asked: "Is not death by electricity instantaneous, and therefore painless?" Mr. Sherman replied: "It appears from

the great mass of scientific testimony taken in the State courts that it is conceded even by the advocates of this law that the question whether the application of a current of electricity is painless, or whether, on the contrary, it insinuates into the nerves and vital fluids and forces is the most exquisite, penetrating and disintegrating torture which the ingenuity of man has ever devised, depends upon the scientific conditions applied. The whole matter instead of being dealt with by the law is developed upon the unregulated discretion of the keeper of a prison. The law does not require him to be Mr. Edison, or Prof. Bell, or Mr. Westinghouse or Prof. Mr. Edison, or Tyndall or any other expert electrician. He may consistently with any mandate of the haw be without scientific attainments and without any capacity to determine intelligently between conflicting scientific claims. Therefore, if he determines in his discretion that he will begin on the first hour of the week by the application of a current of may 800 volts, although if that current does not immediately kill it must be inevitable torture to the victim, nevertheless this law gives the warden no discretion but to coninve that current until it does kill, provided only that it kills within the week There is some scientific authority for the view that 800 volts will kill, and the warden is at liberty to accept that authority, even though all the experts whom the Court would think fit to speak should insist that the application of such a current would be more torture."

THERE IS NO PRECEDENT.

The evidence taken, he said, he had ready to submit to the court, and he urged that the Court should consider it. The Court of Appeals, he argued, "had totally misconceived the question of the effect of the scientific proofs, there was here no issue of fact whereby to determine by considera-tions of the burden of proof whether a statute should stand or fall. The cases cited to that point were wholly irrevelent. The proper view of the bearing of evidence, he continued, was as follows: Here was a case where the Court itself not having the scientific information which in law it must be considered to have and bein obliged to take judicial notice of the effect of this punishment properly informs it-self by means as it sees fit upon the subject the information so Acceived becomes part of judicial knowledge. The supposed investigation of the Legislature does not include the court. If the court as a matte of law should determine that the statute within its lawful operation, according to its terms can sanction torture its duty is to condemn the statute. Thus it is said that courts will take indical notice of the course of nature. (Mr. Sherman here cited various unthorities.)

"It has been held by this court that here a judge must take judicial notice be may inform himself very much at his discretion. A reference to the testimony shows that the prisoner is subjected to the risk of torture, and under the best scientific conditions and chances to be adopted and suc-cessiully used by the Warden, the prisoner is in absolute certainty of torture."

AT THE WARDEN'S DISCRETION. He referred to the testimony of Warden

Moreland from removing the seal and charter or books and papers of the order. The organization was formed in this State in 1871, and has now 160 lodges. ance of nower used to be in the East but now the West has the majority. but 15 lodges in this State. Until 1877 the annual meetings were held in this State, but in that year the Grand Lodge went to thing must be done before that." Philadelphia. There was objection to this, and it was shown the annual meetings were equired by the constitution to be held in this State.

are needed. It these changes are not mad In 1888 an amendment was adopted, prothere is no telling what legal complication Lodge meeting might be appointed for and held in cities outside this State. Last year, may will show Montana to be strongly Repub lican. when the selection of the place for year's convention was made. Cleveland had plurality and was declared to be the choice. There was a large majority against Cleve-land, however, and Louis Mendel, the Kentucky's Legislature to Cast Ball

Treasurer, has gotten an injunction. Con-tending that a plurality is not a majority, er, contrary to last night's announcement, and that the majority being against Cleve land, the lodge must and should meet in to-day sent a formal notice of Senator Beck's this State. Arguments for the continuar death to the Legislature, and the election of

of the injunction will be held later. FIFTY MILLIONS OF CAPITAL.

The Plans of the Prospective American Investment Company.

PHILADELPHIA, May 5 .- The stockholders of the United Gas Improvement Company held their annual meeting to-day, at which the preliminary steps were taken toward guaranteeing organization of the prospec the tive American gas investment company The new enterprise is to be capitalized at \$50,000,000, of which one-half is to be subscribed in this country, and the other half to be offered to English capitalists.

The capital will be distributed in 100,000 shares at \$100 par, and 2,000 of these will be issued at par as founders' shares to sub-scribers in consideration of guaranteeing \$200,000 to pay for the organiza-tion. As soon as the organization of the new company is effected 30 per cent will be paid in, and the \$15,000,000 thus raised will be applied as follows: \$10,000,-000 to pay outright for the absorption of the present Union Gas Improvement Con pany, and \$5,000,000 to go to the new con-

ern, as immediate working cash. The \$10,000,000 which is to be used to practically buy out the United Gas Improvement plant covers the \$5,000,000 of capital of the pres-ent organization and a surplus of \$5,000,000 which the company has accumulated in addition.

is of

Pacific oceans.

FROM ATLANTIC TO PACIFIC.

A Syndicate Said to be Moving for a New

Transcontinental Route. LEAVENWORTH, May 5 .- A big railroad scheme, with millions to back it, is on foot for a transcontinental short line from New York to the Pacific. The enterprise is in the hands of a body of English capitalists and American railroad men. The syndicate has been secretly at work for a long time. From Leavenworth to Denver the route surveyed

two years ago and known as the Denver Short Line, and unore recently as the Leaven-worth, Denver and Utah Short Line, will This survey is 80 miles shorter than any other line of railroad now running into Denver. From Denver to Salt Lake City, the continuation of the survey, 200 miles is saved. Rich territory hither untouched by railroad or railroad feeders, will be opened up. The scheme, however, is to shorten time and distance between the Atlantic and

The Oriental Mill Embarrassed.

PROVIDENCE, May 5.-The Oriental Mill. A. A. Reed and Gordon Reed principal owners, is reported to be temporarily em-

cases of goods and seven pasteboard boxes to a cellar on Mercer street, and the other barrassed. The mill runs about 16,000 to a cellar on Mercer street, and the other spindles, making a fine grade of Turkish towelings. It employs about 250 hands.

long. The Governor is sware of this stat ined the Stock Exchange in 1886. One of his brothers, W. J. Quinlan, Jr., is the present cashier of the Chemical Bank, and of things, and has been urged to afford a remedy by calling the Legislature in extra session, but he has not seen fit thus far to do another brother, James, is assistant treas so, and as he is now off somewhere getting married there is no telling when he wil urer of the Greenwich Savings Bank His lines of short stock are said to have include issue the call. The next regular every active stock on the list. will not be held until next fall, and some

A GOOD START IN LIFE

An intimate friend of Mr. Quinlan made Mr. Harirson also says the laws on the the following statement to-night concerning statute books were made when Montana was the matter: a Territory, and many necessary change

"Mr. Quiplan's father left a fortune about \$3,000,000, which was divided equally among his four sons, W. T. Quinlan, James Quinlan, Joseph Quinlan, an invalid, and Washington Quinlan. All the brothers who have engaged in business have done well and added considerably to the

\$750,000 their father left to each one. Each son has the reputation of being worth some-thing more than \$1,000,000. Washington Quialan is unmarried. He has apartments at the New York Club. He entered commercial life as a clerk in the Mercantile Bank and served in that capacity for sev-eral years. His health gave out, and he re-

DR. PETERS HEARD FROM

signed his place and began traveling. He traveled all over Europe and this country until December, 1886, when he bought a seat in the Stock Exchange and began a general His Adventures and Battles in the Dark room trading business, speculating on his own account. He did hardly any commis-

DETECTIVES LOOKING FOR HIM.

By his great public service, his devotion to duty and his love of country, he won national fame for himself and reflected unmeasured honor and glory upon his people and his State, and, dying, he leaves no one able to fill his So far as it is yet known nobody has seen him since he left the New York club. A guard of honor, 13 in number, was ap-A guard of honor, 13 in number, was ap-pointed from the two Houses to meet the remains at the eastern Kentucky line, and escort them to Lexington. The public buildings will be draped, and flags at half mast for 30 days. Gov-ernor Buckner is spoken of as a candidate to succeed Senator Beck, but he has frequently said emphatically that he wants to serve his term as Governor and is body saw him on Saturday or Sunday, and on Sunday night some of his friends, knowing of the big contracts which he had to fulfill on the succeeding day, notified the police of the West Thirtieth street station. Detective Kemp was assigned to the task of looking Mr. Quinlan up. He got no trace of him. In the meantime Mr. Quinlan's brothers were notified of his disappearance. At 2:15 c'slock Mr. Quinlan's contract serve his term as Governor and is not seeking any other office. Congressman Breckenridge, it is understood, will not b appired and the stocks were bought unde the rule. There were only requests to buy a candidate nor will Lieutenant Governor in 13,200 shares, but 15,000 shares were al-Bryan. Aspirants to succeed Carlisle in Congress are vigorously pushing him for ready covered.

sion business."

Quinlan's friends have several Mr.

theories concerning his disappearance. Many think that his absence is but temporary and that he will turn up in a few days iers say that Mr. Quinlin has been act ing very strangely for some time and that they believe he has wandered off insare.

TEMPEST IN A TEAPOT.

Town All Split Up Over School Gra Exercises.

this evening. He is now 1,498 miles from the starting point and 320 miles ahead of PROVIDENCE, R. I., May 5 .- The adjoinschedule time. Since his last rest at Dodge ing town of North Attleboro is all agog City he has covered in a day and a half 150 over the action of the teachers in the High miles, his average has been about 70 miles School in awarding the valedictory honors

in 24 hours. This is his half way point, and he is at the coming commencement to Miss awaiting orders from his manager, whom he left at Coolidge, Kan., to secure fresh horses. Accompanying him on horseback are Messrs. Drummond, Gebhardt and M. T. McDonald. Fourteen horses have al-ready played out, unable to stand the strain. Marion French. Miss French is both pretty and scholarly, but her teacher umped three girls in her class who stood higher than she. This has caused the trouble. Miss Catherine Lynch, daughter of Thomas Lynch, stood the highest in her His route from here will be via La Junta and Trinidad. He is looking well and shows class, but she is both a Roman Catholic and no appearance of fatigue, although he has lost 12 pounds in flesh since he started. plain looking. For these reasons it is alleged her teachers refused to give her the valedictory to which she is justly entitled.

The only reasons given for the award of the honor to Miss French, it is said, are MOVED THEIR STOCK AWAY. that her deportment, personal appearance iew York Firm Pinced in a Serious Posi

and elocution are better than her clu by the Evidence of Truckmen. The class as a whole is indignant and ha NEW YORK, May 5 .- Five attachments asked for a conference with the teachers on Monday. The result is anxiously awaited were obtained to-day by Blumenstiel & Hirsch, aggregating \$18,770, against Henry by the public, as a petition is in preparation that will be held in abeyance until the A. Rawke, doing business as Rawke & Co., neckwear manufacturers, at 534 Broadway. results of this meeting are known, calling for a special town meeting for the Affidavits were presented showing that on of rescinding the vote whereby the sum of \$75 was voted for the expense of the gradua-Wednesday last there was considerable stock in Rawke's place of business, but on tion exercises of the class of 1890. the next day it was not there. Two truckmen made affidavits that on Wednesday they had carted goods away for Rawke, one of the truckmen carting five

Against Rallway Insurance

TRENTON, May 5 .- The New Jersey Asembly to-night passed a bill to prevent railroad relief associations organized by the companies from interfering with separate organizations of the employes.

men of both turns to hear the report of committee of 15, which was appointed Sunday to present to General Superintendent Patterson the result of their deliberations, namely, a request for nine hours, with pay the same as now, or an advance of 10 pe cent.

The committee had called upon Mr. Patterson this morning and was treated kindly and courteously. They made known the demands of the men and Mr. Patterson in return stated that he would at once submit the matter to General Manager E. C. Converse. As the latter is not here and will not be in the city before Thursday, it is probable that an answer will not be secured before then.

This was reported to the meeting of to-That night, which was brief, and after a discus-sion it was decided to await until Thursday for the answer of the general manager, be-fore taking any further action. The men will take steps to organize branches of the Federation of Labor, and while they have not taken any decided action as yet, they will do so. It is probable that five branches will be organized.

Continent. BERLIN, May 5 .- The Emin Relief Com

mittee has received a letter from Dr. Peters in which he says he ascended the Tana river and camped from November 16 to No-No vember 26, in the mountains. He made an attempt to bridge the Tana river, but failed and traversed the right bank to Kikuju, through Leikspia and thence to Lake Baringo. Dr. Peters and his party had frequent engage ments with the natives, and defeated them They reached Nfjemps on Lake Baringo on January 7, and started for Victoria Nyanza on January 13. The caravan com-prised Dr. Peters, Lieutenant Tiedeman, 50

orters, 10 soldiers, 3 camel drivers, 2 kitch en boys, 3 servants, 2 camels, 6 donkeys and 315 sheep.

CUMBERLAND MAKES A LOAN.

The Baltimore and Ohio Favors the Mary land Town. CUMBERLAND, MD., May 5 .- The City Council to-night adopted the report of the

Committee on Baltimore and Ohio Railroad loan of \$150,000. The report makes among others the following changes in the original ropositions: First-The company will issue its own

years instead of 30.

The Usual Result Followed and the Man I No More.

INPECIAL TELEGRAM TO THE DISPATCH. MCKEESPORT, May 5 .- Alex. Czryery, Hungarian 20 years of age, was killed on the Baltimore and Ohio road at the Huey street crossing at 6:30 o'clock this evening. He was crossing the track and stepped in front of Conductor Drake's train. He was thrown into the air, and when picked up breathed heavily for five minutes, which he died. His skull was crushed, but otherwise he was not mangled. The man worked at the tube works

coupling shops, and came here three months ago. Whitchouse-Armour Nuptials

CHICAGO, May 5 .- At noon to-day Miss Mary Armour, daughter of Mr. George Armour, and Mr. Francis M. Whitehouse, eldest son of the late Bishop Whitehouse, were married. They left this afternoon for New York, and will spend their honeymoon abroad.

ainted by charge of the funeral arrangements. The resolutions were adopted unanimously. "I will not," said Mr. Breckenridge, The "detain the House except with the an-nouncement of the death of my predecessor

and friend. It is a personal sorrow much few days since that the captain of a sailing vessel, which had just arrived there from the west coast of Africa, had a chimpanzee more than a public sorrow to many of us, more especially probably to me who had been his friend since he was a lad of 10 years for sale. Mr. Burns accordingly went to Boston to see the animal, and, finding it a of age, connected with him by every pos-sible tie which can connect two men, except good specimen, purchased it with a view to selling it to the Park Commissioners of this blood and relationship. It was in this city. The animal, it seems, is very tame, and while on shipboard learned many tricks, such as using a fan and eating with a knite and fork. The Captain's wife had made the House he won his first national reputation. a reputation based on the loftiest qualifica tions of a true manhood. His life was one f the most romantic in American politics.

A POOR SCOTCH BOX

chimpanzee a child's dress and hat. The appearance of the animal in these togs is ludicrous in the extreme, the creature look-ing for all the world like an ordinary but should come to the Bluegrass country, should rise to the head of the most brilliant par west of the Allegheny Mountains, very homely little colored girl. Mr. Burns was at a loss how best to trans hould be elected four con utive times t fill the seat once filled by Henry Clay, port it to this city, but finally concluded to dress it up and bring it down by train in should be translated to the Senate and receive three consecutive elections almost one of the passenger coaches. On Friday without opposition, and should win the love, confidence and esteem of his entire night Mr. Burns, accompanied by the chimpanzee, took seats in the "smoker" of one of the trains of the New York, New State; that during 68 years of his manly life no one ever found a flaw in his stainless Haven and Hartford bound for New York. integrity, in his lofty courage, in his stainless integrity, in his lofty courage, in his pure, tender, personal friendship and affection, in the noble generosity shown to both friend and enemy, attest that the love Kentucky To all appearances Mr. Burns had a little colored girl with him, and when the con-ductor came around for the tickets and asked for "the child's fare" there was a gaveshim was deserved; that the confidence she reposed in him was wisely given, and is general roar among those passengers sitting

proof that the grief that some of us feel is a natural grief." In accordance with the terms of the reso-lution, the Speaker appointed the following committee: Messra, Breckenridge, of Ken-'it's a tucky; Holman, Blount, Bland, Hatch, Wilson, of Kentucky; Banks, Dunnell and Butterworth. The House theu, as a mark of respect to the deceased, adjourned.

A BILL SIDE TRACKED.

THE RIVER AND HARBOR INTERESTS PUT IN THE SHADE.

The River and Harbor Committee India Over Being Thrust Aside and Ask for a Special Hearing on the Subject-Will who didn't recover from his asto for the rest of the trip.

Press Consideration. WASHINGTON, May 5 .- In the Republican conference upon the tariff to-day the

Ontario Tackles the Labor Question. river and harbor bill managers made a OTTAWA, ONT., May 5 .- The Secretary strenuous effort to have that appropriation State to-day introduced a bill to estab bill made a special order for consideration lish a labor bureau in connection with the to a conclusion before the tariff bill is Department of Agriculture. The bureau taken up, and Representative Henderson, will inquire into all relations between labor who is Chairman of the Committee on and capital, as well as investigate the Chi-Rivers and Harbors, by direction of that nese question. committee, made a statement of the reasons

why this should be done. He pointed out the dauger of the failure of the bill through BALTIMORE, May 5 .- By reason of the delayed consideration, and offered a resolu onstruction of the new bridge across the tion setting apart Wednesday and Thurs-Schuylkill river, the Baltimore and Ohio

day for acting on the bill. A majority of the members could not Railroad will reduce the time on all of their through trains between New York and Washington, and will run at least one train each way in five hours. made to take his view of the matter for it was decided by a vote of 90 to 19 that the

tariff bill was the matter of prime impor-tance, and should be called up Wednesday # Then arose the question of the time to be allowed for its consideration. The record of the proceedings of the last Congress was quoted to show that the general debate and A Movement Toward Cons From the Philadelphia Times.] Two prominent down-town banks have ar ranged to consolidate their business, and it is onsideration of the Mills tariff bill had run consideration of the Mills tariff bill had run along for nearly three months, with inter-ruptions, on account of the necessary con-sideration of general appropriation bills. Finally it was agreed that the general debate should go on for four days-Wednesday, Thursday, Friday and Satur-day of this week-with night sessions for reaches. Eight days additional will then understood that there are other banks which nay do likewise in the near future. The con olidation plan is regarded as a practicable nethod of reducing the expenses and facilitating the transaction of banking business.

-The report of the work of the Illinois obes. Eight days additional will then Humane Society for its twenty-first year speeches. Light days additional will then be allowed for the consideration of the bill by paragraphs under the five-minute rule. May 21, the previous question on the final passage of the bill is to be considered as orshowed children rescued and condition reme Blowed children rescued and conditions, 314; placed temporarily in institutions, 305; persons prosecuted for crueity to animals, 67; persons prosecuted for crueity to children, 33; aban-doned and incurable animals killed, 194. ered by the terms of a special rule to be

Mr. Burrows tried without success to have the five-minute debate go on Yor a few days without a fixed date for its conclusion, hold-ing that the presiding officer could under -Jay Gould's daily income has been es timated recently at \$7,446; Cornelius Vander-bilt's at \$15,349; John D. Rockefeller's at \$15, 715, and William Waldorf Astor's at \$23,568.

Mr. Donald Burns, of No. 115 Roosevelt was any evidence fying their trial. Sayles has been preparing street, is a dealer in birds and animals, and the way for his return for several weeks has lately added a young chimpanzee to his collection. Mr. Burns received word from Boston

The next step will probably be a motion to vacate the order forfeiting the \$25,000 bail that brother Henry jumped. Another Al-derman of the Board of 1884 will seek relief

inst them just

was dressed in clothing unmistakably En-glish, because of its obtrusive bagginess, and there was not even a glimmer of a jewel

about him. Colonel Fellows was out at lunch, and

Brother Sol told Private Secretary McGree

that time might be saved by drawing a bail bond for Brother Henry, which he (Sol) would sign later on. While the bond was being drawn Brother Henry got restless. The

fear of spending even a night in the tombs apparently made him uncomfortable, and whispering to brother Sol, he hurried

out. So, when Colonel Fellows returned

from lunch, brother Sol was there and so

was the bond; but brother Henry was not,

BOND WAS NOT EXECUTED.

Brother Sol telephoned to his shop, pre-sumably to brother Henry, and Detective Sergeaut Kernan went away in a hurry. At about 5 o'clock he returned without brother Henry. Then Colonel Fellows gave Ker-

from indictment. Ex-Alderman Pearson, who turned State's evidence on the trial of Jacob Sharp, testifying, among other things, that Sharp offered him \$1,000 for his vote in his (Pearson's) men's furnishing goods store in Sixth avenue, will move, through counsel before Judge Fitzgerald, that the indict

ment against hum be dismissed.

BUCKS COUNTY'S DEFAULTER APPERTED Shellenberger Returns to His Home and

Gives Himself Up.

PHILADELPHIA, May 5 .- J. Monroe X. Shellenberger, the Doylestown lawyer, whe ran away several weeks ago after swindling clients and farmers in Bucks county out of nearly \$150,000, returned last night, and spent to-day at the house of his brother-in-law in this city. After leaving Doylestown Shellenberger

went West and was seen at Tacoma, but he disappeared from that city before a warrant could be served upon him. This morning Shellenberger sent word to the Sheriff of Bucks county that he was here awaiting his orders. The Sheriff came to the city to-night and

M'KEESPORT HAS A FIRE.

nation.

MCKEESPORT, May 5 .- At 6 o'clock

this evening a large double house located

near by, who had discovered the nature of Mr. Burns' companion. and left for Doylestown with his prisoner "This isn't any child," said Mr. Burns, at 11 o'clock.

"You don't call a child as big as that a baby, do you?" asked the conductor. "Come now," said he, becoming impatient and feel-ing rather nettled at the laughter on all Coal Oil Can is Responsible for the Illumi ides of him, "you'll have to pay half fare, ISPECIAL TELEGRAM TO THE DISPATCH.]

anyhow." "But, I tell you," said Mr. Burns, "that this isn't a child."

At this point the chimpanzee, which had apparently been listening with interest to at Lynch & Robinson's Coal Works, across the Youghiogheny river from Moore's disthe conversation, turned its face up to the

Fast Railroad Time.

tillery, took fire and was burned to the ground. The houses were occupied by Ropert Stevens and John Maxwell and conductor and grinned. "Holy Moses!" exclaimed the startled official. "Why, I'm blessed if that isn't a families. All the household goods were monkey." This was too much for the conductor,

The insurance, if any, is small. A spark from the stove in the Maxwell house, which dropped into a can of carbon oil, caused the big blaze.

AN M. P. IN DISGRACE.

Rykert's Conduct is Officially Declared Corrupt and Discreditable.

OTTAWA, ONT., May 5 .- The Rykert Committee met to-day and practical adopted Mr. Blake's report, with a few modifications. In conclusion, the report declares, in the words of Sir Richard Cartwright's resolution, that his conduct was corrupt, discreditable and scandalous. It wright's does not recommend expulsion. Mr. Rykert resigned his seat in the House on Friday

A Boy Kills His Father.

KANSAS CITY, MO., May 5 .- A special from Butler, Mo., says: Joseph Carr and wife quarreled last night over some trivial affair. Carr raised a chair as if to strike his wife when his son Charles, aged 13, who was standing in the yard, threw a stone at his father through the open door. The missile struck Carr on the forehead between the eyes, fracturing his skull. He cannot live. The boy was arrested.

They Are Tired of Low Rates.

CHICAGO, May 5 .- The much talked of eeting of Western railway presidents conened here to-day to discuss the rate situation and attempt once more to adopt an agreement strong enough to hold the roads ether.

Mexicah Governor Dend.

CITY OF MEXICO, May 5 .- Senor Zertuche, Governor of the State of Oaraca, died last night at Tehuantepec.

First—The company will issue its own bonds for \$150,000, the city guaranteeing the principal and to pay the interest, for which the company will give first lien upon the improvements made with the money. This \$150,000 will be used in erecting buildings and for the purchase of ma-chinere

chinery. Second—The company agrees to keep the termini of its three divisions here for 20

STEPPED BEFORE A TRAIN.