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FORTY-FIFTH YEAR. PITTSBURG, FRIDAY, MAY 16, 1890. THREE CENTS

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CONGRESS WILL ACT

Notwithstanding the Grave Constitutional Objections of Some Members.

SOMETHING MUST BE DONE

Just as Soon as Possible to Regulate the Liquor Traffic Between the States.

REPORT OF SENATE COMMITTEE.

A Decided Majority Believe That a Measure Should be Passed Covering the New Decision.

VEST STRONGLY OPPOSES THE BILL.

He Argues That Congress Has No Authority to Delegate Any Reserved Powers to the Individual States.

ORIGINAL PACKAGES ALL ALONG THE LINE.

The Senate Judiciary Committee has reported a bill to authorize the States to regulate commerce in liquor. Several members doubt the constitutional authority of Congress, but hold that such action is necessary under the Supreme Court decision. Vest, of Missouri, however, declares that reserved powers cannot be delegated to the States. He will fight the bill to the end. It is believed, nevertheless, that it will be passed. It may not be reached until the next session.

[FROM A STAFF CORRESPONDENT.]

WASHINGTON, May 15.—Whatever doubt may find a place in the minds of lawyers elsewhere in regard to the constitutionality of an enactment of Congress regulating the inter-State liquor traffic, there seems to be little or none in the foremost legal minds of the Senate. A bill was introduced in the Senate at the last Congress, which provided that liquor shipped for sale from one State into another should be subject to the laws of the State in which it was to be sold.

On that bill a report was made unfavorable to its passage on the ground that it was unconstitutional. A similar bill was recently introduced in the Senate, and since the famous "original package" decision of the Supreme Court it has been under prolonged consideration by the eminent lawyers of the Judiciary Committee, and has just been favorably reported.

A Guarantee of Constitutionality.

When the names of the members of that committee are considered it will be recognized that this favorable report is virtually a guarantee that such a bill is quite within the limits of the Constitution. Such men as Edmunds, Ingalls, Hoar, Wilson, of Iowa, Pugh, Coke and George would hardly put themselves on record in favor of a measure which any tribunal would be apt to decide to be unconstitutional. Vest is the only member of the committee who dissented.

Senator George submitted a concurring report which went exhaustively into the subject, but reached by a different route the opinion of his colleagues on the committee. The bill is very brief, and simply provides that imported liquors shall be subject in their sale to the laws of the various States.

Caused a Change of Heart.

Those of the committee who now vote for a favorable report, but who reported unfavorably on the bill of the last Congress, have been brought to the opposite view by the words of the Chief Justice of the Supreme Court, who declared that the States could not prohibit the sale of liquors shipped from one State into another and sold in the original packages without permission of Congress, which is understood to imply an opinion on the part of the Court that Congress may give permission, and that with the permission the States may prohibit or regulate the sale of inter-State commerce liquor as they choose.

Senator Vest explains his position quite tersely by a quotation from the majority report of the last Congress against the bill, which is as follows: "It is equally clear that Congress cannot part with or delegate to a State any power which has not been reserved to it. Congress cannot return to the States a power given by the constitution to Congress. Much more, Congress cannot delegate or surrender a granted power to any portion of the States, for that would, pro tanto, invest those States with powers not possessed by the others."

The Missouri Senator's Idea.

"It would be a very dangerous enactment to pass such a law as this one proposed," said Senator Vest to-day, "and I shall fight it with all the strength I possess. I do not believe the Supreme Court, in their late opinion, intended to announce the principle which is indorsed by the majority of the committee. If we assume that one article of inter-State commerce can be prohibited by a State we must grant that any other article may be prohibited, and you can see what complications might arise from such a power. To put the whole case in a nutshell, Congress would by the enactment of this bill abrogate every atom of right to the control of inter-State commerce and inter-State relations, and each State would be a law to itself.

"I do not entertain the fears of Mr. Vest," was the response of Senator Edmunds to an inquiry. I have always believed since the matter was first broached that a bill such as the one proposed was entirely within the meaning of the Constitution, and I joined with other Senators in a minority report to the last Congress in favor of the bill then introduced. I cannot elaborate the reason for my belief at this time, but I think it will be recognized by a majority of the Senators that I was right then and that I am right now."

Wilson Meets the Objection.

"I was one who joined with Senator Edmunds in the minority report in support of the bill introduced in the last Congress," said Senator Wilson, of Iowa. "The trouble with Mr. Vest is that he assumes the bill gives a power to one State that it does not to another, but this is not the case. It applies as much to one State as it does to another. The present form of the bill was suggested by the recent decision of the Supreme Court in the case in which the court suggested that the States could not interfere with the sale of this article of inter-State commerce without the consent of Congress. I cannot say I exactly agree with this interpretation of the general Constitution, but it opens a road by which the States may be empowered to secure the enforcement of their own laws, and without such legislation as that proposed no State could make good the operation of prohibition, high or low license, local option, or any other laws regulating the sale of intoxicants, and it would be an anomaly in government to find a general law, or the lack of one, abrogating important State laws bearing upon acts which are closely related to the vital welfare of the State. I suppose there will be an exhaustive debate on this bill, but I think it will pass, either at this or at the next session of Congress."

LIGHTNER.

FULL TEXT OF THE REPORT.

SENATORS TELL WHY THEY FAVOR SPEEDY ACTION.

Some Who Object on Constitutional Grounds Will Support the Bill Because of its Necessity—One Member Hopes the Decision Will Soon be Reversed.

[FROM A STAFF CORRESPONDENT.]

WASHINGTON, May 15.—The favorable report on the bill regulating inter-State commerce traffic in liquor which has been submitted by the majority of the Senate Judiciary Committee is quite lengthy. It is submitted by Mr. Wilson, of Iowa, and while the signatures of the committee have not yet been attached it is understood that the members who favored it are Edmunds, Ingalls, Hoar and Wilson, Republicans, and Pugh and Coke, Democrats.

A concurrent report is submitted by Senator George, of Mississippi, who enters into a long dissertation upon State's rights. While he favors the bill he explains that it is because he is forced to do so by the recent decision of the Supreme Court. He refers to a report made in the last Congress by the same committee upon a similar measure in which favorable action was refused because the committee felt that it was not a matter for Congressional action.

Senator Evarts and Senator Vest join in neither report submitted to-day and it is understood the Missouri Senator hoped that Senator Evarts would unite with him in making a minority report in opposition to the bill. Senator Evarts has evidently concluded not to dispute the majority, and Senator Vest being alone does not feel warranted in leading the fight with a minority report. The bill recommended for passage is brief but to the point: It reads:

The Statute That is Proposed.

Be it enacted, that no State shall be held to be limited or restrained in its power to prohibit, regulate or control a tax, the sale, keeping for sale, or the transportation as an article of commerce or otherwise to be delivered within its own limits, of any fermented, distilled or other intoxicating liquids or liquors, by reason of the fact that the same have been imported into such State from beyond its limits, whether there shall or shall not have been paid thereon any tax, duty, import or excise to the United States.

The report submitted by Mr. Wilson for the majority says that the recent decision of the Supreme Court of the United States invites such legislative action by Congress as is proposed by this bill. In the opinion of the Court which announced the decision referred to, it is stated that "whenever the law of the State amounts essentially to a regulation of commerce with foreign nations, or among the States, as it does when it inhibits, directly or indirectly, the receipt of an imported commodity or its disposition before it has ceased to become an article of trade between one State and another, or another country and this, it comes in conflict with a power, which, in this particular, has been exclusively vested in the general Government, and is therefore void." The report continues:

It is not the purpose of the committee to discuss the question of constitutional law presented by this declaration of the Court. Whatever obstacle it may seem to present to the enactment by Congress of the bill herewith reported is effectually removed by the Court itself, in a subsequent portion of the opinion referred to, in which it says: "The plaintiffs in error are citizens of Illinois, are not pharmacists and have no permit, but import into Iowa beer, which they sell in original packages, as described.

The Rights of Importers.

"Under our decision in Bowman vs Chicago Railway Company they had the right to import this beer into that State, and on the view which we have expressed they had the right to sell it, by which act alone it would become mingled in the common mass of property within the State. Up to that point of time, we hold that in the absence of Congressional permission to do so the State had no power to interfere by seizure, or any other action, in prohibition of importation and sale by the foreign or non-resident importer. Whatever our individual views may be as to the deleterious or dangerous qualities of particular articles, we cannot hold that any articles which Congress recognizes as subject of inter-State commerce are not such, or that whatever are thus recognized can be controlled by State laws amounting to regulations, while they retain that character; although, at the same time, if directly dangerous in themselves, the State may take appropriate measures to guard against injury before it obtains complete jurisdiction over them. To concede to a State the power to exclude, directly or indirectly, articles so situated, without Congressional permission, is to concede to a majority of the people of a State, represented in the State Legislature, the power to regulate commercial intercourse between the States, by determining what shall be its subjects, what that power was distinctly granted to be exercised by the people of the United States, represented in Congress, and its possession by the latter was considered essential to that more perfect union which the Constitution was adopted to create. Undoubtedly there is difficulty in drawing the line between the municipal powers of the one Government and the commercial powers of the other, but when that line is determined, in the particular instance, accommodation to it, without serious inconvenience, may readily be found, to use the language of Mr. Justice Johnson, in Gibbons, in 'a frank and candid co-operation for the general good.'"

The Purpose of the Bill.

The purpose of the bill herewith reported is to grant the permission of Congress to the several States to execute the laws which they may have enacted or may enact in pursuance of their several purposes to protect society and promote its best interests. The bill is clearly within the limits of the court's suggestion.

The concurrent report, which is signed by Senator George, says that in the Fiftieth Congress the same bill was considered by the committee, and that the conclusion reached by the majority was that the measure was unconstitutional. The basis of this opinion as stated in the report was that Congress had no power to grant a jurisdiction to a State which was by the Constitution vested in the Federal Government. The committee thought that the division of powers between the States and the Federal Government was fixed by the Constitution and couldn't be changed, either by the action of Congress alone or by the co-equal action of Congress and any State in which it was attempted to vest a part of the powers relegated to Congress. He continues:

The committee did not consider that any question relating to the power of the State to deal with intoxicating liquors under their reserved powers was submitted for their consideration, and for that reason they expressly declined to express any opinion on that subject. Since that time the Supreme Court has determined that the reserved powers of the States did not authorize them to prohibit the sale of imported intoxicating liquors within their respective limits, and that Congress might grant to a State this power thus denied them. We are now called upon to act upon this bill after a decision of the Supreme Court overruling the opinion then entertained by this committee as to the power of Congress to donate a power to the States, and also at variance with the views entertained by the undersigned as to the extent of the reserved powers of the States. Under these differing circumstances the question of donating this power to the States is presented for our consideration. If we adhere to the opinion expressed in the former report we do so in direct conflict with the decision of the tribunal appointed by the Constitution to determine authoritatively the extent of the delegated and reserved power. And so, if the undersigned adheres to this opinion that the reserved powers of the States are ample to control and prohibit the sale of imported intoxicants, he would vainly insist on a jurisdiction which, under the decision of the Supreme Court, no State would be allowed to exercise.

The Exigencies of the Occasion.

It is his purpose, therefore, to conform his action to the decision of the court. The court having decided that the power may be donated by Congress to the several States the only question left is as to the expediency of the exercise of this power. The undersigned, thus yielding obedience to the decision of the court, entertains the opinion that the States have under the constitution the power yielded by this bill, that this power in the States is necessary for their welfare and even to the proper working of our complex political system. It is certain that Congress cannot exercise the police power of regulating the traffic in intoxicants within the several States, except as to liquors manufactured within their respective limits. So that unless we agree that Congress shall grant this power to the several States as decided by the Supreme Court may be done, then there remains no power by which this police regulation may be made or enforced so far as imported liquors are concerned.

The Supreme Court has assented to the power of the several States to regulate, control and prohibit the sale of intoxicants manufactured within their respective limits as a necessary police power, but denies this power as to intoxicants imported from another State or from a foreign country. The result is that, however harmful a State may determine the traffic in intoxicants to be, the power to prohibit it is restricted to such liquors only as are manufactured within its borders. Foreigners and citizens of other States may, under this decision, invade a State with their intoxicants, dispose of them in the original packages and thus carry on a business which the State has determined is destructive to the peace and good order of the community and to the health and morals of the people.

In this singular and anomalous condition have the States been placed by the decision of the Supreme court. The court, however, has allowed a means of correction by affirmative action on the part of Congress granting permission to the States to deal with imported intoxicants in the same way and to the same extent as they may deal with liquors manufactured within their respective limits.

Thinks He Has a Better Plan.

The undersigned believes the better rule would be to donate this power to the States as a power reserved under the Constitution, and not require them, as the Supreme Court has decided, to hold it as a Congressional grant, and therefore subject to the will of Congress, to give it in the first instance and afterward to withdraw it. Yet, as he deems it a power reserved to the States under the Constitution, and one necessary to the maintenance of a rightful authority by the States over their own domestic affairs, he feels constrained to support the bill sincerely. By such legislation the States, under the decision of the Supreme Court, can exercise their rightful and necessary jurisdiction over a subject of the utmost importance to their welfare.

The undersigned express no opinion as to the propriety of the exercise of this power by the several States. That is not a matter for Congressional consideration. Whether there shall be a free or a regulated traffic in intoxicants or total prohibition is a matter for each State to determine for itself. It is not a matter either for Congressional action or advice. Believing that the Supreme Court by its decision in the case of Leisy & Co. versus Hardin has erroneously denied to the States the power conceded to them by this bill, the undersigned gives support to the bill as the means left whereby the States may exercise their rightful authority over a matter of the utmost gravity and concern to them. The result attained by this action on the part of Congress is the same so long as Congress shall yield the power as if the constitutional power of the States to act as they saw proper had been recognized.

A Matter of Sincere Regret.

It is a matter of sincere regret that the States are compelled to rely on Congress for a grant of this essential power. It is also to be deplored that the Constitution has been authoritatively construed so as to reverse the well recognized rule that Congress is the grantee of powers from the States, and is not the source of powers which may be parceled out at its will to the States. Yet finding the Constitution thus construed as to this particular matter by the tribunal which is appointed as the final arbiter in such matters, the States must submit to hold the power at the will of Congress until such time as the Court, upon being better advised, shall reverse its action.

It is said the committee will press this bill through the Senate as early as possible, and there is little cause to doubt that an amendment to the Kerr bill will be pressed by the House Committee on Alcoholic Liquor Traffic, of which Mr. J. D. Taylor, of Ohio, is Chairman. There will no doubt be a bitter fight in both houses against the measure, for the Representatives of the liquor interests profess to see in it an important move in the direction of national prohibition. They fear, at least, that it will strengthen prohibition in the States now having the law, and encourage it in others that have not yet adopted it.

THE RESULT IN MAINE.

LIQUOR MEN PROSECUTED JUST THE SAME AS BEFORE.

The Cases Will be Taken to the State Supreme Court for a Definite Opinion—Lawyers and Dealers Anxious Concerning the Outcome.

[SPECIAL TELEGRAM TO THE DISPATCH.]

BANGOR, May 15.—Judge Brett, of the Municipal Court of this city, had the honor to-day of deciding the first "original package" case since the decision of the United States Supreme Court giving importers of liquors the right to sell the same in the packages in which it was imported, and his decision overrules that of the highest court in the land. It should be stated, however, that he did so in order to secure a ruling from the Supreme Bench of Maine on the point at issue.

The Bangor police wanted to make a test case at once, and they had no trouble in securing one. They went to the storehouse of Maguire Brothers, wholesale and retail dealers of liquor, and confiscated two kegs of ale, one contained 16 gallons and the other half that size. James Maguire advanced the claim that he was an agent, having received the liquor from Massachusetts and intended to dispose of it in original packages.

The Decision Used by the Defense.

He brought forth bills to this effect, showing that for several years he had been an agent, having disposed of cases sent to parties in this city and at various points along the river. But he had to go into court just the same. There was a lively hearing to-day in which the decision of the United States Supreme Court was used as a basis for the defense. Most of the time was spent in trying to ascertain whether Maguire intended to sell the liquor in the original packages, and the evidence brought forth seemed to be to that effect.

The owners claimed under the recent decision that the State had no right to seize the same, as they were original packages, but Attorney Hutch, who represented the State, made the point that the evidence showed that the respondents bought the beer here and paid for it here. The parties in Massachusetts were therefore importers, the respondents bought beer here of them and the privilege of sale, he claimed, was exhausted when the goods were sold by the importer. They could not therefore, in this case, claim protection under the recent decision.

Judge Brett thought so, too, and imposed the usual $100 and costs, and the case was appealed to the Supreme Court. This case is just what Maine's lawyers wanted to

Continued on Sixth Page.

WITHOUT A WARNING

Twenty-Eight Miners Entombed in the Wilkesbarre Workings.

THE CLIMAX OF THE CAVE-INS.

New Shafts Speedily Cut by Eager Parties of Rescuers.

THREE INJURED MEN ALREADY FOUND.

The Rest May be Able to Live Upon Mule Meat Until They Are Reached.

A mine suddenly caved in at Wilkesbarre yesterday, carrying a house with it. Twenty-eight miners were at work at the time, and the escape of all was cut off. Three of them, badly injured, have been reached by the rescuing parties.

[SPECIAL TELEGRAM TO THE DISPATCH.]

WILKESBARRE, May 15.—Twenty-eight miners are entombed in Baltimore shaft No. 4, at Ashley, and there is little hope of their rescue. The mine is an old one and the workings are in a more or less dilapidated condition. This fact makes the work of rescue very difficult. The imprisonment of the unfortunate men is due to a big cave-in of the surface over the mine, which occurred this morning at 9 o'clock.

The cave-in covers an area of one square mile, and is one of the most disastrous that ever occurred in the coal regions. The crash came without any warning whatever. This is something unusual, too, as generally there is a quaking and quivering of the earth before it settles. But this was not the case this morning.

THE FIRST INTIMATION.

The first intimation of danger was when two houses were seen to sink out of sight. They went down about ten feet and were totally wrecked. The dwellings were occupied by Polanders. Two women and a little girl were quite seriously injured. The noise made by the houses toppling over attracted a large crowd.

At this time nobody realized that the working portions of the mine underneath had been damaged. Daniel Reese, a neighbor, was the first to give the alarm. He said: "I'll bet $5 if there are any men in the mine they are all killed." A number of men ran to the slope and attempted to enter the mine, but they could not. The main passage way was blocked, and there was no way of reaching the men.

The mine foreman said only eight men were working in that portion which had caved in, and that they had in all probability made their escape by way of the gangway. This was the conclusion everybody had come to and the excitement subsided somewhat. At noon, however, relatives of missing men began to gather around the mouth of the slope and inquire as to the whereabouts of their friends.

THE EFFORTS AT RESCUE.

The greatest alarm prevailed. The fire boss reported that there were 30 men in the mine and not eight, as reported by the foreman. The Superintendent of the Lehigh and Wilkesbarre Coal Company was telegraphed for, and he arrived promptly. A conference of expert miners was then held and the best means of rescue was discussed. It was first determined to make an attempt to enter the slope.

Twelve men were secured for the hazardous task, but they were unable to proceed any distance through the mine. The cave-in had wrecked all the inside workings, and in some places the roof was down for hundreds of feet. To clear this debris away would take weeks, which would preclude all hope of getting the men out alive.

It was then resolved to sink or bore holes in the surface directly over some abandoned workings, enter these workings, and then trace to the place where the men were at work. The whole distance is about 300 yards. The abandoned workings reach very near the surface of the earth, so that it will not take much excavation to get into them. One hundred and fifty men are working like Trojans. It is expected that an entrance will be effected sometime to-night.

SUPPOSED TO BE ALIVE.

The supposition is that the men are still alive. They were working in the upper lift of the Baltimore vein. This vein was not disturbed. When the crash came the men, no doubt, made an attempt to get out by way of the main gangway, only to find the passageway blocked. They then retraced their steps for the purpose of taking the manway. This, too, was cut off. They had nothing to do then but sit down and await a rescuing party. It is believed that there is sufficient air to keep the men alive, and if they can get hold of a mule they can exist for a week or more.

Fifteen years ago a similar accident occurred in the Sugar Notch mine, and six men lived on mule meat for ten days. Joseph Maxwell was in the main gangway when the crash came. He ran at the top of his speed and got out before the roof fell. John Hess made his escape by way of the manway. He says he visited the spot where the men were at work one hour before the cave in. He thinks that the men are all alive, and are crouched under the roof in the Baltimore vein.

The names of the men imprisoned are: John Halson, Anthony Frail, Michael Scally, John Scally, John Allen, assistant mine boss; Michael Henry, Charles James, Frank Gallagher, Robert Roberts, Harry Jones, Ellis Williams, Owen Williams, Daniel Sullivan, Thomas Williams, John Penning, Anthony Frall, Harry Parry, Owen Parry, Thomas Clauss, John James, Michael Linski, John Hall, Luke Gilgallon, James Davis and four Hungarians, the name of two of whom is Guss.

THREE MEN FOUND.

At 8 this evening the rescuers broke their way through the surface and reached the abandoned workings. Five men entered and traveled along some distance. They heard groans. Stooping down they found three men lying prostrate on the ground. They picked them up and carried them to the surface. When the rescuing party, with the three men, came in sight, a mighty cheer went up, which was repeated again and again.

The men rescued were John Allen, Robert Roberts and Anthony Frall. They were badly burned. Roberts is the least injured. He says when the cave-in came the men all threw down their tools and made for the main gangways. They found that it was blocked with debris. Some of the men then fainted and sunk to the ground. Others got down on their knees and prayed for deliverance.

Roberts, Frall and Allen clung together. They rumaged around the abandoned workings all afternoon. When the cave in occurred there was a slight explosion in one of the breasts which burned the three men. Roberts says there are at least 19 other men in the mine and that they are scattered everywhere. The air is bad, and unless the other men are reached within the next ten hours they must perish. The rescuers are now scouring the workings.

At midnight rescuing parties were driven out of the gangways by the gas. They were obliged to leave their safety lamps outside, and grope their way back in darkness, where nothing could be done but listen for the groans of wounded. An effort is now being made to change the air current so as to drive the gas back from where the victims are supposed to be.

GUFFY FOR CONGRESS.

Westmoreland's Ex-Sheriff Formally Announces His Candidacy.

[SPECIAL TELEGRAM TO THE DISPATCH.]

GREENSBURG, May 15.—Considerable stir was occasioned in political circles this afternoon by the announcement of ex-Sheriff John Guffey by his friends for Congress. Mr. Guffy is the elder brother of J. M. Guffy, of Pittsburg, and has always been an active, hard-working Democrat. He states that he has gone into the fight to win, notwithstanding the large Republican majority in the district. Colonel Huff received the district nomination.

A fierce struggle will follow. Both gentlemen will receive the party nomination in this county. The candidacy of Mr. Guffy, it is said, certainly settles the matter of James M. being placed on the State ticket. He will lend all of his energies to the furtherance of the cause of his brother John.

INTOXICANTS IN THE ARMY.

Nothing but Light Beer is to be Permitted Within the Posts.

WASHINGTON, May 15.—The Secretary of War has amended paragraph 329 of the army regulations, as follows:

The sale or use of ardent spirits or wines in canteens is strictly prohibited, but the commanding officer is authorized to permit light beer to be sold therein by the drink, on week days, and in a room used for no other purpose, and, when practicable, in a building apart from that in which the canteen is located, whenever he is satisfied that the giving to the men the opportunity of obtaining such beverages within the post limits has the effect of preventing them from resorting for strong intoxicants to places without such limits, and tends to promote temperance and discipline among them. The practice of what is known as "treating" must not be permitted.

WILL SOON BE SETTLED.

The Beginning of the Ending at Hand and a Compromise Will Result.

[FROM A STAFF CORRESPONDENT.]

WASHINGTON, May 15.—As the tin plate question will doubtless be settled to-morrow, Secretary Cronemeyer and others of the Tin Plate Association are expected to be on hand to be advised with at the last moment in regard to any change it may be necessary to make in the interests of a compromise. It is probable the duty will be fixed at 2 3-10 cents, which is only a trifling deviation from the rate proposed by the Committee on Ways and Means.

AN UPRISING IN BRAZIL.

The People Are Not Satisfied With the Laws of the Republic.

RIO JANEIRO, May 15.—A rising of the people against the Government took place on Tuesday at Porto Alegre, in the province of Rio Grande Do Sul. A portion of the troops fraternized with the people. The outbreak was suppressed by the police and the troops who remained loyal.

During the fighting a number of persons were wounded. The Governor of the province has resigned. The primary cause of the disorders is alleged to have been popular discontent over the new banking laws instituted by Dr. Barbosa, the Minister of Finance.

MAY CHANGE THE BILL

So Far as It Applies to the Duty on Argentiferous Lead Ores.

[FROM A STAFF CORRESPONDENT.]

WASHINGTON, May 15.—It is asserted that a canvass of the House has been made to ascertain the sentiment of the majority upon the subject of taxation of argentiferous lead ores. The canvass is said to have developed the fact that there are 21 Republicans ready to vote to place such ores on the free list.

If this is a correct statement it is almost certain that the bill will be amended in this respect.

WAITING FOR THE PLUM TO DROP.

General Baily in Washington Waiting for the Removal of an Officer.

[FROM A STAFF CORRESPONDENT.]

WASHINGTON, May 15.—General Silas M. Baily, of Uniontown, who has been here for a day or two looking after his prospects in relation to succeeding Sergeant at Arms Canady, of the Senate, had a conference with Senator Quay and others to-day, and feels encouraged to think that at some time, not far distant, a change may be made in the office, and that he may be the new incumbent.

THE YOUNG ELOPERS ARRESTED.

They Are Refused a Marriage License and the Girl is Taken Home.

[SPECIAL TELEGRAM TO THE DISPATCH.]

AKRON, May 15.—Will Francis and Daisy Benedict, who eloped from Niles, walked into the Mayor's office to-day, and asked for a license to marry. Marshal Stone consulted a telegram he had received from Niles, telling him to arrest at sight the couple, and at once told them they were his prisoners. Mr. Benedict arrived to-night, and took his daughter with him home.

A SUDDEN AND MYSTERIOUS DEATH

Is Supposed to Have Been Caused by Eating Poisoned Sausage.

CINCINNATI, May 15.—Mrs. Clem Ahlers, of Ivanhoe, a suburb of this city, died last night from what is supposed to be poisoned sausage. The family ate sausage for supper and shortly afterward Mrs. Ahlers and two of the children were taken violently ill. Mr. Ahlers and two other children were not affected. The two poisoned children will recover.

WORKING FOR AN EXTRADITION.

Efforts Being Made to Bring Wallace From Havana to the United States.

NEW YORK, May 15.—Assistant District Attorney Lindsay will communicate with the State Department at Washington for action toward securing the extradition of R. L. Wallace and Bookmaker Lowitz from Havana on the charge of robbing Wallace's uncle of $5,000.

Rioting at Bilboa.

MADRID, May 15.—The majority of the iron works at Bilboa have stopped operations. Rioting has broken out in the vicinity of Bilboa. Several miners have been killed while resisting gendarms. Troops are hurrying to the scene.

On the Rampage.

KALAMAZOO, May 15.—The Kalamazoo river is on a rampage. Over 50 acres of city property are flooded and the water is still rising. Ten dwelling houses are surrounded and their occupants were forced to use boats in order to reach high land.

Kemp Wins the Championship.

SYDNEY, N. S. W., May 15.—The race between Kemp and McLean for £200 a side and the sculling championship of the world took place on the Parametta river to-day. It was won easily by Kemp.

IS IT TO BE REVISION?

Formal Opening of the Presbyterian General Assembly.

SERMON BY RETIRING MODERATOR.

Rev. William E. Moore, D. D., of Columbus, O., Elected Moderator.

FRIDAY ASSIGNED FOR THE DEBATE

On the Question of Adoption or Rejection of the Confession of Faith.

The General Assembly of the Presbyterian Church opened yesterday in Saratoga. Rev. William E. Moore, of Columbus, O., was elected Moderator. Friday was assigned for debate on the revision question. The Southern Methodists discuss the temperance question. Eleven States are represented in the Southern Presbyterian Assembly.

SARATOGA, May 15.—To-day the General Assembly of the Presbyterian Church was opened in the First Presbyterian Church. A large number of ministers were present, and the edifice was comfortably filled with interested spectators. Religious exercises preceded the usual routine business consequent upon organization, the sermon being preached by the retiring Moderator, Rev. Dr. William Charles Burrows. Deep interest was manifested in his address, closing it with the following words:

Let us look for that kind of progress in the church which shall unfold into a blossom, and for a blossom that shall mature into a ripened fruit; for a past that shall give rise to a present and for a present that shall merge into a glorious future. Let us look for the principles of Christianity to so permeate our system of government that it shall ere long cause our national life to correspond with our best laws; for society to be such as to do away with the conflict now waging between labor and capital, and for the whole Church to be lifted up to that position where there shall be but one body, one spirit, one hope of our calling, one Lord, one faith, one baptism, one God and Father of all, and through all and in us all.

THE NEW MODERATOR.

At the afternoon meeting Rev. William E. Moore, D. D., of Columbus, O., was elected Moderator, and made a short address. B. L. Agnew, of Philadelphia, Pa.; Martin Kneeland, of Erie, Pa., and Elisha Perkins, of Baltimore, were appointed temporary clerks. The report of William H. Roberts, D. D., from the Committee on Methods of Effecting Changes in the Confession of Faith, was accepted, and Friday was assigned for debate on its adoption. Howard Crosby, D. D., reported on "The Church at Home and Abroad," the magazine of the Presbyterian Church. James T. Smith, D. D., of Baltimore, reported for the Committee on Church Unity that four meetings had been held by the committee and a cordial response had been made to the overture of the House of Bishops of the Protestant Episcopal Church. The committee believed that all Presbyterians would accept the first three propositions, viz: The supremacy of the Holy Scriptures, as a supreme rule of faith; the Nicene Creed as a true, though not exhaustive statement of Christian doctrine, and the two sacraments, baptism and Lord's Supper, duly administered. As to the fourth, the historic Episcopal, the Presbyterian Church has always considered that its presbyters are true bishops.

ULTIMATE UNITY HOPED FOR.

Several communications and interviews between the representatives of these two great bodies have been held during the year, and the hope was expressed that they may be the first steps toward a more close ultimate unity between them. Correspondence has also been held with Prof. George P. Fisher, D. D., of Yale Theological Seminary, Chairman of a Committee of the Triennial Congregational Council.

Resolutions accompanying the report deprecating the undue multiplication of churches of different denominations in small communities and recommending that comity be practiced by home missionary superintendents and officials were read, and the paper itself was ordered to be printed.

The continuance of the negotiations with the Episcopal and Congregational, and any other denominations that may desire it, was recommended by the committee.

The report was accepted after the remark by the chairman of the committee that the differences between the Presbyterian and Episcopal Churches, though seemingly very great, are in reality very little.

The evening session being the regular occasion foo the communion, no other exercises took place.

SIGNING PETITIONS FOR SALOONS.

The Offense Reckoned as Immorality by the Southern Methodists.

ST. LOUIS, May 15.—The general conference of the Methodist Episcopal Church, South, to-day was mainly occupied by routine business matters.

The Temperance Committee concurred in a memorial, changing the degree of offense committed by a member of the church who encourages the liquor traffic by renting property for saloons and signing petitions for licenses, from "imprudence," as now designated in the discipline, to "immorality."

Eleven States Represented.

ASHEVILLE, N. C., May 15.—The General Assembly of the Southern Presbyterian Church convened here to-day in twenty-ninth annual session. One hundred and twenty-nine commissioners were present, and all the States were represented. Rev. James Parks, D. D., was chosen Moderator.

CARLISLE STILL FAR AHEAD.

His Opponents, However, Force an Adjournment After Three Ballots.

LOUISVILLE, May 15.—There was the usual formal joint ballot for Senator in the Legislature this morning. Ex-Senator John S. Williams was on the floor of the House this morning making personal appeals to the members against Carlisle. Carlisle has a winning lead, but the opposition to him is bitter in certain quarters. Knott's friends prophesied this morning that he would lead Lindsay to-night and the ballot shows the gain they claimed. The Democratic caucus in the Senatorial race at Frankfort proceeded with balloting to-night. The first ballot to-night, fifth all told, stood:

Carlisle, 41; McCreary, 11, Lindsay, 21; Knott, 24; Moore, 14; Settle, 4; Buckner, 1.

Sixth ballot—Carlisle, 44; McCreary, 15; Lindsay, 27; Knott, 23; Settle, 1; Buckner, 3.

Seventh ballot—Carlisle, 47; McCreary, 17; Lindsay, 29; Knott, 20; Settle, 2.

The caucus adjourned after this ballot. The adjournment was forced by the opposition to Carlisle after a long series of filibustering motions. The fight will pretty certainly be decided to-morrow night.

The Jurymen Disagree.

NEW YORK, May 15.—The jury in the suit of Margaret Hirkey, aged 17 years, against the Cunard Steamship Company, have disagreed. The plaintiff was a steerage passenger on the Bothnia on October 4, 1889. She and the other passengers were vaccinated, but soon afterward her side and arm were covered with ulcers. This was attributed to the company's surgeon having used improper virus.

DEALING WITH CRIMINAL CLASSES

ONE OF THE SUBJECTS DISCUSSED AT THE BALTIMORE CONFERENCE.

Committees Named and Work Begun—General Brinkerhoff on Prisoners' Sunday—Industries in Penal Institutions—Chicago's Claim for the Next Meeting.

BALTIMORE, May 15.—The active work of the National Conference of Charities and Corrections was begun to-day. Prayer was offered by Rev. Edward A. Lawrence. John M. Glenn, Secretary of the local Committee of Arrangements, announced the programme for the afternoon. Mrs. Judge Goodlet, of Nashville, extended the conference an invitation to meet next year at Nashville, Tenn. C. C. Truesdale, of Chicago, said he hoped the delegates would not think him "too previous" if he put in Chicago's claim for the conference in 1893. The whole world will be there at that time, and it is desirable that they should see what is being done by the society.

The President announced as a Committee on Business, L. C. Storrs, of Michigan; William Crouse, of Ohio; A. O. Wright, of Wisconsin; M. Kellogg, of New York; M. Elder, of Indiana. The Committee on Organization is composed of General R. Brinkerhoff, Ohio; William Letchworth, New York; Captain L. O. Swartliff, M. C. Biddle, Pennsylvania; J. J. Spear, Jr., California; M. C. Elmore, Wisconsin; Frederick H. Hines, Illinois; Mrs. Judge Goodlet, Tennessee; Colonel F. C. Beasley, North Carolina; Mrs. M. L. Stevens, Maine.

"The Prisoners' Sunday" was made the subject of a special report by General R. Brinkerhoff, of Ohio. The day has been observed by many churches in this country, and to some extent in other countries. It was the outgrowth of a general feeling to secure better methods of dealing with the criminal classes. It was everywhere recognized that prison reform is the child of Christianity, and as such it was entitled to the fostering care of the churches. A resolution was passed calling upon all churches to observe the fourth Sunday of October as prisoners' Sunday.

In the course of the afternoon the House of Refuge and St. Mary's Industrial School were visited by the delegates.

At the night session the subject of industries in houses of refuge and like institutions were discussed. T. J. Charlton read an exhaustive report by the committee on "Industries in Reform Schools," and the matter was discussed by Superintendent Israel C. Jones, of the New York House of Refuge, and others. Mr. Charlton held that the best trade to be taught in reformatories is printing.

A WALL STREET TRAGEDY.

A Prominent Lawyer Shot Down in His Private Office.

NEW YORK, May 15.—A terrible tragedy occurred in Wall street this morning when a vindicative young man, Alphonse J. Stephanie, shot and mortally wounded Lawyer Clinton G. Reynolds, of 60 Wall street. The murderer was but a few hours in the city, having only arrived on the White Star steamship Majestic from Liverpool.

Up to two years ago, Stephanie's father was engaged in the fruit importing business in this city. At that time he died. Alphonse was carrying on the business, but soon sold out, realizing about $50,000. He deposited the amount in a Brooklyn bank. A short time after he had a violent quarrel with his mother, subsequently leaving home for Europe. In his absence Lawyer Reynolds advised the young man's mother to issue an attachment against her son and the bank to prevent him from using the money. It is supposed young Stephanie heard of this, when he made up his mind to kill his mother's counselor.

At Chambers Street Hospital Dr. Cole, the house doctor, stated at 2 o'clock this afternoon that the condition of Clinton Reynold's was very serious. Dr. Cole thought Reynold's chances of living were very small. He is conscious, and all visitors are excluded from his bedside.

THE ROAD QUESTION

Will be Fully Discussed by the State Board of Agriculture.

[SPECIAL TELEGRAM TO THE DISPATCH.]

HARRISBURG, May 15.—Secretary Edge, of the State Board of Agriculture, has issued a circular embracing the subjects to be discussed at the meeting to be held in Wellsboro on June 11 and 12. Governor Beaver will be among those who will deliver addresses. "The Fence Laws of Pennsylvania," will be treated by Senator Packer. Addresses will be delivered on the following subjects by the gentlemen indicated: "The Road Laws of Pennsylvania," by Senator Packer; "State Aid for Public Roads," by S. R. Downing, West Chester; "Suggestions to Law Makers of the State of Pennsylvania Regarding Public Roads," by Frederick Jaekel, of Blair.

The road question will be discussed in all its phases, J. A. Gundy, of Union, opening. Dr. Henry Liffman, microscopist of the Board of Agriculture, will speak on the subjects of "The Adulteration of Food Products" and "The Application of the Microscope to the Study of Textile Fibres." Ex-Auditor General Niles will discuss "Taxation as it Affects the Farmer."

MUST GO BACK TO CHINA.

Uncle Sam Will Bear the Expense of the Mongolian's Return Trip.

WASHINGTON, May 15.—As a result of correspondence between the Department of Justice and the Treasury Department it has been decided to send back to China the 21 Chinamen who were smuggled into this country from Mexico and who are now in custody at San Diego, Cal. They will be transferred to San Francisco and placed on the first steamer sailing for China.

This action is taken on the theory that it is cheaper and better for the Government to bear the expense of their return to China then to send them back into Mexico and run the chance of having to rearrest them and send them bank indefinitely.

GENERAL WHITE LAID TO REST.

Impressive Funeral Services at Chicago Yesterday by His Soldier Friends.

CHICAGO, May 15.—The body of the late General Julius White, ex-United States Minister to the Argentine Republic, was laid to rest at Rose Hill this afternoon. The funeral services were in charge of the Illinois division of the Loyal Legion, of which he had been elected Commander but a few days before his death. The ceremony was conducted by Bishop Fallows, of St. Paul's Reformed Episcopal Church. A number of General White's old comrades were present.

A DISASTROUS CONFLAGRATION.

Two Persons Burned to Death and Two Others Will Probably Die.

SPOKANE FALLS, May 15.—Fire which started in a saloon this morning from the explosion of a lamp, destroyed several buildings. Two persons were burned to death and two others fatally injured. Loss, $50,000.

They Favor Woman Suffrage.

LEXINGTON, KY., May 15.—The Prohibitionists of Kentucky held a State Convention here to-day. In their platform they strongly favored woman suffrage. Mrs. Josephine K. Henry, of Versailles, was nominated for Clerk of the Court of Appeals.

ONE MAN AND A CLUB

Responsible for the Terrible Triple Tragedy Near Bentleysville

THE MOTIVE FOR THE DEED.

Quite a Quantity of Money and Valuables Still in the House.

A NEGRO PLACED UNDER ARREST.

The Circumstances Which Point to Him as the Guilty Party.

RESULT OF THE CORONER'S INQUEST

Details of the murder of the Crouch family add to the horrors of the deed. One man apparently killed the three persons with a club. A burly negro named West, accompanied by a white woman and child, was arrested at Beaver Falls, and is now locked up in Allegheny. Suspicion points strongly in his direction. There are rumors, however, that the triple murder was not committed for money.

[FROM A STAFF CORRESPONDENT.]

MONONGAHELA CITY, May 15.—The officers of the law who have visited the scene of the Crouch murder at Bentleysville are not satisfied that robbery was the object of the assassin. The Coroner's jury has found considerable money in the house. A. J. McCormick, Justice of the Peace, living in Bentleysville, impaneled a jury yesterday forenoon soon after the murder was discovered. The jury is composed of Greer Smith, foreman; Lou Bedsworth, Jeremiah Sprouls, David Kerr, John L. Jones and Hudson Crouch. The latter is not related to the murdered family. He keeps a tavern at Bentleysville, half a mile from the Crouch farm.

The jury at once inspected the bodies and the premises. Under their instruction Dr. Booth made a brief examination of the wounds, his report being as follows:

John Crouch was cut on the right side of the face, the gash, which was about five inches long, extending from the median line to the articulation of the jaw; flesh laid open and bone broken; bruise on right side of neck, head bruised in several places, but no fracture of the skull. The blow on the side of the neck, which began at the base of the skull, and extending around under the ear, was, in the opinion of the doctor, the fatal one. Mrs. Crouch was struck on the left side of the face, the wound being almost similar to the one given Mr. Crouch. The jaw bone was crushed, there was a bruise on the neck, and, from indications, it looked as if her neck bone was broken. She had also received a scalp wound above the left eye. Andrew Crouch, the son, had received a terrible blow on the back of the neck, fracturing the vertebrae, hit on side of the neck and head, and neck bodily bruised.

THE JURY'S INVESTIGATION.

After the wounds had been examined, the jury proceeded to make an investigation of the house. The upstairs portion was looked into first. In the room over the parlor they found two trunks, one an old-fashioned leather one, and one of a more modern style. The lid on the leather one was closed, but not locked. Upon investigation it was found to be empty. A feather tick and some bedclothes which lay near seemed to have been thrown to the floor by the intruder in order to have free access to this receptacle.

Across the room was the other trunk. It evidently belonged to Mrs. Crouch, and had been locked. It was broken open and the contents looked over. In a small box was found $15 in silver, a pocketbook containing $37 in paper money and $5 in gold. In an old book, a Pennsylvania school report, dated 1860, of 100 pages, and carefully laid between the leaves, in two different places, $126 in paper money was found, and from its appearance it seemed to have been there for a long time. An organette, a small musical instrument, was also looked into and $85 found in a roll between the lids, which had escaped the murderer. The trunk contained notes in favor of Andrew Crouch, signed by Mr. Griffith, his brother-in-law, for $860 and for $840, as well as another note for $400 and one for $100, and one for $40—all drawn in favor of the dead son, Andrew.

ANY NUMBER OF NOTES.

In a stand drawer downstairs were found other notes, also drawn in favor of Andrew for various amounts, which would swell the total of notes due him to about $3,000. These seemed to have been disturbed by the murderer, having the appearance of being handled. This clew, together with the old trunk and bedclothes thrown upon the floor, is the only evidence going to show that any search had been made within the house for valuables. After the jury had left the house and returned home, Harry Crawford, the boy who first gave the alarm, said he had seen Mrs. Crouch take some money from the machine drawer to pay a small bill. Hudson Crouch returned at once to the house, and taking 'Squire Mitchell with him made a search through the drawer and found a $1 bill and $3 60 in silver. This was the last money found by the jury.

Andrew slept up stairs over the sitting room. Lying on a chair in his room was a revolver with two chambers empty. It was evidently his own. An old corncutter lay on the floor near the foot of his bed. Another pepper-box revolver, evidently not used for a long time, lay on a sewing machine in the sitting room down stairs. A silver watch was left hanging on the sitting room wall. The murderer after killing the Crouchs had gone straight into the old people's bedroom on the first floor, opening off the sitting room, and laid his bloody club on a chair in the bedroom. It was a rough and ready paling of white oak and about two feet long. It tapered from 2 inches to $1\frac{1}{4}$ inches. A portion of it had been broken off, the broken part about a foot long being found under the head of Andrew, indicating that he had been dealt a powerful blow. An empty pocketbook was found lying on the mantel in the sitting room.

HIS POCKETS UNDISTURBED.

The old gentleman had $8 in his pockets not disturbed, and the son Andrew a 10-cent piece. The furniture and household goods do not seem to have been disturbed. Only the trunk and the box seem to have been of sufficient importance to engage the attention of the assassin. Mrs. Crouch's trunk upstairs was locked, and the key had been lost. A peddler was there a few days ago, and Mrs. Crouch talked of buying a dress. She told the peddler that she had lost the key of her trunk, where she kept her money, and as she could not get at it did not make the purchase. Mrs. Tinley, to whom Mrs.

Continued on Sixth Page.