

DEMAND A NEW TRIAL

On the Ground That Cook Hall Was an Incompetent Witness.

BARRED BY HIS CONVICTION.

Arguments for a Rehearing of Postoffice Burglary Cases.

SUITS HEARD IN THE SUPREME COURT

A motion for a new trial in the case of Thomas Hughes and others charged with robbing several postoffices throughout the Northern counties of the State was argued before Judge Buffington yesterday afternoon. Mr. W. J. Breene appeared in behalf of the defendants, while United States District Attorney Lyon represented the Government in opposing the motion. The argument hinged on the competency or incompetency of Cook Hall as a witness. Mr. Breene contended that the rules regulating the competency of witnesses under the common law as it existed in Pennsylvania in 1789 is the rule in the criminal branch of the United States Court, that the conviction of murder under the common law disqualified a man as a witness in the Federal courts, and that therefore Hall was not a competent witness in this case. "The controlling proposition or question involved in this case," said Mr. Breene, "may be stated thus: Was a person who had been convicted for murder, and who had served out his sentence, a competent witness in a criminal case under the law of Pennsylvania prior to 1789? As early as the passage of the Judiciary act, a witness competent under the State law was also competent in the United States courts, and such has been the rule ever since. But this rule has not been held to apply to criminal cases or to suits in equity.

Rules of the Federal Courts. "The rules of evidence in the Federal courts in equity and criminal cases are not affected by any State statute on that subject. In the United States courts a defendant cannot testify in a criminal case, although by statute, his testimony is admissible in the courts of the State. The act of 1878 first gave to defendants in Federal courts the right to testify in their own behalf. "It appears that the witness, Hall, in addition to having once been convicted of murder, was confessedly guilty of a crime for which he might be imprisoned for a long term of years. Our strong position is that the competency of a witness must be determined by the act of 1789, and that as Hall was guilty of an offense, and was indicted with the other defendants, he was not competent as a witness."

Mr. Lyon held that a conviction of murder in the second degree was an offense not known to the common law; that the re-organization in 1862 of the general Judiciary act of 1789 changed the status of the law, and that the law as it existed in 1862 governs the competency of witnesses, instead of the law as it existed in 1789. He further contended that the record of judgment in a foreign jurisdiction is not admissible, and the courts of Pennsylvania are foreign to the courts of the Federal Government. Following out the line of his argument, Mr. Lyon said: "The act of 1862 made all prior competent, except those convicted of the crime of perjury. Hall might not have been a competent witness in 1789, but conditions have changed. If Hall had been convicted in the Federal courts of some infamous crime against the United States, he would not have been a competent witness in this case."

A Limit to State Rights. Judge Buffington here took a head in the argument and indicated that he considered Hall a competent witness, "for the reason," said he, "that a State has no right to affect the rules of evidence fixed by Congress. Congress in 1789 fixed the rules, and in 1862 there was a republication of this act, and the act of 1862 must therefore govern. The serving of a sentence is equivalent to a pardon, and it looks to me as though Hall is a competent witness."

Mr. Breene—There is not a statute making Hall a competent witness. Judge Buffington—Suppose Hall had committed this murder in 1789 and you would have offered this record, what would the Court have said? Mr. Breene—The record could not have been secured, because murder of the second degree, of which he was convicted, was not known to the common law until 1794. Judge Buffington—But suppose you had offered the record in that form? Mr. Breene—Well, I suppose the Court would have considered the substance rather than the mere technicality. This dialogue between the Court and Mr. Breene continued for some time, the latter concluding as follows: "I do not believe in shielding men from a just conviction, and I am very free to confess that I have serious doubts about the result of a new trial, but my duty is not done until my clients are either acquitted or convicted upon proper evidence and according to the law governing the case."

CURATIVE ACT SUITS

Argued in the Supreme Court—Mt. Washington Property-Holders Resist Appeals for Improvements—An Appeal From the Decision of Viewers—Other Cases Argued.

A number of cases were heard yesterday in the Supreme Court. Arguments were heard on the appeals of Frank Shanley and others from Common Pleas No. 2 in the matter of the re-assessment for the paving of Boggs avenue, and the appeal of J. E. Wilson from the re-assessment for Shiloh street. The cases are results of the Curative Act of 1891, under which re-assessments were made for street and improvements. Exceptions to the viewers' reports were filed in the lower court, but Judge White dismissed them because the subject matter of the appeals had not been submitted to the viewers, and because they were not supported by affidavits. The appeals were then taken. Attorneys C. A. O'Brien, M. A. Woodward and J. M. Swearingner appeared for the respondents, and City Attorney Moreland for the City of Pittsburgh. Arguments were also heard in the cases of the appeals of Martha K. Rich and others from a decree dismissing exceptions to viewers' reports on Third street, Amberston street and Omega street. The assessments were all made under the curative act of 1891. The cases are similar to the Boggs avenue and Shiloh street cases. Arguments were heard in the case of Charles F. Goldstrom against Peter Stumer, to recover the price of a shoemaker sold to the defendant; Frank Spisak vs the Baltimore and Ohio Railroad, for damages for injuries; J. F. Murphy vs the Staley Bradley Publishing Company, to recover commissions; George Schur vs the Citizens' Traction Company, an action for damages for the death of the plaintiff's child who was run over by a car and killed; Commonwealth for use against Mary E. Cummins, administratrix, and D. R. McIntire, an action on a loan; Robert Winter against the Federal Street and Pleasant Valley Passenger Railway Company, a case in which the plaintiff, who was a teamster, recovered \$282 for the death of a horse injured by having a car strike it on Jackson street, Allegheny; W. J. Gilmore & Co. against the Pleasant Valley Company, a case to recover damages done to a carriage belonging to the plaintiff.

The mechanic's lien case of Murphy & Diebold against Mary E. Cummins and others was argued. About \$1,300 is involved.

To-Day's Trial Lists. Common Pleas No. 1—Finnerty vs Liddell

OPPOSED TO REVISION.

The Allegheny Presbytery Is Perfectly Satisfied With

THE OLD CONFESSION OF FAITH.

Answering Three Overtures From the General Assembly.

OPPOSED TO WOMEN IN THE CHURCH

The Allegheny Presbytery yesterday placed itself on record as being opposed to the revision of the Confession of Faith. The meeting was held in the First Presbyterian Church, Allegheny. Rev. Dr. Fox, of the North Church, Allegheny, read a paper which he wanted the Presbytery to accept as its answer to the General Assembly's overtures regarding the revision of the Confession of Faith. Dr. Fox's paper was a declination to answer the overtures of the Assembly. The principal reason given was that the manner in which the overtures were compiled and sent down was not constitutional, and the result of irregularities. After a long and spirited discussion the Presbytery adopted the following: "The Answer of the Presbytery. The Presbytery of Allegheny respectfully answers the overtures proposing certain alterations in the Confession of Faith in the negative for the following reasons: This Presbytery has already put on record its sense of the unwisdom of revising the Confession of Faith at the present time, and its earnest desire that the revision now attempted be abandoned. "The manner in which these overtures were sent down to the Presbyteries by the last Assembly seems to us seriously objectionable. It is a grave question in our view whether to direct a departure from the letter of the law as to amendments to the Confession of Faith does not vitiate the action of the Assembly, and the haste with which this action was taken, precluding full discussion of the merits of the overtures, is, in our judgment, wholly contrary to the spirit of the law. "The general character of the alterations proposed by these overtures does not encourage us to hope that their adoption would give general satisfaction to the Church in any greater degree than the present Confession. We believe that the Presbyterians of Allegheny, without even satisfactory assurances of those who hold the Calvinistic systems a deeper interest in the historical integrity of this venerable document, so long the bond of union between our own and other churches of the Presbyterian family, would not even satisfy the scruples of those who hold the Calvinistic systems a deeper interest in the professional modes of expression. "Why the Revision Is Opposed. The doctrinal discussions which have been produced by the present attempt to revise the Confession of Faith, while not devoid of value in a private or personal interest in the study of doctrine, seem to us clearly to show that patient perseverance in such study and in the indoctrination of the people is the immediate need of the Church, rather than a protracted and heated discussion of the professional modes of statement. The rightful liberty of criticism of these forms of statement has been so often perverted by some into a license to openly assail the doctrines themselves, that a continuance of the discussion seems likely to give such evils an apparent sanction. In view of all these facts we can but reaffirm our decided conviction that the attempted revision should be laid aside and ministers, elders and churches be commended to the study of the Word and of the Confession of Faith in the light of the Word with the guidance of the Holy Ghost. "The overture to admit women as deaconesses was rejected by a vote of 23 to 18. The overture for the establishment of bureaus to secure charges for unassigned clergymen was answered in the affirmative."

TWO VERY DANGEROUS TRIBES.

The War Department Will Probably Not Abandon Fort Duchene Just Yet. WASHINGTON, Nov. 1.—The officials of the Indian Bureau have not as yet received any information regarding the threatened outbreak of the White River Utes in Utah, as telegraphed from Meeker, Col., last night. The White Rivers and their neighbors, the Uncompahgs, are regarded by the Department as the most uncivilized and dangerous bands of Indians with which they have to deal, and for many years past it has been thought prudent to keep a force of United States troops at Fort Duchene, which is on the Uncompahg reservation and within easy reach to protect the settlers in case of an uprising. "These bands have committed the most atrocious crimes known to Indian history, and their record from the earliest times has been one of treachery, insubordination and bitter protests against restraining authority. They were the leading actors in the Meeker and Thornburn massacres in 1879, where the most revolting and cruel tortures were inflicted upon their victims. It is believed that the order issued some time ago by the War Department, abandoning Fort Duchene, will be rescinded, at least for the present."

The Comet Medal Comes East.

LOCK OBSERVATORY, MR. HAMILTON, Cal. Observatory. The comet medal of the Astronomical Society of the Pacific has been awarded to W. R. Brooks, Director of the Observatory, Geneva, N. Y., for his discovery of the unexpected comet August 28.

The Argentine Rebellion Over.

BUENOS AIRES, Nov. 1.—Order has been completely restored in the city of Santiago del Estero. The rebels have been disbanded by the Federal troops.

No Immigration Traffic From Hamburg.

NEW YORK, Nov. 1.—The Hamburg-American Packet Company denied today that it has resumed immigration traffic from Hamburg.

LATE NEWS IN BRIEF.

- During 1891 109,515 persons emigrated from Russia; in 1890 85,563 Russians emigrated, according to the official statistics.
-M. Dreyfus, director of the Ottoman Bank at Constantinople, has committed suicide by drowning himself.
-The execution of Thomas Nell Cream will be private, no one being allowed to attend except the Sheriff and officials.
-The Santa Fe Company grants an increase of \$10,000 in salaries to telegraphers, besides agreeing to pay overtime.
-The Supreme Court of Illinois has rendered a decision in the O'Sullivan case, denying the application of the attorney for a new trial.
-The Supreme Military Court of Mexico has confirmed the death sentence passed upon General Nava Heredia, who is charged with treason in falling to capture Catarino Garza, the revolutionary. Colonel Heredia has appealed from this decision.
-Lord Rosebery, the Foreign Secretary of England; Sir William Vernon Harcourt, Chancellor of the Exchequer; Mr. John Morley, Chief Secretary of Ireland; and Sir George O. Trevelyan, Secretary of Scotland, have declined to attend the inaugural banquet of Lord Mayor Kinnell on November 3.
-Two brothers named Burgess, who were in jail at Lebanon, Russell county, Va., charged with the murder of Oak Sutherland, attempted to escape a few nights ago. This so incensed Sutherland's friends that they took the prisoners from the jail, handcuffed them together, lugged them and then rid them with bullets.
-A steam pipe on board the tugboat Cole B. Grubbs, lying at the foot of Summit street, Brooklyn, burst yesterday morning, flooding the cabin with steam. William Butts, George J. Gibson and Michael Waters, cook, who were in the cabin at the time of the accident, were terribly scalded from head to foot. They died 9 o'clock.

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MONETARY CONFERENCE DETAILS

Being Arranged in Washington as Far as Uncle Sam Is Concerned. WASHINGTON, Nov. 1.—Henry W. Cannon, one of the American delegates to the International Monetary Conference, had a conference at the State Department this afternoon with Secretaries John W. Foster and Charles Foster in regard to the duties and power of the delegates. Mr. Cannon and Senator Jones, another delegate, and Director Leach, of the Mint Bureau, will sail from New York on the 9th proximo per steamer City of New York for Liverpool en route to Brussels, where the conference will be held, beginning on the 22d proximo. The remaining three delegates will meet in Washington on the 10th proximo to receive their final instructions from the President through the Secretary of State prior to their departure from New York on the 13th proximo.

A DREADFUL SCOURGE

The Case of Mr. Palmer—Pneumonia Carried Him Off Suddenly—Everyone Should Know the Symptoms and Be on Guard. Mr. Wilson R. Palmer, of New York City, left a circle of friends one afternoon recently, and received their congratulations upon his bright and vigorous appearance. That evening he felt a tickling in the throat, a slight pain across the chest, a chilly sensation, and he coughed once or twice. The next day his throat was inflamed, his chest sore, his chest pained him, his bones ached and he felt sore all over. The day following he was in bed, with physicians shaking their heads, and the third day he was dead from pneumonia, which he felt to take in time. There are ten thousand men and women in America to-day in the same condition as Mr. Palmer. The slightest appearance of the symptoms above named should strike terror to any man or woman. A sudden chill means the beginning of pneumonia; aches and pains throughout the body, are the first symptoms. It is necessary to bring about a reaction at once. How, then, is the best way of bringing about a reaction? Ask any physician, and he will tell you to use the purest, most powerful whiskey, and that is Duff's Pure Malt. This remarkable whiskey which is sold by all first-class druggists and grocers, will absolutely check the first approach of pneumonia, while at the same time it is certain to build up the wasted system. It deserves to be kept in every household, not only to be used in cases of emergency, but to assist in prolonging life and bringing health and happiness.

Good Morning, HOW D'YE DO? HAVE you seen the Nobby Suits at Jacksons? THEIR stock this season of Suits and Overcoats is as correct as the multiplication tables. Worsted, Cheviots and Tibets, Meltons, Kerseys and Beavers, all artistically made and trimmed, faultless in make up and fit. To mention prices without showing quality is next to foolishness, but it seems to be the fashion for dealers to lure the unsuspecting with a small price or a little penny present. That is not our way. We promise to give you a full dollar's worth for one hundred cents; but you can depend upon getting no less, if not more. All we ask is a trial. See our line of Suits at \$10, \$12 and \$15 before buying stuff in a price package store or fakir shop.

JACKSONS 954 AND 956 LIBERTY ST., Star Corner. P. & P. KID GLOVES. Manufactured by Chamont P & P. Manufactured by Berthold P & P. Manufactured by Fontaine P & P. For sale by ROSENBAUM & CO., 510-518 Market St. Tel. 1678.

Rosenbaum & Co. 510, 512, 514, 516, 518 MARKET ST. Morris ARTIST AND PHOTOGRAPHER, 1631 1/2 H STREET. NEW YORK DENTISTS, Corner Sixth and Liberty Sts. Entrance on Liberty St., PITTSBURG. Best Set Teeth - \$8.00. WARRANTED WORK.

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W. M. LAIRD, 433 and 435 Wood St. Wholesale and Retail. 406, 408, 410 Market St. Ladies' and Gents' Slippers, AT 75c, \$1.00, \$1.25, \$1.50. LADIES' FINE OXFORDS, AT 75c, \$1.00, \$1.25, \$1.50. OVERCOATS. QUALITY THE BEST. PRICES THE LOWEST. SALLER'S TO-DAY. We place on our counters our latest productions in Overcoats. These garments are made in our own establishment, under our personal supervision, and every detail watched with greatest care, so that in elegance and style we are unapproachable. We show BEAVERS, CHEVIOTS, KERSEYS, MELTONS, TRICOTS, WHIPCORDS, CHINCHILLAS and other makes. Don't miss OUR SPECIAL 600 OVERCOATS AT \$7.90, WORTH \$15. Ask for these lots: 7308, 7284, 7122, 7240, 7303 and 7125. A BRASS DRUM FREE With every Boy's Suit and Overcoat. SALLER SMITHFIELD, COR. DIAMOND STREET. BRASS FRONT. 'WELL BRED, SOON WED.' GIRLS WHO USE SAPOLIO ARE QUICKLY MARRIED. TRY IT IN YOUR NEXT HOUSE-CLEANING.

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