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SCRANTON, PA., FRIDAY MORNING, DECEMBER 2, 1898.

TEN PAGES

TWO CENTS.

QUAYS WILL STAND TRIAL

All Demurrers Are Overruled by Judge Finletter.

The Defendants Were not in Court District Attorney Graham, Whose Term of Office Expires This Month, Is Anxious to Prosecute the Cases and Asked the Court to Fix as Early a Date as Possible.

Phliadelphia, Dec. L.-United States Senator Quay, his son, Richard R. Quay, and ex-State Treasurer Benjamin J. Haywood will have to stand trial in the criminal court of this city on the charges of conspiracy and illegal use of state funds on deposit in the wrecked People's bank.

The demurrers recently filed by the defense to the five indictments containing these charges were overruled today by Judge Finletter, who thus sustained the indictments. The defendants were not in court, but their counsel entered formal pleas of not guilty and Monday, Dec. 12, was fixed for the

beginning of the trial. The proceedings were brief, Judge Finletter came into court and announced that the demurrers to four of the indictments had been overruled and the motion to quash the fifth denied, the defendants being given leave to plead. He also handed down a lengthy written opinion giving the reasons for the decision, but it was placed on file

without a reading. Rufus E. Shapley, of counsel for the defense, promptly stated that the defendants entered a plea of not guilty, Then followed a discussion concern-

ing the date of trial. District Attorney Graham, whose term of office expires this month, is anxious to prosecute the cases and he asked the court to fix as early a day as possible, saying that the commonwealth was ready to proceed at once.

Mr. Shapely said it was not usual for a judge to fix a day at the beginning of a new term for the trial of a case which would come before another judge, as it could not be known whether it would suit the convenience of the

nev. judge or not. Besides, Mr. Shields, his colleague, has cases in other courts next week and the defense wanted to have the books in the Quay case examined by that next Monday week be selected Mr. Graham objected to this, but the judge said he would like to accommodate Mr. Shields, and as the latter would be engaged next Monday, as

would fix Tuesday for the trial. was unsatisfactory to Lawyer Shields who said his other cases would not be finished in one day.

THE COURT OBDURATE.

The court was, for the time, obdurate, and, with the remark that unusual importance or dignity would not be given the Quay case, announced that it would have to go on trial next Tues-

Later in the day, however, there was a side conference at which the judge was prevailed upon to put off the trial until Dec. 12, on account of the other engagements of Lawyer Shields. Judge Finletter's opinion opens with this general statement:

All of the questions raised by these de murrers and the motion to quash could have been as fully raised upon motion it irrest of judgment after a trial upon the merits Such motions serve no good purose. They prolong the anxieties of the mocent, and they permit no guilty man to escape. They do not prevent the commenwealth from submitting other bills free of the errors complained about. Their only effect is to postpone and delay

that disposition of a case.

Whilst the right of defendants to use these methods of obstruction and delay may not be questioned, they are regarded by the court with disfavor.

The commonwealth—the people—has a right, especially in communities like this to speedy determination of criminal cases and the speedy punishment of criminals. The public good requires it and the in terests of the innocent defendant deman1 it. It is necessary for the protection of the individual citizen, in his life, his

person, and his property. In considering legal questions it should never lose sight of the point at issue.

PURPOSE OF DEMURRERS. Then he discusses the purposes of demurrers, and, taking up the indict-

ments, cites acts of assembly reciting the duties and powers of bank The demurrers, he says, admit all the facts of the indictments, and by these

admissions establish that the dants have conspirated with Cashier Hopkins as charged.

Continuing the court says:

It mest be conceded that the acts of 150 and 180 make it a crime for a cashier of any bank to directly or indirectly engage in the purchase and sale of stocks. It is argued that these acts apply, under the decisions, to banks of issue only. There is no such limitation in the act themselves, which forbid the cashier o "any bank" to do the acts complained of and it is sufficient to plead in the word of the act. If the decision limit the statutes to banks of issue, the question whether or not the People's bank is

It is a question of evidence, not of plead It is undoubtedly true, as argued by use, that Mr. Quay had a right to borrow money from the People's bank But the conspiracy charged is "to use unlawfully money, the property of the Peo-ples' bank for the gain, benefit and ad-vantage of the said Matthew 8, Quay." It nowhere appears in the record or in demurrer or in the argument that Mr Hopkins had the legal custody of the money; nor does it appear that Mr. Quay knew or had reason to believe that Hop-kins had the legal custody of the money.

r the defendant to explain and show that

CHARGE OF INDICTMENTS.

The opinion proceeds: The indictments charge that the debine and agree together by malicious means to use, and did use, to make prof-

t, large sums of the public money the commonwealth. The demurrers, admit all of these facts to be true, but contend that they violate no law.

These are three distinct violations of the law. It is contended by the defend-

ants that, when the money was deposited in the People's bank it ceased to be pub-lic money, and therefore there could be no conspiracy to use public money. If it be conceded that it ceased to be pub-lic money, it is not apparent how this an make the indictment defective; or DECEMBER 12 THE DATE make the acts of the defendants lawful, which were before unlawful and a criminal conspiracy.

A conspiracy to steel or appropriate, or

o use for private gain the public money is fruitless so long as it is in the treasury; or so long as it is under the control of the treasurer. Its removal from the treastry and from the control of the treasurer is necessary for the success of the conspiracy. Depositing the money in bank as a deposit may be the crowning act of the conspiracy, which makes it successful. It may be the means by which the crime was committed, the means by crime was committed, the means by which the public money was used for private gain and for purposes not auth-

orized by law. It is true that as between bank and depositor the property in money deposited able that the number was over 100 of the bodies recovered hereabor thirteen have been identified and significant. to a criminal conspiracy who use the law-ful transaction of a deposit as a means to crime, their criminal intent will follow the money deposited and their froud taint an otherwise lawful act. Besides, the conspiracy may be complete while the money is in the treasury, and its transfer by deposit can then have no ef-

fect to legalize the conspiracy.

It surely will not be seriously contended that if the treasurer conspires with others to convert to their own use the public money for private gain; and they employ every means to do so; and that every element of a conspiracy is com-plete up to the time of deposit in a bank; that the deposit annihilates the conspircy and makes the unlawful acts lawful and prevents the punishment of a com-pleted, successful conspiracy.

CONSPIRACY CHARGED.

Bill 331 charges a conspiracy with the various treasurers since 1888, 11, however, also charges a conspiracy with Treasurer Hayword, and is, therefore, good as against him, and the other defendants. So far as the other treasurers are concerned, it is a matter of evidence. The court has no authority to declare upon a demurrer that a charge is impos-sible as argued by defendants counsel. It might very well be that a conspiracy was entered into in 1888 to continuously ise the public money, which was com-

deted in 1898. It is argued that the means by which he conspiracy was committed must be pleaded. Not so, however, in indictments charging an unexecuted conspiracy as in one of the courts here; for the conspir-acy may have gone no farther than the mere combination. And not so in executed conspiracics, where the unlawful act complained of is in the end accom-plished by the confederates and the lawulness of the means is not questioned.

Where the acts complained of are the inlawful object of the consultacy, and

have been accomplished it is sufficient to plead them as accomplished. A motion to quash bill 322 has been books in the Quay case examined by made, but it has not been seriously arexperts before the trial. He suggested gued, and no substantial reason has been given to sustain the motion. meets all the requirements laid down by Judge Bregy; and it is in accordance with the practice of this court from time im-

> Judge Allison simply announced what Judge Allison simply announced what was the practice and law, and what they had always been, when he said: 'The returns in the case of Morten et al., charge conspiracy, and state the overt acts committed in pursuance of the conspiracy; these overt acts are in themselves crimes for which one may be indicted; such as embezzlement, fraudulently making and nitering written inlently making and attering written in-struments, etc. In a bill charging con-spiracy alone these might have been set ut in separate counts as the overt acis of the defendants in the execution of a conspiracy, and if they could be pleaded that form they may be separately made the subject of distinct bills of in dictment.

The motion to quash is deuted. The demurrers are overruled, with leave to plead.

FIRE THIS MORNING.

House on Phelps Street Partly Burned-Narrow Escape.

This morning at 3.30 o'clock fire broke out in a two-story dwelling house on Phelps street, near Washington avenue, owned and occupied by James Maloney. The fire started from a hot-

The occupants, Mr. Maloney, his wife and two children, had a very narrow escape with their lives. The damage will amount to about \$500.

REJOICING IN CUBA.

The Tobacco Industry Will Be Revived.

Havana, Dec. 1 .- A cable message eccived here yesterday by the principal tobacco and cigar exporting firm in Cuba announces, on the authority of Senor Luis Marx, special commis sioner of the Cuban tobacco manufacturers at Washington, that the United States government will place a prohib itive importing duty on leaf tobacco imported into the island of \$5 on leaf tobacco, and \$4.50, plus 25 per cent., on cigars. The export duties are to remain as heretofore, \$6.30 per hundred kilos on leaf tobacco and \$1.35 per

thousand on cigars. Although hopes have been entertaind that export duties would be abolished entirely, the announcement that prohibitive duties will be placed on tobacco imported into the island has been received with jubiliation by the manufacturers and exporters as guarantecing the survival and development of the tobacco industry in Cuba, which otherwise would have been threatened with extinction.

Two Children Killed. Washington, Dec. 1.-A train on the altimore and Ohio railroad, near lvy City, Md., today struck a carriage i which were four children on their way causing the instant death of Fan nie Bell Hacris and James Gray, two of the children, and severely injuring a boy named McDonough, who was driving.

City Government Conference.

Indianapolis, Dec. L-The second day's ssion of the conference for good city government was held this morning at the To appreciate the property of the bank without its consent, the court says, is a conspiracy, but this is a question of evidence for the commonwealth to establish ession was devoted to the consideration

LOSS FROM THE COAST STORMS

PROBABLY ONE HUNDRED AND FIFTY HAVE PERISHED.

Property Destroyed Is Valued at \$510,000-Fragments of Vessels Continue to Float in with the Tide, Accompanied by the Ghastly Bodies of the Victims of the Wrecks-The Life Savers Constantly at Work.

Provincetown, Mass., Dec. 1 .- Another day has passed, and the mystery of the steamer Portland wreck has not been given up by the sea. It was a day of constant watching of more than thirty miles of coast line, and the sea grudgingly held its victims, yielding only five. Twenty-one bodies have been recovered out of the entire passenger and crew list, the exact number of which is still unknown. The number of people who went to their death on the Portland will never be known, but almost hourly persons are reported missing from the different places in New England, until now it seems prob-Of the bodies recovered hereabouts

thirteen have been identified and eight remain to be named. Provincetown, Mass., Dec. 1.-An attempt to fix the financial loss of Sunday's storm in and around Province town and including the steamer Portland wreck was made today by several men who have large interests in const-

wise shipping. The tabulations reached were as follows: Lives lost (probably), 150; loss of perperty on land, \$10,000; loss of marine property, not including steamer Portland, \$20,000: the Portland, \$250,-000; loss in money and effects of passengers and sailors, \$50,000. Total,

The Boston fishing schooner Ruth M. Martin arrived here this morning and was beached. The crew were saved, man, however, being badly hurt.

The vessel is breaking up.

A schooner supposed to be the Grace of Calais, Me., is ashore two miles southwest of Wood End life-saving station with masts gone, cabin gutted and no signs of life. It is believed her erew has perished. Fragments of a large vessel, prob-

ably of 600 tons, drifted ashere, northwest, yesterday off Wood End. A large piece of an entirely different kind of vessel floated ashore shortly after. At Peaked hill station, a quarter-board, bearing the name of "King

Philip," was picked up. It is no doubt that of the big four-master King Philip, owned at Tauton, Mass. \ Another body from the schooner Island City has been washed ashore at Cottage City.

A senman from the schooner Abbie Sawyer is at a house near the wreck. He says Mate Dudley and two other seamen of the Sawyer were also saved. The schooner Christina Moore, Captain Smith, from Hoboken, N. J., for Yarmouth, N. S., with a cargo of coal, which dragged her anchors and sprung a leak, has filled with water and is in a bad condition.

Great masses of wrockage have been coming ashore on the inside of Cape Cod since Sunday. A piece of sel marked "Emma —, Philadelphia," wit a tonnage of 1,600 came ashore at Sandy Neck, near Barnstable light and last night three bodies were found near there on the beach.

Much of the wreckage appears to be that of fishing schooners. A member of the lief saving erew at Gay Head, reports that on Sunday morning the steamers Queen Hester, Vivia and that these, with other cases, be ar-Clara C. Baker went to pieces on the gued during the week of Dec. 12. rocks off Gay Head, where the City of Columbus perished some years ago.

HEROIC LIFE CREW.

The life saving station crew during hours of unceasing and unbroken efforts succeeded in launching their surf beats for ten trips to vessels and succeeded in rescuing 19 men of the

Several, however, perished before assistance could reach them. A man from Gay Head could not give the names of the saved or lost.

On Saturday night in the flercest of the storm the Gay Head life saving patrol saw the flash of a torch in the direction of Dog Fish bar. As quickly as possible Captain Hayman mustered his crew and in a few minutes a life boat and all the apparatus necessary. drawn by a yoke of oxen, was on its way to the nearest point in the bar, which was two and one half miles from the station.

It was 11 o'clock before the men reached the position they sought. They were too late. When they came to the beach wreckage from the vessel was coming ashore, giving evidence that she had gone to pleces. A fragment showed that the vessel had been the schooner Clar Leavitt. Later, clinging to a broken plank, one man was driven in and rescued from the waves

He was carried to the station. While the life-savers were peering into the storm in an effort to discover another possible survivor, another signal torch was seen from a vessel which was at that moment almost upon the bar. The next instant she struck, but went on in a position a little less exposed to the fury of the waves and she did not go to pieces. An attempt was made to launch the life-boat, but

it was swept back like a chip. It was then decided to try shooting line to the wreck, but this could not be done until daylight. With the first appearance of dawn the gun carriage vas drawn up for service.

Seven men could be seen clinging to he rigging of the vessel. The line was shot toward the schooner, but it fell has been paid for in preceding months. short. The attempt was twelve times without success. Meanwhile the wind had shifted more to the northerly and was colder and the snow had urned to hail.

Spurred by the sight of the men in the rigging and the increasing severity of the storm, another trial of the surf boat was made. The craft was cossed back on the beach. Seven times the boat was launched and the most persistent efforts of the crew to breast the waves were of no avail. On the eighth trial, however, success came, and under the tremendous strokes of the men the boat was driven from wave to wave till she reached the vessel. One a miner, was killed by a blast in a Ply seaman had perished, but the captain, mouth colliery today.

nate and four sailors, who were barely alive, were rescued and taken to the station. The vessel was the Amelia G. Several other members of the life

saving crew were more or less sub

jected to danger while engaged in their

SHAFTER ANNOYED. But He Declines to Answer Admiral Sampson.

attempt at rescue .

New York, Dec. 1.-General W. R Shafter was today shown a copy of Admiral Sampson's report on the operations of the United States fleet at Santiago after the destruction of the Spanish squadron, in which the admir al denounced as false the suggestion which he attributed to General Shafter, that the navy was unwilling to co-op erate in forcing an entrance to the harbor and intimated that the services of the navy were not properly recognized by the commander of the land forces. General Shafter did not conceal the fact that Admiral Samoson's critiisms annoyed him greatly, but he declined to go into any extended reply to

speak for themselves. My letters and despatches to Admiral Sampson as given in his report tell the story. I have nothing to add to them."

SUNSET LIMITED BADLY WRECKED

Engine Tumbles Down an Embankment-Miraculous Escape of Passengers and Crew.

Jennings, La., Dec. 1.-The Sunset Limited Trans-Continental train of the Southern Pacific was badly wrecked this afternoon two miles west of Jen-The train was running sixty miles an hour at the time of the acci-dent. An axle on the lecomotive gave way, the pony trucks left the rails and ran 300 feet on the ties. The engineer reversed his engine but could not stop the train, which was under full speed.

The engine finally left the track entirely and plunged down an embankment, the forward end dropping and 'the engine turning completely over, where it lies on its left side, half submerged in water and mud. It was miraculous that there was no

loss of life. Engineer W. E. Ragsdall, of Houston, was caught in the cab and his left foot smashed. Fireman F. H. Booth, of Houston,

had his back and shoulder severely sprained. Conductor Richard Qualtrough. Houston, had his spine seriously injured, and Chief Air Constructor Cox, of Houston, was caught in the engine, an which he was riding, and probably

fatally injured internally, The first three cars left the tracks, jumped from the tracks and lies partly down the embankment. The limited carried 45 passengers, none of whom were injured.

ter. Is Destroyed. STATE TAX CASES. Fifty-Nine Disposed of

Judges Simonton and McPherson. Harrisburg, Dec. 1.-This afternoon fifty nine more state tax cases were sed of before Judges Simonton and McPherson. Attorney McCormick stated that owing to the absence of affidavits in a number of cases considerable delay has been than an acre of ground, is almost cercaused and that it was his wish that nothing further be done until other adjustments are made. He also said that there would be about twenty-five cases for argument and his request was

A case involving the rights of Clayton McMichael, city treasurer, of Philadelphia, to receive commissions upon amounts collected by him for the state was heard today. Certain commissions are allowed to the treasurers of all other counties in the state, but under the act of June 6, 1893, they were taken away from the treasurer of each counco-extensive with the city, Philadelphia being the only county of that kind. The court took the papers and reserved its opinion.

CABINET MEETING.

Queen Regent Presides at Sessions Yesterday at Madrid.

Madrid, Dec. 1.—A long cabinet meet-ng, at which the queen regent presided was held today, and a reply framed to Senor Montero Rios, president of the Spanish peace commission, relative to a umber of points in the treaty of peace mon which he had requested instructions, The premier, Senor Sagasta, after the council, said: "Tomorrow's meeting of the commissioners will not be the last."
The minister of the interior, Senor Cap depon, announced that there were sever al domicilitary visits at Barcelona yet at that otherwise the country was ab

White Citizens Condemned.

Philadelphia, Dec. 1.-At a mass meetof colored citizens tonight at the cademy of Music resolutions were adoptns on the occasion of the recent race jots in the Carolinas, and calling upon President McKinley and congress to enct laws preventing a repetition of the cts. The meeting was andressed by a number of prominent white and colored H.

Public Debt Statement.

Washington, Dec. 1.—The monthly state-nent of the public debt shows that at the close of business yesterday the debt, less cash in the treasury, amounted to \$1.127.473,487, which is an increase over last onth of \$16,506,565. This increase is ac counted for by a decrease of nearly \$8.-100,000 in the cash on hand and an issue of about the same amount of bonds which

Steamship Arrivals. New York, Dec. L-Arrived: Lahn, Bre-

and others. Liverpool-Arrived: Germanic, New nen. Liverpool-Arrived, Galestic, New York, Queenstown-Salled; Majestic, New York, Bremen-Arrived; Trave, New York, Bremen-Arrived; Withelm, II Genou-Sailed: Kaiser Wilhelm II, New York.

Havana Explosion. Havana, Dec. 1.-The death list of vic three passengers were drowned, tims of the recent powder explosion on the Avenue de la Infanta had reached 22

Killed by a Blast. Witkes-Barre, Dec. 1.-Frank Weidaw,

THE FILIPINOS NOT SATISFIED

NOT DISPOSED TO ACCEPT RE-SULT OF PARIS.

Alleged Decision Not to Recognize Spain's Cession-Assertion That 70,000 Troops Will Be Necessary to Put Down the Rebels-Independent Party at Manila Liable to Make Trouble.

Manila, Dec. 1.-The independent arty of the Philippines is not disposed to accept the result of the deliberations of the peace commissioners at Paris, judging from the tone of the press. The Independencia publishes a particularly bombastic leading article to the effect that the Filipinos will "deeline to permit their homes to be bought and sold like merchandise. It then repeats than the Filipinos are "This controversy as been fought ov-r before," he said. "The records and asserts that the government and people are unanimous in claiming nothing less than independence. The paper also claims that the Filipinos have in contestible claims upon the island of Luzon, part of the Visayas islands and the island of Mindanao by right of conquest. It concedes that the Amer cans helped the insurgents "indirectly by blockading Manila." But the Independencia claims tat even without help the revolutionists must have ultimately

Finally the Independencia holds that Spain cannot cede the Philippine archipelago "because it was never hers." Two companies of Pennsylvanians have been transferred to Corregidor isl-

With the exception of a battalion of the Washington regiment, the new

troops have not been landed. It is asserted that the United States will require 70,000 troops to put down the rebellion, and it is alleged that the insurgents hold 10,000 Spanish prisoners whom they will force to serve against the Americans.

An official dispatch from General Rios, the Spanish commander at Iloilo, Island of Panay, Philippine islands says the Spanish troops there have made a successful sortie against the enemy, inflicting heavy losses upon the insurgents.

The insurrection, it is added, is spreading in the Visayas, and it is asserted that the movement is not directed against the Spaniards but against the Americans.

The premier, Senor Sagasta, denies the report that General Rios is negotiating with the insurgents for the surrender of Iloilo to them.

THEATER BURNED.

The Academy of Music, the Oldest House of Entertainment in Roches-

Rochester, N. Y., Dec. 2.-At 1.30 in the Academy of Music, for many years leased and managed by H. R. Jacobs and the oldest theater in Ro chester. At this hour the theater is doomed and Reynold's Arcade, an immense business block covering more tain to go up in smoke. The building adjoining the theater on Mill street will

almost certainly be lost, The melodrama "The Wheel of For tune" is playing this week at the Academy of Music. All its effects will be lost. The theater was formerly known as Corinthian hall and is valued at

FRENCH COURT RULES.

Secret Examination of Accused Is

Abolished. Paris, Dec. 1,-The senate this afternoon adopted the motion of M. Constans, placing court-martial under the operation of the law of 1897, which abolishes the secret examination of ac-

cused persons prior to trial. Legal opinion leads to the view that M. Dupuy, the premier, was mistaken yesterday in declaring that the cour of cassation had power to delay the Picquart court-martial, and it was on the theory that the premier had erred that M, Waldeck-Rosseau introduced his bill

The conversion of M. Herve, editor of Le Soleil, the Royalist organ, to the Picquart cause today caused a great sensation.

The Willard Memorial. Chicago, Dec. 1 .- The Temple trustee his afternoon finished a two days' meet ng, at which it was decided to raise noney and purchase outstanding stock and bonds, and make the Temple a memorial to Frances E. Willard. The funds are to be raised by 'Willard Memorial circles," membership therein to be as quired by subscription to the appeal and an annual fee of \$1 for each member.

Governor Tanner Indicted. Carlinsville, Ill., Dec. 1 .- Governor John

Tanner and fifty-three others were indicted by the grand jury in connection with the Virden riots. The governor is charged with ommission of duty and mal-feasance in office, and the others with manslaughter and riot. The complainants are employees of the Chicago-Virden Coal company.

Margaret Cody Testifies.

Albany, N. Y., Dec. 1.—Mrs, Margaret ody, charged with blackmailing the heirs

of the Jay Gould estate, testified in her own behalf today. She denied any intention to blackmail, and said she acted in the interests of her clients, Mrs. Angel,

Village Belle Lost. Havana, Dec. 1.—The British steamer Village Belle, halled from Montego Bay, Jamalea, and bound from Cayo Antilla for Grand Cayman, was lost at sea. Her skipper, four members of her crew and

Cattle King Captured.

Kansas City, Mo., Dec. 1.-it was ru-nored at the stock yards this afternoon that Grant C. Gillett, the absconding Kansas cattle king, had been captured in Mexico, and \$100,000 in cash recovered. The report is generally discredited.

THE NEWS THIS MORNING

Weather Indications Today:

Fair; Variable Winds.

- 1 General-Senator Quay Must Stand Obstacle in the Way of an Early Scien tion of Peace Negotiations Filipinos Are Dissatisfied. Fatalities of the Big Storm.
- 2 General-Report of the State Bureau of Railways. Financial and Commercial.
- 2 Local-Soft Coal Measure Delayed in Councils.

 Another Coal Operation,
- Editorial. Comment of the Press,
- 5 Travel in the Flowery Kingdom.
- 6 Local-Professor DeMotte's Brilliant Lecture, Condition of the Steel Rail Trade, Reception at the Columbia Fire Quar-
- Local-Noon Wedding in St. Luke's. Coming Election Creates Much In-

9 News Round About Scranton

- terest. 8 Local-West Scranton and Suburban.
- 10 General-Mustering Out Rumors in the Thirteenth. Flag Raising in Porto Rico,

GENERAL WAGNER'S CASE

Gives His Version of the Breeze Created in the Vicinity of Soldiers' and Sailors' Home at Erie.

Philadelphia, Dec. 1.-In discussing the petition presented to Governor Hastings yesterday by State Senator Gibson on behalf of the inmates of the Soldiers' and Sailors' home at Eric, Pa., in which the charge is made that a large proportion of their pension money is taken and turned over to the state board of trustees, General Louis Wagner, treasurer of the board, said to-

"Some one is trying to create a mountain out of a mole hill. This is an old story, and, like everything else of the kind, it has two sides. As treasurer of the board I act under its instructions, and it has been the custom for years to take the pension money of each inmate over and above \$4 a month and deposit it to the credit of the treasury in banks, receiving 2 per cent, interest thereon. This plan has been approved by the courts of Eric county, and also by the Supreme court of the state. As, however, a petition of alleged grievances has been presented, I intend to suggest to the governor, who is president of the board, that he shall call a meeting of that body some time next week in this city, and that not only shall the officials of the home, the solicitor of Eric county, and Senator Gibson, be invited, but that invitations shall also be extended to the newspapers to have their representatives

present "We have nothing to keep quiet, and my purpose is to have the officials of the home, as well as those of the board, to make their reports on the matters in question, so that all can hear and made of the affairs of the home, that should afford the opportunity."

Continuing, General Wagner said: 'Several years ago an inmate of the home who had paid the money to the authorities, according to the rule of the board, left the institution and brought suit to recover the amount paid in. The verdict of the court was in favor of the home. The case was afterwards taken to the Supreme court, and the action of the lower court was sustained. "We use the money for the purpose

of extending relief in cases where inmates have dependent relatives, but there are cases where relatives are not dependent. The state is supporting the veterans, but we can see no reason for turning the money referred to over to the sons who are capable of earning their own living. All the soldiers' homes in the country are conducted in

the same way." Harrisburg, Dec. 1.-Governor Hastings referred today to the board of managers of the Eric Soldiers' and Sailors' home the petition from the inmates presented to him yesterday at Philadelphia by State Senator Gibson, with the request that a careful investigation be made and a speedy decision

rendered.

FIREBUG CAUGHT. Miscreant Arrested in Act of Start-

ing a Blaze in Wanamaker's. Philadelphia, Dec. 1.-The timely disovery by a special officer of a miscreant in the act of starting a fire in the basement of John Wanamaker's extensive department store, this afternoon, no doubt saved a serious conflagration and possibly the lives of many

persons. The store covers an entire block and has five sales floors and the building was at the time crowded with thousands of shoppers and employes, about 90 per cent. of whom were women Flames were seen to suddenly spring from a pile of wicker baskets and at the same moment an officer seized a man who was stooping over the baskets in the act of striking a second match. The fire was quickly extinguished and few of those in the building knew of their danger. The man who gave his name as Michael Morgan was locked up in default of \$2,000 bail. Two boxes of matches and a bottle of turpentine were found in his pockets. Morgan said he had no home.

Solicitor Shot Dead.

San Francisco, Dec. 1.-C. M. Mantell aid to be a solicitor for the Medica poard, was shot dead this evening at hi home in Alameda, by a young woman, who claims to be his wife. The murderess then turned the revolver upon herself, inflicting a wound which, it is thought, will not prove fatal. Details as to the cause of the tragedy are lacking. Mrs. Mantell is about 22 years old and been residing with her mother in

Hanscom's Trial.

this city.

Philadelphia, Dec. 1.-The second day of he trial by court martial of Naval Constructor Hanseum, on charges growing out of the discovery of padded pay rolls of the workmen at League island navy yard, was devoted entirely to the exam-ication of two witnesses, former Uniel Clerk Gregon, who continued from the point he left yesterday, and Commander

PEACE WORK IS LAGGING

Spanish Commissioners Hampered by Instructions from Home

SOME IMPORTANT POINTS

Spanish Government Instructs Senon Rios to Refuse American Requests Regarding the Carolines and the Cable and Coal Station at Ceuta. Arguments Advanced by Spain to Sustain the Claims for Indulgence. Spanish Commissioners Become More Reconciled to the Situation and Assist in the Labors.

Paris, Dec. 1.-From information which comes to the correspondent of the Associated Press from a well authenticated source late this evening, it seems unlikely that the peace commissioners will finish their work as soon as had been expected. It is probable that the negotiations will last considerably longer.

Madrid has instructed the Spanish ommissioners on three points to which the Americans attach much importance. These are the cession of an island in the Carolines, the granting of religious freedom over the whole of the Carolines and the cession of a cable and coaling station at Ceuta.

The Spanish government has in-

structed Senor Montero Rios to grant

ione of these and while Spain may ultimately yield to them all, it is admitted that the American commissionrs have no power to enforce their demands on points not covered by the protocol. Before Spain does yield, the negotiations are likely to be prolonged and the United States may have to give a substantial quid pro quo. Anxious as both are to conclude their work, the commissions did not hold a

joint session today. Their next meeting will be held at 2 o'clock tomorrow. afternoon This delay arose from the fact that the Spanish commissioners at yesterday's session offered several other urgent propositions which called for special deliberations upon the part of the Americans. Spain asks the United

States to grant for a term of five years to Spanish ships carrying Spanish goods or products to Porto Rico and Cuba the same privilege as American vessels engaged in the same trade may have, and she qualifies this request by a proviso that trade privileges be ex-tended to Cuba so long as the United States government is dominant over

that island.

ARGUMENTS ADVANCED. In support of this request the Spanish commissioners assert that Spain cannot, without vital harm, immediately abanden or cut the basiness relations so long maintained between the mother country and the West Indian territories. They declare that family ties and social relations, added to affairs of trade maintained through centuries, require gradual dissolution. They invoke the terms of the treaty of 1819 by which the United States took over Florida from Spain and in the fifteenth article of which granted Spain for twelve years the right to send her goods and products to Florida in Spanish ships, on the same terms as the ships carrying thither goods and prod-

ucts of the United States, The Sparish commissioners cite further the fact that the treaty of 1803 with France, for the cession of Louisiana granted French and Spanish goods and products the same terms as Amerleans in New Orleans and other ports in the ceded territory. Finally Spain points to the American

proposed "open door" policy in the Philippines and asks a guarantee on

the same advantages in her late West Indian colonies, until trade relations can by degrees accustom themselves to the change of severeignty. This proposition and the arguments by which it was supported are considared strongly stated, and the American commissioners desired time for deliberation. Thus, though busy until nearly 2 o'clock this afternoon, they were not fully prepared and Judge Day sent a message to Senor Montero Rios requesting that the joint session fixed

for this afternoon be postponed until tomorrow. Meanwhile the Spanish commissioners had been preparing a list of subjects for negotiation, supplemented by suggestions counter to and mendatory on the subjects, the Americans submitted yesterday. This came to the American commissioners today in Spanish, rendering it even more desirable to postpone the joint session in order to give time for translation and consideration. The translation is being made this evening and the subject will be laid before the American commission-

ers tomorrow morning. Now that the first gust of grief and chagrin has passed the Spanish commissioners are meeting the Americans in a frank spirit that is helpful to an early completion of the negotiations.

Bryan Rejoins His Regiment.

Lincoln, Neb., Dec. 1.—Colonel W. J. Bryan left this evening for Savannah to rejoin his regiment. His furlough does not expire until the fifth, but his health being fully recovered he felt it his duty to return. A number of prominent political leaders, among them ex-Congress-man Towns and Thomas C. Patterson, of Denver, have been in conference with Colonel Bryan during the week.

***** WEATHER FORECAST.

Washington Dec. 1 - Porceast for ir followed by increasing cloudes, and probably showers Satur-; light, variable winds.

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