

HEARING II, QUAY CASE

A Revelation Made Before the Supreme Court Judges.

THE MASK IS TORN OFF

Lawyers Show How the Famous Prosecution Was Planned and Carried Out—Great Surprise Sprung, People's Bank Charter Specifically Authorized It to Deal in Stocks and Bonds—A Dramatic Hearing, Eloquence of Attorney from Pittsburg.

Philadelphia, Jan. 8.—Senator Matthew Quay, through the lips of counsel, yesterday hurled hot shot into the ranks of his accusers at what was probably one of the most dramatically interesting hearings that has been held in the rooms of Pennsylvania's Supreme court for many a year.

The assault was made all along the picturesque line of persecution built up by the skill of ex-District Attorney Graham and an ex-Judge. The former was there to hold his works, and stood by the black flag until the last gasp was given. But when the final echo came the flag was riddled and torn. Not only were the bulwarks attacked from a legal standpoint, but also from a line of plain hard statements of facts—statements that did not mince words, but boldly set forth that there were political conspirators back of the entire proceedings.

The hearing was on the application of Senator Quay, ex-State Treasurer Benjamin J. Haywood and Richard L. Quay for a writ of certiorari to remove the records in the proceedings against them to the court of last resort for review. The application was on the ground that the prosecution was a political conspiracy, and that it had been so manipulated that a fair trial was impossible in the court of common pleas.

The entire seven judges that constitute the Supreme bench—Chief Justice Sterrett and Justices Green, Williams, Leas, Mitchell, Fell and McCollum—sat during the long hearing. The interest in the case was intense, an overflow to the limited capacity of the court room none but members of the bar and representatives of the press were admitted.

The supreme court convenes at 11 o'clock, but fully half an hour before that time the room was filled to its capacity. Egan D. Gilbert, the well-known Dauphin county attorney, entered in company with a well-built, auburn-haired and exceedingly business-like gentleman.

The newcomer was D. T. Watson, one of the most eminent attorneys of western Pennsylvania, who had been engaged to open the legal fight for Senator Quay. He has just gotten in from Pittsburg. His train having been delayed enroute.

The judge entered soon after, and court was called to order. Mr. Graham arose and asked leave to file a petition to quash the proceedings. Chief Justice Sterrett nodded assent, and remarked that the court would hear arguments both on this and the original motion at the same time.

Attorney Shields then presented Mr. Watson to the court. Mr. Graham was on his feet in an instant, remarking that he thought he ought to be heard first on the motion to quash. He was headed off by Mr. Shields, who declared that this was only a substitution on the part of the prosecution to rob the defense of the last speech. The court took the same view, and Mr. Watson began what was probably one of the most remarkably convincing arguments ever heard in a court room—an argument that friend and foe alike declared to be a masterpiece.

GRATUITOUS MASTERPIECE. It was not a drowsy speech, for the Pittsburger's voice was not in an alluring key, and he used none of the clever tricks of the stump orator. He rather talked in a conversational tone, but earnestly, and with a magnificent flow of graceful language. But the beauty of his speech was its calm, dispassionate logic, logic that began at the top of the Wannamaker-Gordon structure and tore it down piece by piece from pinnacle to base. Citations seemed to flow from the speaker as though he were the fountain of law. Every point he made was backed up with a legal opinion, nearly every one of which was taken from some former decision of the very tribunal which he was addressing.

Before he began Mr. Watson handed up the paper books of Senator Quay's counsel, which are 112 pages long, with each page bristling with argument and opinion. This argument was to the effect that the Supreme court had full jurisdiction and that the prosecution was due to the malice of ex-Judge Gordon. It went on to declare that in view of the manner in which the prosecution had been conducted it would be scarcely less a crime on the part of their counsel to permit the defendants to be made the victims of such an "odious and detestable political conspiracy."

Mr. Watson next proceeded to file about half a bushel of newspaper clippings, which, he said, would indicate what counsel meant when they declared that Senator Quay had been hounded day in and day out in the columns of the public press. Mr. Graham retorted by filing another batch of clippings, which, he said, would show that he was straddling the other side "might have overlooked."

These preliminaries adjusted, the Pittsburger plunged into the fray. Rehearsing the status of the case, he called attention to the fact that the then district attorney had been allowed to file an answer to the averments in Senator Quay's petition, an unusual proceeding. The rule of practice had

AWFUL FILTH OF CITY OF HAVANA

CONDITIONS DESCRIBED BY THE LATE COL. GEO. A. WARING.

Stables, Private Vaults, Pestilential Marshes and Decaying Garbage Contribute Nauseating Odors Laden with Germs of Disease—The Buzards the Only Scavengers—A Pure Water Supply and Breezes from the Gulf the Only Blessings—Improvements Suggested.

Washington, Jan. 8.—The war department, division of customs and insular affairs, made public today a very full synopsis of the late Colonel George A. Waring's report of his visit to Havana under the special instructions of the war department given early in the autumn to thoroughly inspect the sanitary condition of the city and to make such recommendations for the future improvement of the town as might be suggested by said inspection.

Colonel Waring stated that in his judgment the complete execution of the work above indicated would completely eradicate yellow fever from Havana for all time, would relieve it from the malarial which is now so fatal and would reduce its normal death rate from its present high figure (not far from 50 per thousand) to about 20 per thousand.

THE TORCH WILL BE APPLIED TO ILOILO

Insurgents Threaten to Burn the Business Portion of the City if Americans Enter.

Manila, Jan. 8.—Colonel Potter, the special emissary of General Otis between Iloilo and Manila, arrived this afternoon with dispatches from the latter point. The situation when he left there was practically unchanged. The streets were barricaded and it was reported that the principal buildings had been "kerosened," the insurgents threatening to destroy the whole business section by fire at the first shot of bombardment. The banks were shipping their treasure to the United States transport Newport and other vessels. The family of the American vice consul has gone on board the Newport.

SLAUGHTERING PENS.

Slaughtering pens, while superficially clean, are brutally disgusting while the work is going on. Blood and offal are washed by copious flooding from the water supply into an adjoining creek and harbor reeking with putrid filth. There is no systematic disposal of garbage and sweepings. It is deposited on the surface, in and near the town, where the buzzards feast upon it to their full satisfaction. Dead dogs, cats and chickens are left in the streets and the buzzards pick them to the skeleton. And all this is done under an intense sun. Bad as these conditions are, they are not comparable with the disgusting conditions of the domestic life of the city. Sixteen thousand houses in the city, two hundred are of three stories and a very few are of four, and none higher. At least twelve out of every thirteen of the inhabitants live in one-story houses, the total population being over two hundred thousand. The average population to the house is over ten.

In all the compact built parts of the city the entire lot is covered with the house, there being one or two courts included in the building. In the better class of houses the courts are quite commonly the standing room of the carriage. It opens into the parlor at its rear. Beyond this is a court, then dining room, then a smaller court, the kitchen, stable and private vault, practically in one. Sleeping rooms are at the rear of the parlor and at the side of the court dining room. The conspicuous feature of every house is the private vault and sometimes a second vault for kitchen wastes. The vaults occupy a space practically under and almost in the kitchen. It is rare, indeed, that these vaults have a ventilating pipe, so that they belch forth nauseating odors throughout the house, which pervade the streets.

THE PESTILENTIAL MARSHES.

Least the conditions above set forth should fail to do their appointed work of destruction, the broad marshes at the southern edge of the harbor are at hand to furnish their quota of malarial. Into these marshes flow a number of water courses which bear upon their surface the off scourings of a very poor quarter of the town, the effluent of the slaughtering pens are of other foul establishments, while a large portion of the flat is used as a dumping ground for garbage. The water supply of Havana, says Colonel Waring, is of the purest and most excellent character. This with the winds of the gulf save the city from being absolutely and unqualitatively bad. The city is a veritable plague spot. Its own people, largely immune though they are to yellow fever which has prevailed in Havana without interruption for one hundred and sixty-three years, fall constant victims to the pernicious malaria and depressing influences to which they are always subjected. It needs only the immigration of fresh material which the enterprise of an American population is sure to bring in to create a sacrifice such as has not yet been known. Commerce, says Colonel Waring, will carry the terrible scourge of yellow fever to our shores, until we rise again in a war of humanity and at all costs wipe out an enemy with which no military valor can cope.

FAIR TRIAL IMPOSSIBLE.

Mr. Shields then proceeded to show that a fair trial under the circumstances that existed was impossible. Among other things he said: "It could be safely asserted that never, since the day of Jeffreys, has there been disclosed such a shameful and atrocious attempt to prostitute the courts and the powers conferred upon the district attorney and the processes of justice for purely malicious and political purposes, as is shown in this case."

Dreyfus Case Again.

Paris, Jan. 8.—LeBoit says it learns from an indisputable source that the court of cassation is convinced that Dreyfus was justly condemned. M. Queyenne de Beaupre, president of the section of the court of cassation, has resigned his position in consequence of a disagreement regarding the Dreyfus case.

MR. QUAY IS THE REGULAR NOMINEE

HE WAS FAIRLY ELECTED AT THE REPUBLICAN CAUCUS.

Statement Issued by Senator John C. Grady, Who Presided at the Caucus on Tuesday Night at Harrisburg—Caucus Conducted in a Business-Like Way.

Philadelphia, Jan. 8.—Senator John C. Grady, who presided over the senatorial caucus which nominated United States Senator Quay at Harrisburg, last Tuesday night, issued the following statement tonight:

To the Republicans of Pennsylvania: After a lapse of some days since the meeting of the Republican joint caucus of the senate and house at Harrisburg, it is apparently the intention of some to question the regularity and binding force of the party council held upon that occasion, and this attracts my attention, as chairman of that body.

Let us review the facts. It is admitted that if all were present, who were entitled to a seat therein, including the several who had not qualified as members of the general assembly, there would be 36, and admittedly 83 would be a quorum to conduct the business of the caucus. Those who absent themselves are in the same position, no better and no stronger than delegates to any convention would find themselves after a majority had regularly met and taken action which govern it and a majority had made their declaration and all present acceding to the right for the majority to rule, moved to make the same unanimous. Such was the history of that body. Every one who voted therein was a member of the general assembly and not only did a quorum of 30 vote, but the total number of votes cast was 100, more than two-thirds of all the Republican members who were qualified that day when the general assembly convened. It was presided over by the chairman of the caucus, acting as one of the secretaries of the joint caucus, according to custom. By the side of the chairman sat the duly elected chairman of the house caucus, Hon. William T. Marshall, and the secretary of that caucus, acting as secretary in conjunction with the chairman of the senate caucus, in each house of the general assembly at the close of the day's proceedings, by a notice of printing ready by the clerks of both branches and also by printed notices throughout the day posted in the most conspicuous places in the capital building and about the grounds. The hour of 8 o'clock was called in order that no charge of undue haste could be made, ten minutes grace was allowed. The roll of membership, consisting of 164 names was called and the names of the senate caucus and the chief clerk of the house calling the list of the Republican members of the house. The names of the members of the senate caucus and the names of the members of the house caucus were respectively placed in nomination. At this point the chair asked distinctly if there were any other nominations and there being no response, asked if any one had any further remarks to offer. Silence following, the chair announced that nominations were closed and directed a call of the roll. This vote disclosed 33 votes for Senator Quay, 9 for Hon. Benjamin F. Jones and Hon. J. P. Downing were respectively placed in nomination. At this point the chair asked distinctly if there were any other nominations and there being no response, asked if any one had any further remarks to offer. Silence following, the chair announced that nominations were closed and directed a call of the roll. This vote disclosed 33 votes for Senator Quay, 9 for Hon. Benjamin F. Jones and Hon. J. P. Downing were respectively placed in nomination. 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