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Scranton, April 13, 1899.

Why did Judge Gordon wait five months before putting into the district attorney's hands the alleged evidence of Quay's alleged guilt?

Extend the Session.

The constitution places upon the legislature the duty of electing a senator. If this duty is not performed in a regular session there is good reason to believe that the governor must call within sixty days an extra session, the cost of which would be not less than \$250,000. By resolution adopted at its beginning the present legislature is pledged to adjourn one week hence. Unless in this brief interval of time it can come together upon a candidate for senatorial honors, it should, in fairness to the people who elected it, rescind the resolution fixing the date of adjournment and remain in regular session until a senator shall be chosen.

The leading candidate for senator being on trial on charges alleged to have been trumped up by a conspiracy of his political enemies for the particular purpose of sandbagging his candidacy for reelection, and the evidence thus far brought out during that trial tending very clearly to show foundation for this allegation, fairness to Colonel Quay, if there is such a thing left among the members of the legislature, calls for a prolongation of the session until after the court shall have passed upon his case. This would be a fair thing for his Republican opponents to agree to. They say he is guilty. If so, a verdict to that effect would eliminate him from the canvass and thus effect the declared chief object of their insurrection. If, on the other hand, they have been deceived, if Quay is innocent, they owe it to him and to themselves to make reparation, by falling into line in support of their party's caucus nominee.

Pennsylvania is too important a state, with legislative interests too large and varied, to be deprived of her just representation in the United States senate. The people expect this legislature to elect a senator and it might far better extend its session for a fortnight or two than to go home with this impetuous duty unperformed.

The common baptism of blood at Apia, the second on the Samoan records, goes far to cement the aims and sympathies of the English speaking race.

That Samoan Affair.

In view of the latest occurrences at Samoa it becomes important to consider the law upon which Admiral Kautz based his proclamation to the rebellious natives to disperse, their disobedience of which, under inspiration from the German consul, led to bloodshed and international trouble. This law, known as the treaty of Berlin, was framed with a view of averting just such frictions as have recently arisen in Samoa. Four governments were concerned in it—Great Britain, Germany, the United States and the native Samoan government, a creation of the other three. The consuls of these three powers were to constitute, with the native king, a council of administration, but over all, as an umpire with power to decide disputes, was a chief justice, whose decisions within specified limits were to be final. This chief justice at present is an American, whose nomination was unanimously accepted by the three powers. The treaty thus defines his powers:

"In case any question shall hereafter arise in Samoa respecting the rights of appointment and election of kings or any chief claiming authority over the island, or respecting the validity of the powers which the king or any chief may claim in the exercise of his office, such question shall not lead to war, but shall be presented for decision to the chief justice of Samoa, who shall decide it in writing conformably to the provisions of this act and to the laws and customs of Samoa, not in conflict therewith, and the Samoan government will accept and abide by such decision."

The chief justice can be removed under the following conditions:
"In case either of the four governments the fourth government here referred to as the Samoan government shall at any time have cause of complaint against the chief justice for any misconduct in office, such complaints shall be presented to the authority which nominated him; and if in the judgment of such authority there is sufficient cause for his removal, he shall be removed. If the majority of the three treaty powers so request, he shall be removed."

As the case stands, Germany through her consul has not accepted nor abided by the decision of the chief justice with reference to the election of a native king. The German consul has supported Mataafa while the English and American consuls and the chief justice have upheld as valid the election of Malietoa. A majority of the three treaty powers have not requested that the chief justice be removed, the opposition to him being exclusively of German origin. As the New York Sun remarks, "If Germany has cause for dissatisfaction with his decision, or if she imputes to him misconduct in office, it is her right under the treaty to request that he be removed; and if she can persuade one of the other two signatory powers, whether Great Britain or the United States, to join in her request, thus making a majority, removed the chief justice may be. But to maintain or demand, as a minority of one, that the decision of the chief justice shall be overruled, or shall be regarded as invalid, because she does not acquiesce, is the same thing on her part as tearing the treaty to pieces and flinging it to the hurly-burly that sometimes blow in Apia bay."

It can be seen from the foregoing citations from the text of the Berlin treaty that the government of Germany has been put in the wrong by the actions of its consular representative at Apia and that Admiral

Kautz, in using troops to enforce the law, acted wisely and within his duty. Therefore it cannot be believed on more newspaper gossip that the emperor of Germany is so foolish as to insist that the United States shall disapprove of Kautz's course; on the contrary, he will have good reason to consider himself fortunate if Great Britain and the United States shall be good natured enough to overlook the illegal freshness of his man Rose, in consideration of his promises to be good in future and not let the freshness be repeated.

It is utterly impossible to guess at the result of the Quay trial. If the members of the jury look anything like their portraits published in the Philadelphia papers, there's no telling what they will do.

Not a Nation of Quitters.

Although the military campaign in the island of Luzon has really just begun, being now for the first time on the aggressive in accordance with a well-defined plan, there are symptoms in the press of a popular reaction in the direction of discouragement. "Let us quit," is the cry of a minority that seems to be growing. "Let us throw up the sponge before Aguinaldo's insurgents. The game is not worth the candle."

A writer in Callier's Weekly reflects this phase of current public sentiment when he says: "Nearly twelve months have elapsed since the naval power of Spain in the Far East was annihilated by Admiral Dewey, yet our soldiers have been able to occupy but an insignificant fraction of the island of Luzon, having advanced only about fifteen miles beyond the walls of Manila. Thus far, however, our troops have fought to a very large extent under the guns of our warships, an advantage which they will lose as they proceed into the interior. Slight as is the ground which we have thus far gained in Luzon, it has been acquired at a cost in killed and wounded much greater than were our aggregate losses during the active period of the war against Spain. That season of the year, moreover, during which military operations are generally deemed impracticable for white soldiers is at hand, and the insurgents, instead of throwing down their arms, may turn to account the interval of compulsory inaction on our part by reorganizing their forces and renewing their supplies of arms and ammunition. It will prove difficult, if not impossible, with the number of war vessels at our command, to establish so effective a blockade of the coast of Luzon, as to prevent the transmission of munitions of war from Singapore, Hong Kong or Yokohama, in all of which ports there are unscrupulous traders willing to act as Aguinaldo's agents. Unless, therefore, we can persuade by pacific means the chiefs of the insurgents to recognize the authority of the United States, we seem likely to find the subjugation of them a long and onerous task. To establish order and law throughout the Philippines, and to elevate all their inhabitants from barbarism to civilization, will, undoubtedly, require sagacious and unremitting efforts for at least half a century. Is the game worth the candle?"

It is for the people to give answer. But if they have any of the spirit of their grandfathers left in their veins, their reply will be an emphatic affirmative. We do not believe they are a nation of quitters.

The American people are not anxious for another war, but it is up to Germany now to do the peace-making.

A Worker.

In his speeches at Chicago and Ann Arbor, as well as in magazine articles and private talks, Governor Roosevelt continues to hammer the truth home that mere complaining will not right any wrong; that hard work has to be done besides. "My experience," says he, "has taught me the necessity of distinguishing between the efficient men who seek hard results and the inefficient. Good results cannot be secured by casting aside the consent of those who do not count. From our political elements it is necessary to cut out minor parties. These subtract from the vote which one has a right to count on for real work."

"The more one gets into politics the more one appreciates that decent people must be practical. On the one side are the nice, impractical people who mean well and don't do anything. On the other side are those practical people who accomplish a good deal and don't mean well at all. These elements must be united and harmonized. You can see on little reflection how necessary it was for reformers to start slavery agitation, and how ludicrous it was for such men as Wendell Phillips to turn around afterward and present a third ticket when Lincoln was running for his second term, because they were not quite satisfied with him. Remember always that decent men must be practical. If they construe practical politics to mean dirty politics they simply declare themselves unfit for self-government."

It is because Colonel Roosevelt has practiced fearlessly what he thus preaches that he enjoys today the esteem and admiration of millions of persons who have for intellectually abler men than Roosevelt—for such everlasting critics, for instance, as Carl Schurz, E. L. Godkin, Professor Norton and men of their type—a kind of polite contempt. Roosevelt, too, is a critic, and at times a rough one, but he does more than find fault. He acts. We do not want to appear as having some daff on the subject of Roosevelt, for with all his admirable qualities we have always to remember that he is only one among a nation of good men, and that no man is perfect, yet it seems to us that emphasis upon Roosevelt's kind of politics is very necessary at this time, when so many of our riper minds are going to seed in futile and doleful complaining while the great battle of life needs stalwart recruits, able to give and take.

The nation is tackling new problems, some of them as great as any hitherto known. At its best it will not solve them any too well. The call is for men to get to work; and the smarter men of the race will be ought to do. Instead of that, we see large numbers of our smartest men drawing off from the main multitude into select little flocks of their own, not to do anything substantial by themselves, but mainly to make fun of the multitude or to grumble and nag. Against this sorry Mugwump background of the career and example of Theodore Roosevelt stand out with the cheering distinctness of a sunburst through drab clouds, and we like to call popular attention to them.

The question of keeping down damages resulting from railroad accident lawsuits which came up in the courts of Illinois the other day again brings up the general opinion of the higher benches that the loss of an arm or leg may be worth \$1,000 but cannot be worth \$5,000. If there is a railroad president or a member of the supreme court of any state who would be willing to part with an arm or a leg for \$5,000 the public would doubtless be pleased to see him stand up and vindicate some of the damage-whittling decisions that seem to the rest of mankind in many instances like despicable robbery.

The new Mexican ambassador, who, it was claimed in newspaper reports, had been made the victim of social boycott by the European ambassadors at Washington, on account of his connection thirty years ago with the trial of the Austrian adventurer, Maximilian, has issued a statement denying the truth of those reports. He says the fancied social slights which led to the supposition of a boycott have been explained to his entire satisfaction. We trust so. It would be unpleasant to consider the European ambassadors a lot of cads.

General Shafter before the beef inquiry commission the other day said that the soldiers had themselves to blame for the poor rations received at Santiago. It is probable that he means by this that they should not have enlisted in the service of the government.

Admiral Dewey had no fear of the guns of the enemy, but his refusal to even consider a nomination to the presidency indicates that he qualifies before the campaign liars.

The curiosity to know where Boss Croker got his millions will probably be appeased before Frank Moss goes through with him.

If Thomas Jefferson were alive he would hardly feel flattered by the complimentary attentions of Richard Croker.

TOLD BY THE STARS.

Daily Horoscope Drawn by Ajacchus, The Tribune Astrologer.
Astrologic Cast: 3:45 a. m., for Thursday, April 13, 1899.

A child born on this day will notice that fortune favors the property of the girl who is unable to secure a beau. "The most enthusiastic male admirer of a cheerful and artistic home generally prefers a well-cooked breakfast to a table cover of Renaissance embroidery." Of course General Luna was "null" when he accepted Aguinaldo's epaulettes. The man who knows something that is of no earthly benefit to himself or anyone else is regarded as a genius these days. "Lash is one of the things that always test the blindestness of ignorance. Love at first sight generally is first to get side-tracked."

The Red Book Is Ruled Out.

(Continued from Page 1.)

Mr. Watson, Mr. Quay's counsel, replied briefly to the district attorney's argument. He drew the attention of the court to the points he raised yesterday. First, that the guilt of Haywood, Hopkins and others is not under discussion in this case, the two named being dead and the others not under indictment; second, that in the indictment against Mr. Quay he is charged with using state funds when under the law state money deposited in a bank becomes the property of the bank, and consequently the defendant cannot be tried on that charge; third, that the books are not admissible as competent evidence to prove what the commonwealth contends they will prove, as they were made by clerks who knew nothing about their purpose and that they were not authorized by Senator Quay.

Mr. Watson defied the prosecution to cite a case similar in which books were admitted in evidence.

Evidence Furnished by Books.
Books, followed by the evidence of individuals, he admitted are allowable as evidence, but books in themselves are not proper testimony to show payments of interest to Senator Quay. If money was paid by any man put him on the stand and let him say it, and acts of third parties must be received. It was a dangerous thing, he said, in a trial for conspiracy to open the doors to all kinds of evidence. If Hopkins was guilty try him and convict him, but don't try Quay and convict him for Hopkins' crime. The testimony of a co-conspirator is necessary, he contended, to convict a man of the charge of conspiracy; books are not co-conspirators. All of the letters in the "red book," he said, constitute evidence of guilt.

Mr. Watson insisted that acts of other people could not be urged against Quay; proof of a conspiracy between the various state treasurers from 1886 to 1888 and Hopkins was not proof of a crime committed by Quay and could not be urged as such.

Books Admitted as Evidence.
Judge Biddle decided the books could be admitted as evidence, reserving a decision on the "red book" until that is offered.

Judge Biddle, in his opinion, says that the commonwealth has the right to deposit money in a bank and that the bank may loan it to whom it pleases. "If that was the case," he continued, "no crime has been committed." "The allegation is made by the commonwealth," he said, "that no person or persons ever failed to give a crime committed an appearance of innocence. 'If,' he said, "the commonwealth can

show that Mr. Quay from his political influence was able to induce the commonwealth to make a deposit in the People's bank under the condition that it was a deposit made to allow him to use, as collateral, and to receive interest on it then it is a different matter. To use a phrase, it was a deposit with a string tied to it."

"In regard to the admission of the books it is true that no bank can make a person a debtor simply by entering an amount in the bank's book."

"On the other hand," he continued, "suppose a man is a depositor in a bank and the records of his bank book shows he is credited with certain money and give checks against it and the money is not his, that also makes a difference."

"All criminal offenses," he said, "are not committed so as to be patent to any mere passerby. There is always concealment. The question is whether these books show all the commonwealth proposes to prove. The commonwealth, however, has clearly the right to show the nature of this deposit and I think the books of the bank are admissible."

Red Book Held Up.

As to the "red book" that occupies a different position. It was not found among the other books of the bank, but was in Hopkins' private desk. I am not satisfied that it is competent."

Here the district attorney interrupted the court to state that he had not argued on the question of the "red book" in particular, but on the bank's books.

Judge Biddle said he had been under the impression the commonwealth had been discussing the question, but he argued on the question of the "red book" in particular, but on the bank's books.

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AFTERNOON SESSION.

Mr. Quay's Letters to Mr. Hopkins Are Admitted as Evidence.

After the recess Mr. Rothmel read the letters which were written to Hopkins by Mr. Quay and which have been printed, giving the cashier instructions how to proceed in certain stock transactions and requesting him in some instances to obtain the money necessary to purchase other stock. To each of these letters the defense formally objected on the ground that they are irrelevant under the indictment. Objection was overruled and an exception noted in each instance. Argument between counsel followed the offer of the letters dated July 31, 1896, from State Treasurer Haywood to President McManus of the bank, and found in Hopkins' desk, the defense objecting on the ground that Haywood was dead and was not a defendant and that it was inadmissible because of the statute limitations.

The letter in question advises the bank that upon the granting of a loan of \$100,000 to Richard R. Quay the state deposit will be increased from \$200,000 to \$300,000 and not reduced until the Quay debt is paid. Accompanying the letter is a note for \$100,000 signed by State Treasurer Arthur Kennedy and Richard R. Quay and endorsed by Senator Quay and Mr. Rothmel proposes to show from the minute book of the bank that the directors agreed to make the loan upon the production of a certain letter from Haywood, the letter being the one in question.

Graham on the Stand.

George S. Graham, who was district attorney when the prosecution was first brought against Mr. Quay, was the next witness. He identified two telegrams sent by Quay to Hopkins which he said Mr. Quay admitted having sent to the cashier. One of these is the "plum tree" telegram, which reads: "If you will buy and carry a thousand Met for me, I will shake the plum tree." The other reads: "Get out at a profit. I check on you for seven thousand." Both were sent from St. Louis, Pa., in February of last year. Mr. Quay's lawyers showed no disposition to object to Mr. Graham's statement that Senator Quay admitted that he sent them but entered the usual objection to their admission.

The fact that the defense proposes to fight against the admission of every piece of documentary evidence became apparent when the district attorney, in his next step endeavored to induce the defense to admit that certain books in another room, day-books, ledgers, cash and minute books, etc., are books of the bank.

"I will admit nothing," exclaimed Mr. Shields.

"Then you insist upon the commonwealth proving each separate book of the more than one hundred?" asked the district attorney.

"We insist only that you proceed according to law," retorted Mr. Shields. Judge Biddle endeavored to have counsel arrange some plan whereby the necessity of bringing so many books into the room and the delay incident upon the proving of the entries in each book, might be avoided. There seemed to be no satisfactory plan which could be agreed upon. The district attorney suggested to the court that he be permitted to put five witnesses, clerks of the bank, on the stand at once and identify the books in that manner. Judge Biddle refused this on account of its unusual character.

After more than half an hour spent in fruitless endeavor the district attorney sat down in apparent disgust and ordered that all the books be brought into the room.

Identification of Bank's Books.
Albert L. Taber, teller of the broken bank, was put on the stand to identify the bank's books. There were 217 of them. Mr. Taber was also called upon to identify the entries in the books and a heavy ledger of more than 1,000 pages was placed before him. The task which confronted the witness appeared an endless one, and the apparent hopelessness of reaching the end of this character of testimony led both judge and counsel to agree to make an effort to adjust matters. After half an hour discussion the district attorney suggested an adjournment until tomorrow. In the meantime he said he would confer with counsel for the defense, and both sides would come prepared to go ahead on some definite plan.

Court then adjourned.

THIS IS A NICE LAW INDEED.

Game Fish Caught in Streams of State Are Taxed.

A bill has been introduced at Harrisburg taxing game fish caught in the streams of the state. The bill requires every sportsman and fisherman to keep an accurate account of every pound of fish caught and for which the following tax is fixed:

Every pound of brook trout, 15 cents; black fish, 2 cents; eels, 1 cent; every other variety of game fish, 3 cents; shad, 1/2 cent, and every other variety of food fish, 1/4 cent a pound. Sportsmen and fishermen are required to go before justices of the peace and make oath of the amount of fish caught and pay a tax to the county treasurer.

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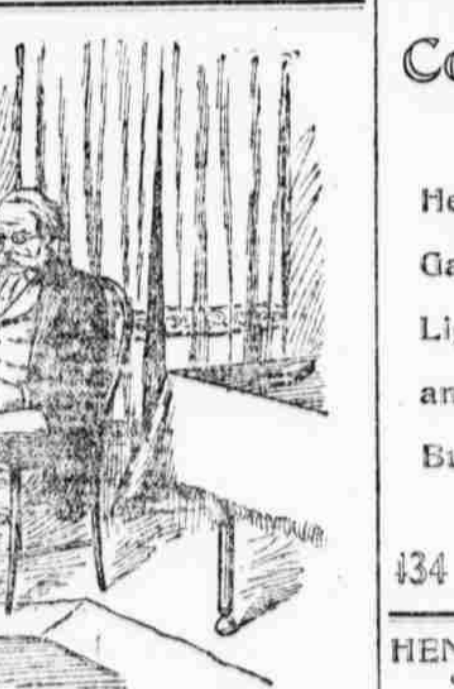
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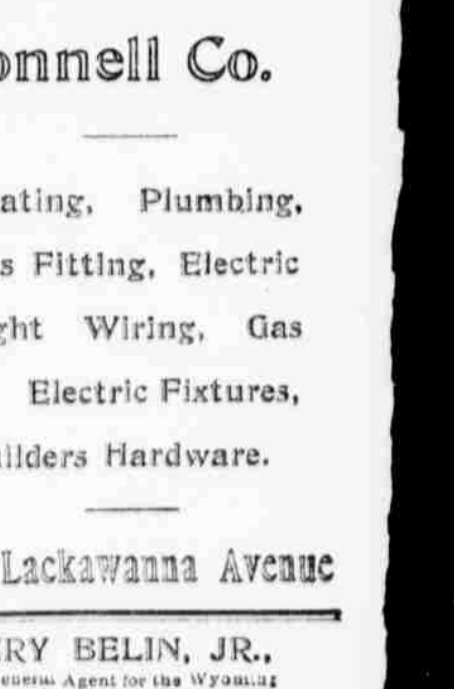
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