### THE SCRANTON TRIBUNE-THURSDAY, APRIL 20, 1899.

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### SCRANTON, APRIL 20, 1898.

A little expert cross-examination often makes the expert witness appear like an apprentice.

What Next? The failure of the legislature to elect

a senator raises the question, "What next?" The constitution of Pennsylvania is

silent upon the duty of the governor in the case of a failure to elect. Its entire mandate upon the general subject of a vacancy in the states senatorial representation is limited to these into effect requiring that every article words in section four of Article 11: in any newspaper involving criticism "In case of a vacancy in the office of of comment upon any public official United States senator from this com- shall be signed by the name of its writmonwealth, in a recess between sesfor. The leading newspapers have desions, the governor shall convene the cided to pay no attention to the law, two houses, by proclamation on notice so as to bring it speedily for review not exceeding sixty days, to fill the before the supreme court. Delief in same." After today there will, it is its unconstitutionality is general, but true, be a vacancy "in a recess 50. the measure was forced through the tween sessions" but it will not be a legislature at the behest of a number vacancy originating in a recess but of prominent politicians who were one directly due to the legislature's writhing under newspaper criticism, inability to perform its constitutional and in their condition of mind the matduty while regularly in session. The for of unconstitutionality cut an ingivernor could summon an extra ses- visible figure. sion and justify the summons on the Whether constitutional or not, the ground that full representation at law is entirely unnecessary. That Washington is very necessary in the state had laws covering the subject Fifty-sixth congress; but in view of of libel with sufficient thoroughness to the fact that this necessity was amply give ample redress to any public offiexplained to the same legislators when cial criticized wrongfully. Under those assembled in regular session and also laws the officials criticized maliciously in view of the cost of an extra segcould bring criminal action against sion, estimated at not less than \$250.- both editors and publishers, while there 000, it is unlikely that the executive was also the alternative of suit for will exercise sa debatable a power. civil damages growing out of injury

In paragraph two of the third secsustained and proved. To a man intion of Article I of the Constitution of jured by a newspaper publication the the i'nited States it is provided that name of the writer of the article is "if vacancies happen by resignation or immaterial so long as he can bring the otherwise during the recess of the leg- responsibility home to the publishers. islature of any state the executive In many cases articles criticizing pubthereof may make temporary appoint- He officials are written at the direction ments until the next meeting of the of publishers or managing editors, by legislature, which shall then fill such subordinates who simply obey orders. vacancies." The "next meeting of the The responsibility in such instances legislature" here contemplated very rightfully rests upon the directing mind obviously is the meeting provided for rather than upon the agent. If a man in the constitution of the state having is injured by an act of an agent the the vacancy, which in Pennsylvania law properly holds the principal acwould be a special meeting to be convened by gubernatorial proclamation the act of the agent is in the line of "on notice not exceeding sixty days." the agent's Instructions. So that even if a vacancy should occur "during the recess of the legislature" -as, for example, by the resignation of Senator Penrose-the governor could appoint only for the brief interval between his receipt of the resignation and the choice of a successor by the legislature assembled in extraordinary session. There is no substance to any

hope of relief from this direction.

As the situation stands, we are minded readers-and readers are doing forced to accept the conclusion that their own thinking, more and more day during the entire first or long session by day. It already is a fact that of the Fifty-sixth congress and very the probably during a large part of the second session of that important congress, Pennsylvania, in many particulars the greatest and in most particulars at least the second greatest commonwealth in the Union, will have only one representative in the United States senate, and he a man not yet through the first half of his first term. The senator who has represented the commonwealth for twelve consecutive years with such rare effectiveness that he had become one of the recognized leaders of the senate, one of the the defendant at the Quay trial might be designated as go-as-you-pleasa en-"powers behind the throne" of national posities and legislation; a party gentry. eral with a world-wide reputation for strategy and astuteness; a man whose friends are friends to the death, giving evidences of personal loyalty unique in the history of American politics, has failed of reselection, not far as it goes, but it does not complete because he was no longer the choice of a majority of his party, not because he had lost his ability to serve the us in Cuba is not how to get food to commonwealth well, but because a the hungry; it is how to get the hungry conspiracy of his personal and political enemies, some within and some without the party, had set up a political insurfaction powerless to accomplish anything adirmatively but powerful

been accented by the American people which the world cannot beat, Hence still in progress when a recess was line of North Park; on Sunset avenue, It cannot be argued that the debilitat- taken. as indicating that the depredations of the belligerent Indians should be ing climate is altogether accountable for the shiftlessnes and laziness of the winked at or that because of the danger and difficulty of enforcing order, lower Cuban classes. The trouble is in our soldiers should be ordered to give themselves. They have got to be made over. This is going to be a gigantic the Indians full swing in their murcontract and it is possible that few of derous rampages. The Filipines stand on exactly the footing of warlike Inus will live to witness its completion; but as sure as fate, we have got to dians until such time as they shall by their actions show moral superiority take hold of the job and go through over the Indian tribes. Uncle Sam's with it. As in our own country, among hard is on the plough and, hard or the illiterate foreigners or the "down loans. easy, the job will be finished. south poor white trash," it will probably be discovered as we go along that

Ben Hur is to be dramatized and put reformative effort on the present generation of illiterate Cuban adults Is on the stage. If it can be produced without the accompaniment of the wasted; but we can teach the children, we can bring them up so that they will know how to read, so that they will look at things from the best American standpoints, and have a working knowledge of the Golden Rule and the Ten Commandments. This much is hopeful ground and the sooner American phil-

anthropy starts in to cultivate it the Yesterday in California a law went sooner will it have the pleasure of harvesting an encouraging crop. Recent news from Manila will give the anti-expansionists their first op-

### Philippine campaign. TOLD BY THE STARS.

### Daily Horoscope Drawn by Ajacchus, The Tribune Astrologer.

Astrolabe Cast: 4.57 a. m., for Thursday April 20, 1890. int 3 ЧÆ. A child born on this day will notice that

too many people are attending naughty theatrical entertainments "just to show their disaproval." New style straw hats begin to attract

ttention in the window of the haber dasher. This is the period when spring fever is est effective with the amateur gard-

mer. The Scranton street commissioner evi-

# Prosecution in

[Concluded from Page 1.]

The witness admitted that he had money from John S. Hopkins about messed in some instance for whom six weeks subsequent to that time." hese initials stood, and learned of others from information received. It was shown that in more than one instance horrowers paid more interest than appeared on the books, one paying \$1,163.34 interest whereas his acount was credited with the payment of only \$525 and the balance not accounted for.

the re-direct examination began. The district attorney took up the question of the relation between Senavil will in time work out its own cure.

tor Quay's deposit accounts and the transactions in stock on his order. The witness stated there was little if any connection Goldsmith was asked to state what so will they lose influence among fair-

the books showed Senator Quay's bal- received \$2,450." ance on deposit about various times between April 30, 1896, and October 31. Ho replied that the balance 1897.

## AFTERNOON SESSION.

The Last Witnesses Examined for the Commonwealth.

After the recess George D. Widener son of P. A. B. Widener, the street rallroad magnate, and David H. Lane, a prominent Republican leader of this city, testified to paying \$3,704.30 and \$366.37 respectively as interest on call

Meyer Goldsmith was recalled and testified to ex-State Treasurer B. J. Haywood and J. W. Morrison each owing interest on Oct. 31, 1897. The entries in the books, he said, con-States. And announcement is made that the Collicry Engineer company proposes to establish a mammoth printing estabtained the initials "B. H. J." and "J. W. M.", and it was upon this he based his statement. Mr. Shields, in crosslishment and beokbindery. The Ontari and Western Hallroad company has pur examination, endeavored to draw from the witness' examination of the books a contradiction of Mr. Widener's testimony, but the witness said Mr. Widener had not testified as counsel indicated. The question was as to time, Mr. Goldsmith stating the books showed Mr. Widener owed interest on Oct. 30. The name of Charles H. M -Kee, of Pittsburg, who has been so prominently connected with the case, was then called, but there was no reportunity to rejoice during the entire sponse. Mr. McKee was included in

the charge of conspiracy at the time Senator Quay was arrested, but the grand jury subsequently ignored the charges. District Attorney Rothermal looked at the clock and then around

the room. Finding that Mr. McKee was not present, he rose to apologize to the court and ask that the proceedings be allowed to rest a while, pending the arrival of the missing witfor the April term.

ness, who, he said, had promised to be present at 1.45 o'clock. At the same time the district attorney made the important announcement "I found it in the grasses!" And with a kindly smile, the sage Surveyed it through his glasses, that there were no more witnesses

whom he could place on the stand for the reason, though he did not want to be bound by the assertion he was And all the florets ligulate. Corolla gamopetalous, about to make that there were only two more witnesses that he desired co examine in presenting his case. These were Mr. McKee and C. H. Woodruff,

neither of whom were present. the took the blorsom back again, Mr. McKee on the Stand. In a few minutes, however, Mr. Mc-Kee came into the room, and at one: took his place on the witness stand. "What is your profession?" asked

Mr. Rothermel, "I am an attorney," was the reply. "Did you receive any money from

John S. Hopkins on Oct. 31, 1897, or thereabouts?" "No, sir. I think not. I received

"What was the amount?" "About \$1,900." "What was it for?" "I received it in the course of my employment as attorney for protecting the bondsmen of State Treasurer Hay wood from the law." "Did you receive any more money

from Hopkins in that year?" "I did, in August." "How much?"

"A similar amount. What for?"

"For the same purpose." "What did you receive on Oct. 31. 896? "My recollection is that some time subsequent to the date you mention !

For what purpose?" "For the same purpose."



The Ontario

chased a tract of land in the northern

part of the city, with a view to the erec-tion of large shops. The Delaware, Lackawarna and Western company also

figures on centering its car building and repair works in Scranton, and that means

employment for 1,000 additional hands

And besides all these new enterprises the Times-a Democratic paper, by the

way-informs us that the older industries

of the city are booming. Truly, Scran-ton has occasion for rejoicing.

A COMPARISON.

From the Philadelphia Press.

Ab, yes," he said, "involucrate

Compositue, exogenous-A pretty specimen it is, Taraxacum dens-leonis!"

REXFORD'S,

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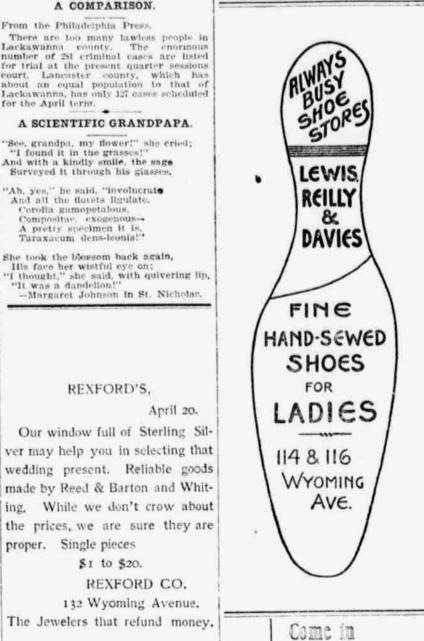
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a great variety of elegant Spring Serges, Checks and Plaids.

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The perfection of printing and designing in Foulard Silks for 1899, shows a marked improvement over the past two seasons and we take special pride in calling your attention to our "unsurpassed" assortment of the

Finest Goods and Best Styles Obtainable.

The leading things are black and blue grounds, with neat designs in white, heliotrope, blue, etc. Black and blue grounds with Persian effects, also in white grounds, with delicate printing of heliotrope, new blue,etc. Our prices are

75c, \$1.00 and \$1.25.

Wash silks, that wash and retain their lustre, and colors are shown in a large variety of choice patterns. Prices rauge from

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Elegant line of Japanese Wash Silks and Summer Silks, in plaids, corded checks and stripes. Fast colors and a large selection. Best goods made

Only 45c.

Fast Black Wash Silks, Habutai, and Waterproof Silks in the new "unspottable finish, at less than present market prices.

510 and 512 LACKAWANNA AVENUE

lently takes for his motto: The pub-tic be d-usted. Ajacchus' Advice. Do not attempt to discover your own faults. Others will take care of that. Quay Case Rests

countable, assuming, of course, that

specially in the direction of politics. This ended the cross-examination and too much inclined in this country oward severity and toward the assumption of vicious motives. This

Newspapers will discover, in the long run, that in proportion as they deal unfairly with men in public position

feminine elocutionist in white serge and satin ribbons who reads the "Chariot Race" in chest tones, Ben Hur will doubtless be welcome as a drama, Otherwise the enterprise should be discouraged. An Unnecessary Law.

Newspaper criticism of public men,

carries with it its own remedy.

The bookkeeping thrown up against

The Big Problem in Cuba.

The remark is attributed to General

Gomez, in reference to brigandage in

Cuba: "All men are not angels and

hungry men will feed." This is true so

the subject. The great problem before

into the way of earning their own food.

Every person who has visited Cuba

and observed its conditions intelli-

gently testifies that among a large pro-

scarcely a hint of the reality.

only in its ability to obstruct. An issue of this kind must necessar ily go before the people. It will requite a vote of the people to decide.

Some historian has discovered that Thomas Jefferson kept four hundred servants. This is the kind of simplicity that prompts the office-holder to ongage in stock speculation.

The Job Will Be Finished.

The ambusing of the Yorktown's men by the rebets of Luzon will afford a test of anti-expansionls, arguments, If Aguinable and his men are a lot of Washingtony, conducting a civilized warmer annine an arrogant invader. it will be easy to effect an exchange for the liberation of these, the first Americans taken prisoners since the recent hostilities began. Under the rules of civilized warfare prisoners who is willing to work for a living and may be released on parole or exchanged for prisoners of corresponding rank. and must be well treated while in captivity. The return of Lieutenant Gilmore and companions by the Filipinos on an honorable basis, after due observance of the military proprieties, would go far to raise the Tagalos in troublesome to work than to steal. The American respect; but any maltreat- brigand steals because stealing is more ment of our sailors would have to be to his liking. So far as the inculcaavenged to the uttermost limit.

The issue in Luzon, as the Philadel- | ciples of thrift and morality is conphia Press says, "is not whether the cerned, Spain's government of Cuba mitted to make answer to the district job is easy, but whether it is just. If might as well not have existed. The the responsibility for maintaining or- Spanlards in Cuba were thrifty and, der exists and rests on the United in commercial transactions, reasonably States and this is the only just ground honest because, in contrast with the for our presence in the group, no one unthrift and the moral ignorance, and can pretend that the obligation of any anarchy of the natives, they discovresponsibility grows less binding when | ered that it paid them to be so. They its execution grows more difficult. Hard | left those natives to wallow in the mire or easy, the work before the United because they made the mistake of sup-States has to be done not because it posing that in that condition they is profitable, but because it is a duty would be less likely to dispossess their both to the world and to the Philippines."

in fighting bush whacking savages

reverses are to be expected. We have all the time. All Americans having publicly attacked."

most popular men in public life ranged from fifty cents to \$10,000.50. are often the worst abused men, and Witness then explained the relation between the figures in the "red book" the worse they are hounded by the and the regular books of the bank, and press the stronger their hold becomes elucidated the figures entered on the upon public favor. This should not page devoted to the state deposit for mel be, for the reason that newspapers the six months ending October 31, 1897, should not criticize without cause nor attack officials without warrant. But \$200.000 of the denosit by Senator Quay the fact that it is ro is ample assurand the payment of interest on the balance that the evil of reckless comment.

Hopkins' Private Memorandum.

Turning to the page devoted to what apparently Hopkins' memoranda of his private account with Senator Quay. the witness explained its relations to certain entries and omissions in the egular bank books.

At this point, the district attorney offered a new piece of documentary evidence in the shape of a sheet of foolscap paper containing figures in Hopkins' hand-writing. The offer was bjected to by the defence. The district attorney declared that

it was in furtherance of proof of the conspiracy and stated that it contained entries of amounts loaned to call loan horrowers and calculations of the interest collected on these loans. shows, he argued, the scheme adopted by Hopkins to cover up the conspirney to the loan of State money for the benefit of the defendant.

portion of the native population there The defence argued that the paper only contained figures and there was is an astonishing prevalence of laziness. There are few places on the earth nothing to indicate that It was not where nature has been more lavish in tifteen or twenty years old. The disits distribution of natural advantages. trict attorney offered to put living wit-The soil is incomparably fertile. The nesses on the stand, the call of loan varieties of plant and tree life are inborrowers, who would corroborate the numerable, supplying well-nigh every Mr. Watson argued the legal points possible want. Drainage is good, min-

alculated to exclude the paper. eral resources abound. In fact, there Judge Biddle decided that the paper are almost all the natural elements of is evidence against Hopkins, and is an intricate and well-developed civiltherefore admitted as tending to prove ization, capable of maintenance on a the alleged conspiracy between Hopscale of magnificence superior in physikins and Quay. Witness Goldsmith has stated that the agures on the pacal aspects to any the world has yet per which was found in Hopkins' priseen. The word "garden snot," well informed travelers tell us, affords vate desk aided nin: in arriving at his conclusions regarding the whereabouts of certain sums of money. The dia-Unfortunately, where every prospect trict attorney read the paper to the thus pleases there seems to be equal jury promising to explain later the unanimity of testimony that man himfigures entered thereon. self is vile, the illiterate Cuban more Ex-State Treasurer Boyer a Witness. especially. The difference between the

William A. Darrett, a call loan bor-

average Cuban of limited education ower from the bank, was sworn. He testified to having paid \$46.05 interest the Cuban who prefers to steal for a on or about Oct. 31, 1897, on a call loan living is not, unhappily, a difference made by the bank. A long list of other grounded in morats and arising from witnesses testified similarly. a conscious difference in ethical stand-Ex-state treasurer and present di-

ards; it is largely a difference in mere rector of the mint. Henry D. Boyer, circumstances. The worker works he- testified to paying \$50.67. Mr. Boyer added some life to the cause under the circumstances it is less otherwise dry proceedings by turning

to Judge Biddle and asking permission to make a statement concerning charges made against him while has tion among the Cuban masses of prinwas state treasurer. He said. "I desire to ask if I can be per-

> attorney's allegations that payment of interest on state money was made to me while state treasurer." Mr. Rothermel interrupted by stating

to the court that all testimony relating to Mr. Boyer had been stricken out by the court's ruling, it being prior to Judge Biddle remarked that this was

and under the circumstances he did not see any reason for Mr. Boyer making any statement. Mr. Boyer did not press for the privi-Spanish masters.

lege, but before leaving the stand he Men can and do work in Cuba, and said: "I simply wanted to explain work hard. Some Spaniards did this my position publicly, as I have been

had them in every one of our larger In- official business in Cuba are doing this The examination of witnesses who . The line will extend out Wyoming dian campaigns. But they have never at present and setting an example had paid interest on call loans was avenue from Green Bidge street to the

"What amount did you receive after April 30, 1895, from Hopkins?" About half the amount, some \$1,300." "For the same purpose?" 'Yes sir."

"Cross-examine," said Mr. Rother-"Mr. Quay was not on the bond? which apparently show the use of Mr. Shields asked the witness.

"No sir." "Not a dollar of this was received for Senator Quay?"

"I have no knowledge of that at all." "That is all," and Mr. Shields waved his hand in dismissal. At this point the defense admitted the payment of \$77.74 interest on a call

loan by a Mr. Woodruff, who was not present. District Attorney Rothermel then announced that the commonwealth

closed. His announcement created some stir and comment in the court room in view of the generally expressed expectation that sensational and startling revelations might divulge during the course of the prosecution. In order that the defence may have an opportunity to prepare its opening, Judge Biddle adjourned court until to-

morrow morning. CITY SOLICITORSHIP FIGHT.

## Mr. Vosburg Expects to Be Elected

at Tonight's Meeting. There were strong hopes in the breasts of the Vosburg men yesterday that they will be asse to elect their man city solicitor at the adjourn d joint session scheduled for tonight. M James' absence from Tuesday night's meeting was due to his being sick abed, they say, and he will be on hand tonight.

Whether Mr. Schroeder or Mr. Zizleman is also to be on hand, or whether the Vosburg men will content themselves with an election by twenty- in members, was not given out. All that they would say was that Mr. Jam's would be at the meeting and that the . would be an election.

Mr. Gallagher's candidacy on the Democratic side throws added ginger into the fight. His friends contend that neither Mr. Vosburg nor Mr. Mc-Ginley can be elected, and that Mr. Gallagher can assuredly make it.

Mr. Vosburg, as stated above, assured by his friends that he will be elected tonight. Mr. McGinley is confident that Mr. Vosburg will not be elected tonight or any other night, and that if he is not molested by Mr. Gallagher he will win out.

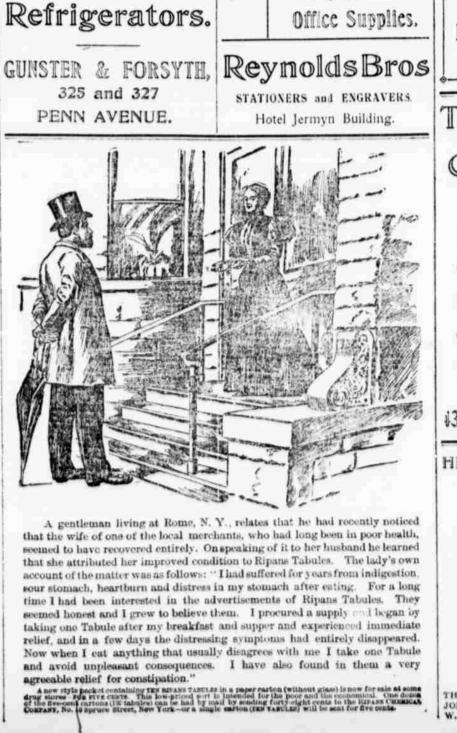
Mr. Gallagher called on Mr. McGinley yesterday and gave him formal notice of his candidacy. Mr. McGinley didn't take very kindly to this, and among other things that passed between them was a discussion as to acr. Galiagher's eligibility. The law requires that the city solicitor shall be an attorney qualified to practice in the Supreme court and an attorney must have practiced two years before he can apply for permission to practice in the Supreme court.

Mr. Gallagher has been an attorney virtually for six or seven years, but has been at the bar less than two years,

## COUNTRY CLUB EXTENSION.

### Permit for Its Construction Was Granted Yesterday.

The Scranton Railway company yes terday secured from Street Commissioner O'Boyle a permit for the con-struction of the Country club exten-



and ask to see THE MODERN HARDWART STORE. Wedgewood Blue, Ideal Gas Ranges MADRAS LINEN Will bake, boil and heat The most beautiful water shades ever display-Quicker, Easier and All Sizes in Stock Better than a coal range. It is We have the usual economy and pleasure to use one. FOOTE & SHEAR CO. 119 WASHINGTON AVE The Hunt & Connell Co. Heating, Plumbing,

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