NUMBER 30

# NO CONFESSION FROM MORTENSEN

Officers Conclude He Cannot Be "Broken Down" and Will Try No More-Arraignment This Afternoon.

not be broken down. The last effort they feel that that settles it. One of of his peers will have to find him so in

Two days ago the officers were confi-

he prisoner's welfare; that each day mental and physical condition had en inquired into. They had allowed xtra latitude to the officers, they said, cause they did not desire to in any unner throw obstacles in the way of complete public investigation. But iey knew in advance, they declared, st how severe a strain Mortensen ould stand and that under no circum-

#### tances could he be made to confess. MORTENSEN ARRAIGNED. risoner Quietly Taken From County

Jail to Police Court Room. Mortensen was very quietly arraigned the police court room before Justice ichl at a late hour this afternoon. It as nearly 4 o'clock when Sheriff Nayand Deputy Raleigh escorted the isoner from his cell to a closed carige which stood in readiness at the lewalk preparatory to conveying him the court 100m.

During the early part of the day an ouncement was made at the office the county attorney that the arraignent would not take place until tomorand probably later. But it was sequently decided that he should pear before Judge Diehl today. The lignment was set for 4 o'clock in orto avoid the presence of the large wd of curious people that otherwise ild have been in attendance.

he departure from the county jail s as quietly conducted as was possiunder the circumstances and proved the plans to avoid attracting spec. ors had been well laid and well carout. Arriving at the court room sheriff and his deputy alighted from carriage and led Mortensen inside, re he was met by his attorny, B. J. wart, who followed him to the court m. Judge Diehl was already on the h awalting his coming and when prisoner's . name was called he placed his hands across his st and entered a plea of not guilty. words were spoken with unusual shasis, after which he resumed his and glanced nervously around ever the door of the court room ned, to see who had come in. Coun-Attorney Christensen it had been eed that the time of the preliminary ring would be fixed at a later date. rtensen was then driven back to the

## THE LIMIT REACHED. ereafter We Propose to Stand on

ur Rights" Says Att'y Stewart. her, C. B., is looking after the inests of Mortensen, when seen by a wa" representative today said: We have purposely refrained from

ng anything against the police or riff's forces. But they, like the counattorney's office which has been pararly active, have exceeded lawful nds and hereafter we propose to nd by all our rights in the case ch will not interfere with a proper inistration of justice. There has ons. He has been told that his wife applicity or actual participancy in the cell occupied by the accused man the would accept these state
next to the antrance from the fall to the office and as a consequence, Sheriff the office and as the plant and died this morning, soon after reaching the hospital a enough of bluster, bluff, misrep-

Mortensen will not confess. He can- ments as facts and be led into making a confession. But Sheriff Naylor has personally given me his word of honor that there will be no further attempt. We are, therefore, certain that he will have his day and time in court where he will have to be found guitty if con-

> "Now, I would like to make a little statement regarding affairs in general on this case since we became associated with it," continued Mr. Stewart. For a considerable time we have represented Mr. Mortensen in his business affairs and when his present trouble came upon him it was only natural that he should engage us to look after his interests. He declared most positively us that he was innocent and that he come out of the trouble in the ourse of a few days. One of the first igs we did was to ask him whether ne had made a statement to the police, He sail be had and we thought that sufficient so we advised him to say nothing further. For days he was held unlawfully and his wife and sister-inaw were illegally subjected to examinction by the county attorney's office. We could have secured the release of the prisoner on habeas corpus proceed-ings. But we did not think that a wise thing to do. It would have simply hampered the officers of the law and esulted in the re-arrest of Mortensen, the same time creating a centiment n the public mind that we were enleavoring to defeat the ends of jus-dee. We attach no great importance to the confinement of a mad man in the county jail. We are willing to accept the statement of the officers that it was nerely a coincidence, and when Sheriif Naylor assures us that his treatment

will be entirely proper in all respects that is all we want. Speaking of Mortensen's home, Mr. Stewart said that the place had been almost looted by the hundreds of mor-bidly curious people who had overrun it during the last week. The officers of the law had been appealed to to protect it but without the appeal being granted. The reason why we have not check mated the county attorney's office is be we propose to look after that hereafter. There is ample time, if it is necessary, to impanel a grand jury to do so later. Meanwhile our client has not been so inhumanly treated as im-agined, but he has been pressed far enough and his examinations hereaf ter must be in open court before the

#### A STORY TO TELL. Mortensen's Side of the Case to be Stated at the "Right Time."

"We have a story to tell and when the right time comes we will tell it." The above is the statement of Attorney C. B. Stewart, counsel for Peter Mortensen, and now everybody is asking "What is the story?" Mr. Stewart will not say now but will do so when the proper time arrives. He says they have made no statements for the reason they did not think it a wise thing to do under existing conditions. The attorney said they had not thrown anything in the way of the officers while were making their investigations and testing their many theories. No protest was made when Mortensen was arrested and held for days without a warrant, or when his place was overrun by hundreds of people and searched from top to bottom. Mr. Stewart said he could have prevented all that manding a warrant of arrest and a ch warrant when only those things led for in the warrant could have

We have thrown no stumbling block in their way," said the attorne "but have aided in the investigation the time Mortensen was held at the station curious people were permitted to see him and gaze at him as though he were some freak. While his place was being overrun and property de-stroyed or carried off, the officers of the law were appealed to for protection, but it was not given. Henry Mor ensen was advised to take a club and drive the people from the premises and this he finally had to do. But recently flicers went to his place at night and demanded to interview his wife. Mertensen refused to awaken his wife which was proper, and the officials said they would go in and see her anyhow. The husband then warned them not to enter his place."

## Not Hay's Hat.

The black fedora hat found yesterday by a streetcar man who was walking along the track east of Mortensen's house, is not the hat worn by James R. Hay the night he was murdered. The car man saw a portion of the hat above the ties and he at once picked it up and turned it over to the police and it is now in their possession. The article had been worn a good deal and the inner and outside bands are both gone Upon investigation it was found that the hat worn by Hay on Monday night December 16th, was a light colored fedora. The police believe the hat found was either placed on the track by some one who thought to create nsation or was stamped into the mud by some tramp who perhaps found the murdered man's hat and exchanged for his own. It will be kept at the police station pending further investigation.

#### PRISONER DENIES BRUTALITY. ttorney B. J. Stewart, who, with his Tells the "News" He Has Been Subjected to No Inhuman Treatment.

Owing to persistent rumors regarding the treatment of Peter Mortensen, and the impression that the man has been "outrageously sweated" since his confinement in the county jall, the "News" investigated the matter

thoroughly this morning. Before showing the reporter to Mortensen's cell, Jafler Thomas explained where the insane man was confined on Tuesday night. He was placed in a cell down stairs, the first one on the left of the jall proper, after which he was removed to the next cell, which is paralysis, seized with head on Tuesday night when he

sible for him to be. When seen this morning Mortensen had just come out of a refreshing bath and while he did not look cheerful, his demeanor did not indicate he had been under any great strain mentally or

physically,
"How are you feeling?" was asked,
Mortensen smiled faintly and replied;
"Well, I can say that I am feeling "What have the officers here been do-ing to abuse and torture you?" The question was greeted with a

The question was greeted with a laugh from the prisoner.

"Abuse," exclaimed he, "why I have not been abused or tortured in the least. The officers have been very kind to me."

Asked if he was able to sleep now,

"Yes; last night I rested well, better than I have done since my arrest. I am also able to take my meals with some degree of satisfaction."
"What kind of food have they been

'Any and everything I have asked or," was the response. Jailer Thomas comes to me before each meal and asks me what I want. Whatever I have asked for I have re-ceived and I don't think I have asked or anything improper. Yesterday they

gave me a nice little dinner and brought some fruit in to me."

"Were you disturbed by the noise made by the crazy man down stairs?"

"Certainly I was disturbed, but no more than any of the other prisoners and not so much as those down stairs. It was an accident that the man happened to be here and I know the of-ficers did not bring him here for the

purpose of annoying me."

Among the other prisoners interviewed was Arthur J. Van Kuran, who

courtesy that could be extended in this place. He could not have been treated any better. I have been here a long time and have always been treated nicely; he was treated the same as the rest of us and perhaps a little better.

As the reporter turned to go, Mor-

"I want you to know that I have nothing to complain of as to my treatment by the officers here or at the police station. I have nothing to complain of at all. I have not been in solitary confinement either, You see my cell here? Well, here I have been and could easily communicate with the other prisoners if I so

Mortensen has been removed to a cell nearer the rotary. The place is perfect-ly clean and well ventilated. The bed-ding is clean and in fact the cell is as comfortable as could be expected of the

night and last night, is now occupied by a woman who is deranged. The woman is Jennie Andrews, who was found in the Colorado house by Sheriff Naylor. The insane man, Neils Youngdell, is in the padded cell downstairs. He was quite noisy again this morning, but when he got hungry he became quiet and asked for something to eat, which was at once given him. Jailer Thomas said that for breakfast Mortensen usually has a couple of eggs, some fish, offee and cream and in fact anything e wanted Attorney C. B. Stewart called to see

his client this morning and he also investigated the rumors of "sweating" served treatment " The only thing h had to complain of was that the offi-cers had taken possession of Morten-sen's private books containing accounts and contracts.

#### THE RAVINGS OF A MANIAC. How They Kept Mortensen and Other County Jail Prisoners Awake.

Mortensen's night was made hideous on Tuesday by the ravings of a nad man who was brought in from West Jordan during the day and placed in the padded cell on the floor below where Mortessen was located.

The insane man was Niels Youngsdell

who talked incoherently and at times very wildly of things gruesome and unreal. He kept up his outerise for hours and aroused all of the prisoners within hearing-which comprised all of those in the institution. A morning paper had a "reporter on the spot" with an imagination more vivid than Lincoln J. Carter ever dreamed of, The result was one of the most lurid blood and thunder tales ever seen in print in this section. The story answered its purpse. It created a genuine sensation and soon set the many conservasation and soon set the hany conservative persons to thinking and talking of the alleged torture to which Mortensen was being subjected. This on account of the intimation that the made man had been purposely placed in a cell in close proximity to Mortensen with the specific object of frightening him into a confession of the deed. To the public this looked very much like the methods that were indulged in n the days of the Spanish Inquisition and brought forth numerous protests against the inhuman treatment. It was even suggested by one prominent citi-zen to Governor Wells that a special grand jury be called for the purpose of investigating the facts and punishing hose responsible for the torture. Both this citizen, who was Mr. George A. Lowe, the well known business man and the governor himself made inquiries which convinced them that the alle gations had been largely overdrawn. Sheriff Naylor himself declared that the nce in the jail of the mad man at the time they were endeavoring to secure a confession from Mortenser, was simply a coincidence to which no significance could be attached.

## FIRE ENGINE USELESS. Chief Devine Recommends Draining

Slough by Means of Ditches. At a late hour this afternoon Chief Devine returned from Forest Dale where he went to make an examination of the slough where it is supposed the murderer of Hay threw the revolver. The chief found the slough was by a large spring and it would be impossible to drain the place with a fire engine. He suggested that the bog be drained by ditches as much as pos-sible and then use an engine.

#### DIED AT THE HOSPITALS. Two Patients Pass Away at Holy Cross and St. Mark's.

Mrs. Charlotte Donelson of this city. died at the Holy Cress hospital last evening of appendicitis. The case was so severe that before an operation could be made, death intervened. The deceased was 57 years of age and came from Sweden where she was converted to Mormonism. The particulars of the funeral will be announced later.

Miss Marie, a young girl employed by a family named Strauss died at the Hely Cross heartful this recently. by a family hospital this morning of Holy Cross hospital this morning of the unfortunate girl was paralysis.

paralysis of half the body

# SIX MEN WERE FATALLY WOUNDED

Shooting Occurred in a Country Church at Pike Postoffice, Ohio.

DURING RELIGIOUS SERVICES

Two Drunken Men Appeared and An nounced They Bad Come to Clean Out a Whole Family.

Piketon, Ohio, Dec. 26.-Six men were office last night and a panic took place among the worshipers. A series of rechurch and the building was filled whe Charles and Orrin Day appeared allghtly intoxicated and announced that they had "come to clean out the Leggs," a family with which the Days had had frequent quarrels. A general fight resulted in the church and around Women and children sought safety from revolvers and knives by jumping out of the windows. Only the minister, Mr. Rowe, remained. At the close six men lay fatally hurt, Charles and Orrin Day, Wesley Legg, Jos, Williams, John Currant and Lebanon Williams.

#### others were slightly injured. Another Connelly Fire Victim.

and the sheriff was notified,

Physicians were called from Piketon and Idaho to attend the wounded men

Philadelphia, Dec. 26.-Another death occurred today as the result of a fire last night in the home of James H. Con-nelly in West Philadelphia. Mary Connelly, aged four years, was burned to death and today Mrs. Ella Connelly, 28 years old, wife of James Connelly, died from injuries received through leaping from a second story window. Harry Connelly, two months old, was fatally injured and his death is momentaril expected. Three other members of the family who were badly burned will re-

#### TWENTY-TWO FILIPINOS KILLED They Attacked Company F., Twentyfirst Infantey.

Washington, Dec. 26,-The war de partment today is advised by Gen. Chaffee at Manila that company F. Twenty-first infantry, had a desperate hand to hand encounter in a gorge, six miles south of San Jose, Batangas, Dec. 23. Twenty-two of the enemy were killed. Patrick A. Connelly received an activities of the left check: bolo wound in the Private Carney received six bolo cuts in the neck and shoulders.

## Japanese Cabinet Difficulties.

Yokohama, Dec. 26.-The cabinet cificulties have been arranged, owing largely, it is understood, to the tele-graphic intervention of the Marquis Ito. The budget has been withdrawn for the purpose of re-drafting. It is be lleved, however, that the government's financial program will pass the diet.

#### Mississippi Town Burned. Memphis, Tenn., Dec. 26,-A Scimitar

special from Hattlesburg, Miss., says the town was practically destroyed by fire today. Loss about \$100,000, probably one-third insured.

## WAR IN PHIMPPINES.

Secy. Root Makes a Decision that it Exists in the Islands. Washington, Dec. 26 .- In reference to

e claim on the treasury department, Secy. Root, of the war department, has rendered the following opinion:
"The insurrection in the Philippines against the sovereignty of the United States and the authority of the government of the Philippine islands is of such character and extent as re quires the United States to prosecute its rights by military force and, therefore, creates the condition of war in

said archipelago."

The claim in question is that of First Lieut. Horton W. Stickle, corps of en-gineers, for \$125,34 for certain books lost en route from West Point, N. Y to Manita, P. I., under shipment the quartermaster's department. The books were the personal property o Lieut. Stickle and it appears they were included in a large portion of the cargo of the transport Centennial, which was thrown overboard in order to lighter

that vessel when it ran aground off the coast of northern Luzon, P. I. Secy, Root has recommended to secretary of the treasury that Lieut Stickle's claim be included in ecommendations to the Congress rep resenting the general deficiency bill.

New York Accepts Carnegie's Gift. Nw York, Dec. 26 .- The board of es today adopted in behalf of the citizens of New York, a resolution of thanks to Andrew Carnegle for the libraries in this city.

### Bank Messenger Arrested. New York, Dec. 26 .- A. Jayers, young messenger of the Union bank, of Brooklyn, who disappeared recently with \$2,000 of the bank's money, was

Boer Prisoner Delivered. Island of Ascension, Dec. 26.-When the British steamer Gotha, from South African ports arrived here today a Boer prisoner who had been smuggled on board the vessel in a box at St. Helena, was handed over to the British

arrested today in Montreal.

#### naval authorities here. Hickey Makes a Denial.

St. Joseph, Mo., Dec. 26.-Thomas J. Hickey today made a denial of the dispatches to the effect that the American laseball association will place a club in Louisville or Chicago. "The report is without foundation," said President without foundation," said President Hickey, "The eighth city will be Oma-ha. Not one member of the original asociation would consent to a change of

## Decision for Mrs. Sella Hobson.

Pueblo, Colo., Dec. 26.-Judge Coulter, in the county court today decided that Mrs. Sella J. Hobson, widow of the late Geo. H. Hobson, and Mr. Hob son's posthumous daughter, Georgia were entitled to the \$250,000 and other property. In making his decision Judge Coulter said there had never been any justification for the attack made in the pleadings upon the legitimacy of the child, born at Los Angeles since the ometer at 39.34.

ceath of Mr. Hobson. No testimony had been introduced to attack the child's parentage. Both parties to the will contest gave notice of an appeal. The brothers and sisters object to the state of the contest of the con widow and daughter getting the es-tate and the latter's counsel object to the ruling of the court that the will holds as to the naming of an executor.

Commercial Teachers' Federation.

St. Louis, Dec. 26,-The National Commercial Teachers' federation, comcosed of instructors in business col-eges of the United States, commenced as sixth annual convention here today leveral hundred delegates are present The constituent associations composing the general organization are National Commercial Teachers' association, National Shorthand Teachers' association. National Penmanship Teachers' associ-ation and the Private Commercial School Managers' association, These will hold their sessions mornings, while the meetings of the general organiza-tion will be held in the afternoon.

#### Exports to Denmark.

Copenhagen, Saturday, Dec. 14 .- (Cor-Imports from the United States into Denmark have been very large during the past few years. Some lines of goods have become popular and new articles are gradually finding their way into the Danish markets. One article that is now here and seems to have gained favor at once is the billiard ta-

# THE WAR CLOUD DISAPPEARS.

Washington, Dec. 26.-The Argentine minister, Dr. Garcia-Merou, today reesived a dispatch from the minister of foreign affairs in Buenos Ayres anpouncing the satisfactory termination of the Chili-Argentine trouble and giving the basis of settlement. The disfutch is as follows.

"The pending incidents with Chill have been settiled by agreement direct-it with the government of that country and in a satisfactory form. Chili through the disputed territory both governments agree to withdraw the police forces which they have maintained in the territory in controversy situated near the inlet of Ultima Es "ALCORTA

Minister of Foreign Affairs. as highly gratified with the disappear-ance of the war cloud and pointed out

that the terms of settlement showed that Argentina's earnest desire to maintain peace, had led her to make con-siderable sacrifice. By both forces withdrawing their police from that locallty the government ownership of the Unifma Esperanza becomes a question for arbitration. MODUS VIVENDI SIGNED.

Santiago de Chili, Dec. 26, via. Galdus vivendi between Chili and Argentina was signed yesterday. The text will be given to the public here and at Blenos Ayres tomorrow, Friday, Pub-COMMON SENSE TRIUMPHS.

#### Buenos Ayres, Dec. 26, via Galveston. The Nacion says the arrangement arrived at between Argentina and Chili s more a "triumph for common sense than a triumph of diplomacy. The Pais says that delay in ending the state of armed peace existing would ruin Chili and retard Argentina prog-

#### ress for twenty years. DIFFERENCES SETTLED. Washington, Dec. 26.-The state de-

partment has been informed by United States Minister Wilson at Santiago de Chili that the differences between Ar-gentina and Chili may be regarded as settled through the signing, yesterday of a protocol providing for the submis-sion of the boundary line and the Ultima Esperanza territory dispute to the decision of the king of Great Britain. This announcement has given great sat-Isfaction to the officials here who have gone to the lengths of official practice in their efforts to avert a war between the two most prosperous of the South American republics.

## Little Hope for Gov. Rogers.

Olympia, Wash., Dec. 26.—Gov. Rogers suffered a sinking spell at 8 o'clock this morning. Doctors are now n consultation. There is little hope of

#### PRESBYTERIAN CREED REVISION Committee Having Matter in Charge Issues a Statement.

Philadelphia, Dec. 26.-The Presbyterian creed revision committee has issued this statement through Rev. William Henry Roberts: "For the information of the church I

am authorized to say that the com-mittee on credal revision met at Washington Dec. 4, and remained in session until Dec. 14. The work accomplished at the meeting consists of a brief statement of the reformed faith in untechnical terms and also a de-claratory statement. The statement of the reformed faith is contained in sixteen articles and the declaratory state ment covers chapter ill, chapter x, sec- | and 5 o'clock,

tion 3; chapter xxv, section 6, of the confession of faith, as specified in the assembly's instruction to the commitee and also additional staterac the 'gospel' and the 'holy spirit work thus far done is altogethe tative, is not for publication and be considered at another menting o be considered at another meeticommittee to be held in Fhir Feb. 5, 1902. The committee pointed a sub-committee of sisting of F. W. C. Humbh McKibbin, Fisher, Niccolls and to prepare a tentative revision confession of faith of the points contained in the instructive committee above named. the committee above named, to be considered at the Febru

ing, along with the declaratory state It is generally understool by the Presbyterian ministers in this city that the pian of the committee is to report the declaratory statement to the next general assembly and sidest the revision movement until the sembly of 1303. The new cried men the committee are aggressive and lieve the pian of campaign promote their desires and gi

#### RUSH AT POSTOFFICE. Eighty Sacks of Paper Mail Bandle Here Yesterday.

alone handled in the Salt Lake postoffice yesterday, and the distributing clerks put in most of the night at work The work of the clerks was made more arduous by the fact that their force had been drawn on to help out the registry department which was overw The Union Pacific mails for the last month have not been on time but once, and the uncertainty in this respect causes miscalculation and inconven-ience. Today the rush is beginning to ease up, and by Monday, things will resume more of their ordinary aspect. The carriers have been staggering about the city under immense loads for the last few days.

#### APOSTLE YOUNG ILL. Dispatch From Fruitland, N. M., Lacks Confirmation.

A special dispatch received in this city announces the serious illness of Apostle Brigham Young, who is at Fruitland, N. M. He is said to be lying critically ill with a complication of stomach and nervous trouble,
Up to a late hour this afternoon no
confirmation of the news had been received at the President's office.

#### PROF. O'SHEA ARRIVES. Eminent Pedagogue Asks Interesting Questions Concerning Utah.

Prof. M. V. O'Shea of the University

here to deliver a series of lectures bewhich opens tonight. When seen at informed that it is contrary to the practice of the commission to underfore the State Teacher's Association, resting from his long journey and thinking over the topics he will discuss before the teacher's. He is a handmers and as pleasant and interesting a conversationalist as one will meet in day's travel. When approached h received the reporter very gracefully received the reporter very gracefully and at once began plying him with questions concerning Utah that the time passed before the reporter's had time to ask him any questions. He seemed to marvel over the wealth of the setate, and the great advantages that confront her. "We in the East," said he, "have been led to believe that Utah is composed of a chain of muntains and Sail Jake." a chain of mountains and Salt Lake City, I can see that we little realize what a great state it is?"

Prof. O'Shea is a graduale of Cornell and has been in the Wisconsin uni-

ersity four years. During that tin he has won fame and honor for him ranks of American educators

## LATE LOCALS.

It is pay-day today at Fort Douglas and the boys are feeling god. Then was no Christmas dinner, in the civillat sense of the term at the fort yesterday but the soldiers were given a dinner a good deal better than the customary, overy-day dinner, and they enjoyed it. Mount guard was the only duty performed yesterday or today.

There will be a concert in the Fort Douglas chapel Saturday night in which Mrs. Percy Somers-Cooks and other excellent talent from this city will participate. With the proceeds, hymn books for the post chard will be purchased. A new organ is very much needed up there.

Rev. Dr. John Henry Barrows will b in Salt Lake City January 21 next, and hecture in the First Congregational church on "The World Filgrimage, with experiences some senous and some not so serious." Dr. Barows is a notable educator and the president of Oberlin College, the doctor has a repertoire of twenty-three lecture, and is spoken of in the highest terms by the eastern press for his scholary attain

The office of the superintendent of school will be open between the hours of 2.30 to 5 p. m. during the session of the State Teachers' convention erintendent Christensen will also be l his office between the hours if 4 p. m.

# A BLIZZARD HEADING THIS WAY.

Wires Down and Railroad Traffic Impeded in Montana, Oregon And Washington Today -- Storm Struck Butte From the West.

There is a big storm, if not a big bliz- I zard coming, according to reports received today from the north and northwest. Washington, Oregon and Montano were in the meteorological toils this morning with sleet and snow, accompanied by windy blasts that at points in the territory above mentioned. reached the velocity of a hurricane, playing havoe with the train and telegraph service generally. There was blinding snow and sleet in the mountains west of Missoula; in fact Acoius seems to have emptied his bags in the mountain country, where all rail and telegraph service are paralyzed. Early this afternoon, Washington and Montana were completely shut off from communication with the outside world. The center of the storm was then over Alberta, north of Montana, with the bar-

The storm struck Butte from th west out of a clear sky, and driven by the fierce winds thick and blinding that it was ble to see across the street. as far as can be ascertained et clear through to the coast, when mar clear through to the coast, when ine disasters are feared. However, where being down, no intelligence talmable. The storm is gradually ling south, with high winds refrom northern Utah points, with analysis and are incleaning. evidence indicating a general through the intermountain

At 2 o'clock this afternoon is vest ern Union in this city was ecciling messages for anything north of Diot and west of Huntington "subject the lay" as the wirescone. lay," as the wires were all awn youd those points and there wat no ing what was going on the coording to the office in this city as far as could be ascertained the form as moving east.

# THE PRESIDENT'S POWER OF REMOVAL

## Civil Service Commission Informs Maclay Action in His Case Was Not Contrary To Civil Service Act and Rules.

vice commission today notified Edgar MacClay, the historian, recently emloyed in the Brooklyn navy yard, that is removal from his position at that coint was not in violation of the civil service act. This notification is contained in a letter written to Mr. Maclay There were eighty sacks of paper mail by President Proctor of the commission, and is in reply to an inquiry from him.

MACLAY'S LETTER. Mr. Maclay's letter is as follows:

Office of the General Store Keeper, Navy Yard, N. Y., Dec. 24, 1901. Hon. John R. Proctor, President Civil Service Commission.

Sir,-On Dec. 23, yesterday, I received the following communication from the secretary of the navy: "I am directed by the president to ask Edgar S. Maclay, special laborer, general store keeper's office, navy yard. New York, to send in his resignation.

(Signed.) "JOHN D. LONG, Secy."
This communication was addressed to the communication of this navy yard and was duly forwarded to me. I desire to get an authoritative opinion by Civil Service commission on the followng points:

1.—Has the President of the United States any authority under the laws governing civil service to demand the resignation of a civil service employe in the classified list? 2.-Has the President the authority r power to cause the dismissal of any

ring charges in writing and giving said employe an opportunity in which to make a defense? Very respectfully yours, EDGAR S. MACLAY. COMMISSION'S REPLY.

vil service employe without prefer-

To this the commission replied as Mr. Edgar S. Maclay, Navy Yard, New York,

Sir. The con

your letter of Dec. 24, 1901. take to answer hypothetical questions. Your separation from the service, according to the facts in your trey appeared in the public press, was hade upon the order of the secretary of the navy in whom the power of removal rests. The demand for your resignation, followed by your removal,

Washington, Dec. 28.-The civil ser- and rules, in view of the well knows The object of the rule requiring noice and a hearing was to prevent political removals or removals upon secret charges. No issue of this kind it

cret charges. No issue cret charges. No issue involved in your case. Very respectfully, JOHN R. PROCTOR, President. PROCTOR'S STATEMENT.

President Proctor, of the civil service commission, also gave out the tol-lowing statement bearing upon the

The commission has always held, as shown in its thirteenth report, January "The civil service act did not intend that incompetent persons should be re-tained in office. The authority of re-

moval and its exercise for the proper easons are necessary for the discipling and the efficiency of the public service. The power of removal is not affected by the law or the rules, further than that they provide that removals shall not be made for political or religious

Teasons."

The rule of the President, July 27, 1897, ruling that persons should only be removed for just cause and upon reasons in writing and after an opporunity for making answer, was for the turpose of preventing political or re-ligious removals or removals upon secret charges, but was in no way in-tended to curtall the power of removal for just cause. Under this rule the reasons for a removal are to be a mat-ter of record but it does not impair in the slightest degree the prompt exer-cise of the power of discipline. In discussing this rule in the fourteenth re-rort of the commission, December 31, 1897, it is stated that "if the reasons are sufficient, the officer will not hesi-tate to make the removal." It cannot be asserted that Maclay's removal was for political or religious reasons or up-on secret charges as the reasons for on secret charges as the reasons for the department's action are well known both to Maclay and the public.

## MACLAY SUMMARILY DIS-CHARGED,

Maclay, who refused to resign as special laborer in the office of the general store keeper of the navy yard, was summarily discharged today. Matoday and prepared to resume his du-ties. Pay Director Putnam went to Maclay's desk, read him the telegram from Washington yesterday and told him that he was dismissed. Maclay upon the direction of the President through the secretary of the navy was not in violation of the civil service act. I left the yard immediately. He said he would return at the usual time tomornot in violation of the civil service act.

# M'KINLEY MEMORIAL ASSOCIATION

Judge Day Finds it Necessary to Issue a Statement Cautioning Public Against Enterprises Attempting to Make Capital Out Of Sentiments of Affection for Murdered President.

Cleveland, Ohio, Dec. 26.-The Mc- | make capital out of the sentiments of its attention called to so many enterprises of a commercial nature, tending to make capital out of the sentiments of public affection for William McKinley that the following statement has been issued by Judge William R. Day, ex-secretary of state, and president of the association:

"The public is especially cautioned tion to any other association or 12 any against any enterprise attempting to enterprise of a commercial nature."

affection which inspired the desire to rear at the grave of our beloved Presi-dent a memorial which shall fittingly honor his memory. It is the desire of the trustees that all contributions shall be the free will offering of the people and they respectfully request the pub-lic to discourage all propositions which may seem to have as their object the obtaining of money by giving all or part of the proceeds to the memorial fund. The public is hereby notified that the McKiniey National Memorial asso-ciation has no connection with or rela-

## BATTLE OF TRENTON ANNIVERSARY

The Hundred and Twenty-fifth is Celebrated in an Elaborate Manner-A Sham Battle Representing the Historic Struggle Was Given-Fireworks Will Close the Occasion.

dred and twenty-fifth anniversary of the battle of Trenton was elaborately celebrated here today. The auspicious weather had the effect of bringing out a large crowd who lined the streets along which the sham battle and the subsequent parade took place this forenoon. The three forces of General Washington, Gen, Sullivan and the Hessians for more than an hour occupled the streets and covered the ground that was gone over in the original battle and a realistic picture of the battle was presented except the suffering which the American forces underwent began near to Battile monument and sireets, the Hessian forces, under Col. | evening at Monument park.

Trenton, N. J., Dec. 26 .- The one hun- | Gilmore, of the Second regiment retreating and halting at short distances, firing on the advancing American This continued until the surrender at two points, in front of the postoffice on two points, is street and the other on South Broad street. During the sham battle there was

continuous firing of guns and cannon. After the surrender the military was reformed for the general parade, which was suplemented by more than 1,000 members of civic organizations of the city. In the procession was the Second battery of New Jersey national guards. consisting of the Second and Third regiments under the command of Gen. Copper. The indoor celebration took place this afternoon in the opera house, Gov. Voorhees presiding. The principal speaker was Prof. Woodrow Wilson of Princeton, who delivered an address on the battle of Trenton. The day's cele-

Cremated in a Hotel.

Flushing, Mich., Dec. 26.-The Colby Hause at New Lathrop was destroyed by fire today and John McCarthey, a anner, who was spending the night in the hotel, was cremated.

Irances Ross Adjudged Insane, Cleago, Dec. 26.—The young woman known as "Frances Ross," who is supposd to have escaped from a Portland

ore, convent, was adjudged heretoday, experts testifying that she is swering from religious melancholia. It is elleved by physicians at the hos pitalthat treatment in a sanitarium the city may estore her reason.
"Ma Ross" talked freely on the wit-

ness stand, but would say nothing tend-ing to establish her identity. When taken into custody here two weeks ago she had nearly \$3,500 in cash and jew-

Treasurer Gerst Formally Removed. Buffalo, N. Y., Dec. 26 .- Mayor Diehl formally removed City Treasurer Philip Gerst today after concluding the investigation into the charges against him of misconduct in misappropriating

funds of the city. At the same time the mayor directed the city clerk to call a meeting of the common council to elect Gerst's suc-