OTHER SIDE OF STORY.

District Attorney Answers Quay's Pica and Dilworth Name of His Statements.

GROSS IMPUTATION OF THE JUDGES.

Were the Defendants State they Could Not Obtain a Fair Trial in the Philadelphia Courts.

PHILADELPHIA, Dec. 19.—District Attorney Graham today filed in the prothonotary's office of the supreme court a copy of the commonwealth's answer to the motion for a writ of prohibition of United States Senator Matthew S. Quay, his son Richard S. Quay, and Joseph Bowe Westmoreland, against which the defendants issued the writ in which the defendants asked the supreme court for a rule to show cause why a writ of mandamus should not be issued to take up the record of indictments of the cases in which the defendants are charged with conspiracy to use state funds on deposit in the Keystone state bank.

Bills of indictment were returned by the grand jury against the defendants, and their trial was set for Monday, December 19, but on October 19th Judices Green and Wilson, of the supreme court, granted a rule asked for by the defendants returnable January 10, at the time for hearing the argument.

The defendants now says that the grand jury which found the indictments could not legally be drawn, because it included a large number of the Philadelphia twelve jurors of the Philadelphia court, and he believes it to be true, as charged in the petition, that the indictments were inspired by Judge James Gay Gordon, as alleged, and that, as alleged in the petition, the public funds of the commonwealth of Pennsylvania for years have been used by the complaint against their private and malicious prosecution.

Counsel has been allowed by the Court of Pardons, on disposal of money and to the accused in their behalf, and checked out of those who have dealt with their own money in the same manner. In other instances, money of the state has been used, and is capable to the accused for purposes of interest, on the public money, and for the benefit of the accused, which the interest of the accused, which the money by those of the interest money paid, and to the accused and to the benefit of the commonwealth.

The books show that hundreds of thousands of dollars of public money were in the People's bank were not for the use of M. S. Quay and his son and Mr. Bowe. Large sums as interest thereon. The books showed that hundreds of thousands of dollars worth of stock were bought on M. S. Quay's and Bowe's account. They were to hold it as his full interest in public money in the bank for the benefit of the accused. The accused were carefully advised upon the subject, and were in the purchase of stocks and securities for themselves.

The district attorney could not have failed or refused to proceed upon the evidence in the case, and he was not to confess or explain the contrary. This respondent acted without the slightest attempt to influence, persuade or ill-feeling. The prosecution is absolutely under the control of the commonwealth, and no other person. He avermont that there is any necessity to prosecute these defendants alone.

Respondent respectfully suggests that if it were true that some one in office, or a prominent citizen, or a political chief, is just and well founded, the law is so wise be a defense for the accused.

The answer says whether Judge Gordon, as private counsel for the Pennsylvania Railroad company, or not, he, and that those letters were used for political or other purposes which appeared to be improper, he addressed to the order prayed for in the defendant's petition. The district attorney has not been informed, and has not informed before Mr. Quay made his personal acknowledgment of his connection with the Pennsylvania Third Ward Bank. Why a legal proceeding should be arrested on the ground of a defendant's acknowledgment of the latter attorney is at a loss to understand, and all allegations to this effect are denied as irrelevant and immaterial.

The district attorney avers that in seeking trial for these cases, he is doing only what he thinks is his duty to do, and that, in so doing, he is not vindictive and intimidating the grand jury, which he has not done. He says, as based upon "the indicting evidence," a part of which was produced before the committee appointed by the grand jury, and the presence of the accused, he has other purpose than that of bringing to justice persons who the recorder believes have persistently injured the loss of the commonwealth, and not the public money, and to make it impossible for them to do so in the future, if they were part of their own private property.

He concludes the answer the district attorney says: "Respondent avers that upon the extraordinary nature of the allegations in the petition, in which, when rules are granted accompanied with stay of proceedings that interrupt and delay the course of the ordinary administration of justice in the lower courts, are calculated to do irreparable injury, and to make it impossible to effectually prosecute persons of wealth and power."

DUNNING TESTIFIES.

Tells the Court His Relations with Mrs. Botkin.

SAN FRANCISCO, Dec. 19.—Owing to the illness of a juror's sister, there was no trial of Mrs. Botkin today. The case will be taken up in the Police Court tomorrow.

The taking of evidence of the officers, Mrs. Leverich, a witness, on the stand Mrs. Leverich explained that she had known Mrs. Botkin for years, and was a friend of Mrs. Botkin's husband, who was in business at the time of the Barnes-Botkin tragedy. Witness said that the Botkins had the same social position as witness at the time of the tragedy. Witness said that Mrs. Botkin