THE DESERET EVENING NEWS.

TRUTH AND LIBERTY

A VERY MYSTERIONS CASE.

Dr. Stanley, in Whose Rooms He

Was, Arrested-Claims to Hall

New York, May 17 .- A well-dressed

man about 35 years of age, was found

The authorities are still investigating. Up to the present time no one has been found acquainted with the dead man or able to throw any light upon the cluss

Later-The body of a man found late

last night in a house in Ninth avenue has been identified as that of the Rev.

Edward S. Phillips, of St. Gabriel's church, Hazelton, Penn., who recently had a conference with J. P. Morgan in reference to the threatened strike in

the iron and coal regions of Pennsyl-

of his death.

from San Francisco.

FIFTY-FIRST YEAR

MRS. M'KINLEY VERY DECIDEDLY BETTER

risis Seems to Have Been Passed-President Jubilant Over Her Condition-Goes Out for a Drive.

an Francisco, May 17 .-- When Post- the day broke clear and bright. The -General Smith called on the dent this morning the found the executive exceedingly jubilant. President gleefully described the ge in Mrs. McKinley's condition ransformation. There was not elightest tendency to relapse that een so dreaded in the early hours he morning. She passed safely ugh that crisis and awoke bright cheerful. She asked to be alto wash her hands and asked od. The President said that if that the crisis will be passed. doctors expressed themselves as shed at her remarkable show of

PRESIDENT GOES DRIVING.

president McKinley, ac-lis p.m.-President McKinley, ac-panied by Henry T. Scott and Chief bolice Sullivan, left the Scott resi-bolice Sullivan, left the Scott resi-re at 12:10 o'clock for a short drive, adent McKinley's face has lost adent McKinley's face has lost of the worked look it bore yes-h of the worked look it bore yesand this is taken as a certain on that he has taken hope from rable reports from the sick

n today. was decided to forego the review the school children, which was to taken place today. President Mc-ley looked forward to this review pleasureable anticipation, but he persuaded to ask that the program today be called off, as he hardly that he could leave Mrs. McKinley env length of time. any length of time.

URTELYOU TAKES AN AIRING.

RTELYOU TAKES AN ARTHURS cy. Cortelyou left the Scott man-in company with Secretary of the rior Hitchcock this morning for the airing he has had for severa a. Mr. Cortelyou stated that there been no change since the builetin ed at 845. Mrs. McKinley was ling her own and the prospects were prable for continued improvement. prable for continued improvement. President McKinley will go

rt drive, the bedside of Mrs we from the benside of MTS. y this morning is more hopeful. t. m. Secy. Cortelyou gave out official bulletin of the day, an-that MTS. MclCinley had restful night and appeared improved on her condition

ay and last night. was the first official news that sen given out since 9 p. m. last and it came as a relief not only



day: Hattle H. Young, appellant, vs Con-solidated Implement Co.; argued by Os-car Moyle for appellant, and Benner X. Smith for respondent.

Smith for respondent. Western Loan and Savings company, appellant, vs Ludwig H. Berg; argued by Stanley Price and W. D. Riter for appellant and Ricey H. Jones for respondent.

In re estate of Frederick H. Auer-back, deceased, R. G. Wilson, appel-lant; argued by Thomas Marshall for the executors, by Ogden Hiles for S. H. Auerbach, and C. C. Dey for appel-lant lant.

The case of William C. Hall vs John McNally et al. appellants, which was set for Monday, was re-set for May 23rd.

Portland Cement Case.

Suit was filed in the district court today by the Portland Cement com-pany of Utah against Salt Lake City Water & Electrical Power company, loseph Geoghegan, receiver; the Trust company of North America, the Salt Lake Hardware company and R. M. Jones, in accordance with permission granted by Judge Hall in the forepart of this work this week

The complaint sets forth that the comment company furnished the power company cement to the value of \$2.-187.50, for the construction of a reservoir, and that a balance of \$455.40 is still due on this account. The comment commany then filed a mechanic's ment company then filed a mechanic's lien on certain real estate and improvements belonging to the power company. It is also stated that the Trust company of North America, the alt Lake Hardware company and R. M. Jones claims liens on the same M. Jones claims M. Jones claims then on the same premises, but that they are subsequent to plaintiff's lien, and plaintiff asks that its lien be adjudged prior to that of the other defendants.

To Quiet Title.

When asked as to whether the entire party would remain in San Francisco until the President was ready to return to Washington, he repiled that that was Trial on the third amended com-plaint of the suit to quiet title and for \$500 damages for tresspass brought by Andrew J. Swenson against J. J. to washington, he replied that that was his understanding; but that this con-tingency largely depended upon Mrs. McKhley's improvement. As soon as she was able to travel, however, the President would take her direct to Washington over the route already an-neurosed in these dispatches. by Andrew J. Swenson against J. J. Snell was commenced before Judge Morse and a jury this morning. The defendant sets up a counter claim and asks for the same amount of damages. The litigants are neighbors on Apple street, and the trouble is over the moving of a fence. N. J. Sheckell rep-resents the plaintiff, and F. H. Clark and T. J. Anderson the defense.

Washington over the route already an-nounced in these dispatches. Shortly after Mr. Scott had left the house, Dr. Hirschfelder drove up and was shown into the sick room. A few minutes later Secy. Cortelyou sent for the waiting reporters and read to them the official bulletin.

the day broke clear and bright. The President arose at 5 o'clock and raised the window blinds facing the east, al-lowing the sun to stream in. At 5:30 o'clock the trained nurse was seen to slightly raise the blinds of the sick room in order that the patient might get the sunlight. There was not a stir in other parts of the house, and those waiting for news from the distin-guished patient felt relief in the situa-tion, as everything indicated continued

tion, as everything indicated continued

The President sent word

improvement or at least no change for

the worse. The President sent word to have ihs breakfast served early, pre-

sumably in order that he might devote his attention to executive business.

PASSED A RESTFUL NIGHT.

and took up her position at the bedside and at 7:30 Henry T. Scott, who had

passed the night at a neighboring resi-dence, called to learn Mrs. McKinley's

condition. He remained only a few minutes and came out looking cheerful and relieved. In response to a query as to the patient's condition he said:

"I feel greatly gratified and relieved at Mrs. McKinley's condition this morn-

ing. She has passed a restful night and this morning called for a cup of coffee. When it was served she remarked to the President and the nurse that the

cup in which it was served was not as large as she had been used to. In view

of these facts, I consider her greatly improved and feel that she will con-

THE PARTY'S INTENTIONS.

tinue to improve from now on."

At 7 o'clock the relief nurse arrived

A SENSE O FRELIEF. There was a decided sense of relief to

There was a decided sense of relef of all. The serious aspect of the case dur-ing the early hours of last night pre-pared the public for news of the worst character: but the quiet night passed by the patient, the short consultation of the physicians this morning, and the premerie and faverable buildein resulting brate orders today: Estate of James Whittaker, deceased: Fred Gibson appointed administrator Bond, \$7,500. prompt and favorable bulletin resulting therefrom, all tended to substantiate

FRIDAY, MAY 17, 1901. SALT LAKE CITY, UTAH.

terwards headed Phillips were sick, but recovered after taking some medi-cine that Phillips had with him. "Do you know the names of the two ghris you say you and the priest brought to your rooms on the morning of May 9?" the reporter asked Stan-

Alio-Colls :

ley. "I do not and I don't think I would recognize them were I to see them again.

The police say the woman who lived with you as your wife brought the priest there that morning." "That's a He," he cried, excidedly. "She was not there that day at all. We

had quarreled." After the autopsy on the body of Father Phillips had been completed Coroner Bausch announced that no

marks of violence had been found on the body. The condition of the organs showed that the man had suffered from chronic nephritis and fatty liver. The coroner said that, owing to the sus-picious circumstances surrounding the case it was deemed advisable to have the vital organs analyzed.

FATHER PHILLIPS' CAREER.

Hazelton, Pa., May 17 .--- Father Phillips had been away from Hazelton for about two weeks on a vacation. Daring his absence he is said to have at-tended the ceremonies incident to the elevation of Mgr. Martinelli to the rank of cardinal

dead in a room on Ninth avenue early this morning. The police refuse to give Father Phillips was pastor of St. fabriel's church this city. He was out any information. It is known that the first floor of the building in which Pa, where his father worked in the mines. He attended the public schools the dead man was found was occupied mines. He attended the public schools at Pittston, Pu., and finished his studies at St. Charles college, Edlott City, Md, and St. Charles theological semi-nary, Philadelphia. He was ordained to the priesthood in 1875. He was lo cated in various parts of the Scranton by Edward Higgins and the second by Mrs. Catherine Bermus. Dr. Kirk Stanley, formerly of San Francisco, who claims to cure rheumatism by new methods also occupied rooms in the diocese, coming to Hazelton four years ago. Recently the twenty-fifth anniuilding. Shortly before aildnight Mrs. Bermus stumbled over the body, About versary of his elevation to the priest o'clock this morning Dr. Stanley was hood was celebrated here and a larg number of priests and Catholic digal liscovered on Flith avenue near Fliftaries from the surrounding country centh screet. He was not locked up came to Hazelton to do him honor. but returned with the police to the rooms where the dend man was found.

Father Phillips was a prominent member of the Ancient Order of Hibermians and the Elks lodge of this city He took an active part in settling the A. O. H. difficulties a few years ago He was a strong temperance advocate and his influence with all nationalities who make up the perputation of the apwho make up the population of the anthracite region is recognized by miners and mine owners alike. His participa strike of last year is still fresh in the miads of the public.

ALBANY STRIKE CASUALTIES.

Vania. The coroner says that the identifica-tion can hardly be questioned as papers found on the body set to prove it. The police are working on what may prove to be a murder. Kirk Stanley, a massage operator, in whose rooms the body was found, is under arrest as a suspicious person. Decomposition had advanced so far Decomposition had advanced so far when the body was discovered that a

when the body was discovered that a cursory examination was not sufficient to reveal the came of death, and at autopsy will be held. Stanley has been subjected to rigid examination and is said to have told conflicting stories. Mrs. Bernius, from whom Stanley leased four rooms, in one Albany, N. Y., May 17 .- Two dead, one dying and sixteen suffering from indying and sixteen suffering from in-juries more of less severe, is the record at 9 o'clock today of casualties result-ing from the strike of Union Traction company employes in this city. Of the three men who were wounded by the national guardemen yesterday, William Walsh and Eiric Smith are dead, while William Rooney's wound is not danger-ous. William Marshall, the non-union motorman whose skull was fractured by stones thrown by the mob that at-tacked a car he was taking out of the bann Tuesday, cannot recover. Mr. whoin Stanley leased four rooms, in one of which the body was found, says that her tenant claimed to be from San "rancisco and called himself "Dr. Stanley," He was accompanied by a young woman, whom he introduced as his wife. The body was discovered by

SERIOUS ACCIDENT AT ONTARIO MINE.

Caused by Misunderstanding on the Part of the Engineer-Over 200 Men Thrown Out of Employment.

(Special to the "News.") Park City, May 17 .- A very serious accident, and one which came near costing the lives of a large number of men, occurred at the Ontarlo mine, shaft No. 3 at 6:30 this morning. Fortunately the loss was confined to prop-

erty only. As a result of it the mine will be entirely closed down for at least a week and perhaps more, during which time the damaged machinery will be repaired. In the meantime something over 200 men are thrown out of employment.

The accident was caused by a strange misunderstanding of what was going on, by Engineer Densmore, He supposed that he was hoisting a carload of ore from the 1,590 foot level, when in fact he was doing so from the 1,000 foot level. So when the thousand foot run was completed the hoisting machinery was still in full swing and the car, instead of being stopped as it should have been continued to go right on at a rapid rate with the result that it shot up through the sheathes with a force that shook the surrounding building, and broke the engine, and caused the descending car to become disabled, while three or four men on the surface, and a large number below miraculously escaped with their lives. Some of the men made a dash for safety and just got out of the way as the carload of ore came crashing down on to the place where they had been sitting, while waiting to go on to work with the 7 o'clock shift. All escaped without injury except one man, whose head was badly cut.

Instantly all ingress and egress to the mine was cut off except through the

man way and six hundred foot tunnel. out of which the miners made their way on ladders. This was a tedious and tollsome task and many hours elapsed before the last man had made his escape from the mine. Many of them were uncertain as to just what had happened and feared that an accident had occurred which was much more serious, although the loss will reach into the thousands of dollars to say nothing of the wages the men will be deprived of pending repair work.

NUMBER 152.

There seems to have been little excuse for the accident and the feeling against the engineer is very strong. He says he was under the impression that he was hoisting from the fifteen hundred foot level when he was actually doing so from the one thousand foot level. It is not quite clear where or how he got this impression as a great indicator, twice the size of a clock, which always registers the exact place of the car, was immediately before him.

When the loaded car was jerked to the surface through the sheathes there was a stop and a crash that startled every one within hearing and which caused them to think that there had been an explosition. It is considered marvelous that there was no loss of Hyes.

News of the accident was telephoned to the Ontario office in Salt Lake early this morning but no details were given, and Mr. Rood was unable to state how great the loss was, or how long the property would be shut down. It will probably take a visit to the mine and a careful investigation of the damaged property to determine just what the loss lo

communicative. It is not expected that

Againaldo will continue to be prominent

in Philippine affairs, though his friends

Tenth cavalry will also be sent to Sa-

Nine new American judges called on Gen. MacArthur today. The general said their duties were of greater im-portance than those of any of the of-

ficers who preceded them. He com-mended the establishment of laws and

NEWS CONFIRMED.

just judiciary ahead of the coming

Washington May 17 .- The following

artment today from Gen. MacArthur

Next week the balance of the First

his exceptional abilities for

GENERAL MASCARDO SURRENDERS With Him Are 328 Men-In an Interview Aguinaldo Says American Government to be Unquestionably Satisfactory Should

lendership.

use within the Scatt residence, but to the band of watchers that had weary vigil throughout the long After the last bulof the night. the night had ben given Dr. Hirschfelder, the consulting ician, had left for the night, aning that he would not return unning, the lights were extined except in the sick room, where ed lamp burned low and where a nurse was in attendance upon

ISSIONARIES TO JAPAN. ostle Grant and Associates to Leave

on "Empress of China," July 8.

stle Heber J. Grant and Elders L. Kelsch, H. S. Ensign and Alma O. who have been called to open the Japanese mission, yesterday wed their berths on the "Empress of na" to sail from Vancouver on July

he departure will take place from ty on July 4th, it having been impossible for all the party to up their business affairs in time eave June 12th, as was originally intention. By sailing from Vanr they save five days on the water trip from San Francisco takes 17 to 19 days, while in going via aver only 12 to 14 days are No one of the party will take fe, it having been decided to oughly investigate the chances for atroduction of the Gospel before ng any permanent headquarters. onditions are favorable, Messrs. it, Kelsch and Ensign will send their wives later on.

SECOND MINING CALL.

Advance in Century Stock--- Een Butler Climbing.

ocks were not very active on the ng exchange this afternoon though in some cases were much strongan this morning's quotations. The mportant advance was recorded tury, for which \$1.75 was bid. ler sold up to 11%, while Star s high as 49 with the last Roing at 481%. Ajax was traded tween \$1.14 and \$1.14%. Con, Mer-was held at \$3,37%, with \$2.20 bld, igh as \$25.90 was offered for Daly Grand Central was a r in the bidding, May Day ned to \$27%. At the close the was offered at \$3 with \$2% bid. ened to was offered at 82 with 80 bid. weed was an offering at wers was active at 5% and 5½ Washington sold at 5%. Wes ng Glory was being called when "News" went to press. Sales were rded as low as 21%

HIGH TEMPERATURE.

ighty-Seven Degrees in the Shade Registered This Afternoon.

it three o'clock this afternoon the tometer in the shade, at the ument weather bureau in the block registered 87 degrees. This close to being a record for this in May. highest temperature heretofore red at the Utah weather bureau 9 degrees on May 19, 1886, and 93 rees May 31, 1887.

CIVIL SERVICE EXAMINATION.

(Special to the "News.") Washington, D. C., May 17.-A civil rvice examination will be held at Ogn on June 22 for the position of clerk id letter carrier in the postoffice at at place.

the statement made by Mr. Scott and later by Secy. Cortelyou. The President did not leave the house during the morning but it was said he take a drive about noon. He hoped to was considerably annoyed yesterday by the presence of persons with kodaks at every turn he made and it is thought this annoying feature has deterred him from walking in the immediate vicinity of the house today. Secretaries Smith and Hitchcock are

PRESIDENT GETS UP. With the first indication of daylight, heavy fog began to dissipate and is improvement.

BISHOP RALEIGH'S WILL. Leaves the Old Homestead to the

"Mormon" Church. In looking over the papers of the late

Bishop Raleigh the executors of the estate have so far found nothing that makes any material change in the original will. The papers are voluminous and it will be some time before the sum value of the estate can be ascer-tained. The main provisions of the will are that his wife, Emily P., shall

have the home at 324 north, First West street, where the Bishop died; that his wife Elizabeth A. retain her residence at 348 Center street; that his daughter Caroline and his son Jacob T. live at old homestead, the latter to look after the general interests of the family. They are to have joint control of this property until the death of Caroline, when the rents and profits from the property are to go to the "Mormon" the property are to go to the helping to Church forever, for the helping to maintain temples. The and maintain temples. build property must remain intact, 38 though he were alive, until after the death of his wives and the attaining to his majority of the youngest child. Then the property, apart from the por-tion bequethed to the Church, is to be equally divided among all his surviving children.

IN A CRITICAL CONDITION.

"Duke" Cannon Still Unconscious-Doctors Have Given Up Hope,

The condition of Angus L. Cannon or "Duke," as he is known, is critical in the extreme. He has been unconscious since 9 o'clock last night and the doctor says that he will never again rouse from the stupor. So far as the physi-clans are concerned, all hope of his re-covery has been abandoned, and they say it is only a matter now of a few hours when the spark of life that is now fluttering in his bosom will go out, These are sad tidings to the hosts of young men and women who love "Duke" for his intelligence and good love ness and an exceptionally happy dispo-While there is life there is hope, sition. and his bedside is surrounded by loving and heavy hearts that are fervently praying that "Duke" may be spared

A LIVELY ROW.

to them

Stabbing Affray That Came Near Costing the Man His Life.

Chris Schmohl, a kettleman at the Salt Lake brewery, had a close call for his life yesterday afternoon while engaged in a row with William Wiegengaged in a row with William Wieg-ani. He was stabbed with a miner's candle stick over the heart, and had the instrument ranged upward instead of downward, Schmohl would now be a dead man. The wound is fully two inches deep, and while being very pain-ful is not considered dangerous. According to the statements of eye witnesses, the two men were quarreling

Bond, \$1,000. Estate of Marion C. Kohl, deceased; former petition and proceedings dis-missed. Permission given to re-mortgage real estate. Estate of Nephi Wilkins, deceased;

account approved. Distribution of es-Estate of Lydia Wilkins, deceased

Probate Matters.

Judge Hall made the following pro-

same order. Estate and guardianship of William Woolley; report of guardian filed G.

and account approved. Estate and guardlanship of Saul D. Woolley: same order. Estate of Emma J. Stewart, deceased;

ecree of distribution amended. Estate of Mary Y. Taylor, deceased; same order.

Receivership Question.

Trial was commenced before Judge Stewart this morning to establish the validity of A. T. Moon's appointment as receiver of the Daisy Gold Mining company, and whether the company has any right to have a receiver at all. The suit is brought by G. W. Popp, who is represented by Peterson and Moyer and

the mining company by J. E. Frick and Dey and Street.

Equity Orders.

The following orders were made in the equity division of the district court today:

James H. Thomas vs M. Thomas: permission granted to plaintiff to with-draw from files certificate of membership in Presbyterian church of Guthrie,

Emily Love vs Joseph H. Love; order to show cause for a restraining order continued indefinitely. In the mean time restraining order heretofore made to continue in force. Mary I. Swain vs I. M. Higley; boun-

dary line between premises fixed. Defendant given thirty days to remove portions of iron pipe fence not on this line. If plaintiff and defendant cannot agree upon construction of a mutual fence, plaintiff to be allowed \$25 dam-

ages Thomas Walkins vs Home Insurance company: judgment conclusions and issues

ues in favor of defendant. Nephi Howcroft vs Union Irrigation company; findings, conclusions and judgment in favor of defendant. Emma Arnold vs James C. Arnold: order that defendant pay plaintiff \$6 per week and \$4 a month during this action, \$25 attorney fees on June 20th.

Restraining order issued.

Melvina Coleman vs E. G. Hines; motion to dismiss overruled. Rosalia Rasmussen vs Neal Rasmussen; leave granted to withdraw demur-

John Peter Johnson vs Emma Hanson; stay of execution granted. Hear-ing on motion for new trial continued to Saturday, June 1, 1901. L. G. Hardy vs Utah Sugar company; demurrer to complaint dismissed. fendant allowed ten days to answer.

GEO. D. GOLDEN DEAD.

He Was Grand Master of the Masons of Idaho.

Blackfoot, Ida., May 17.-George D. Golden, grand master of the Masons of Idaho, died suddenly at Idaho Falis

this morning. Death was due to neu-ralgia of the hearl. LATE LOCALS.

The county school examinations are being conducted at Murray today and

will continue all day Saturday. The Salt Lake Glee club will meet for special rehearsal this evening at 8 o'clock in the hall over Coalter's music store. All members are requested to attend. Evan Arthur, conductor.

The ladies of the Relief So-ciety and M. I. association will hold a ful is not considered dangerous. According to the statements of eye witnesses, the two men were quarreling about something when suddenly Wies-ant stabbed Schmohl over the heart. Ciety and M. I. association will hold a meeting in the Tweifth ward chapel on Fourth East street, on Saturday, May isth, at 7:30 p. m. The meeting is about something when suddenly Wies-ant stabbed Schmohl over the heart.

Mrs. Bernlus' daughter, who went into Stanley's apartments to remove some bedding, which was hanging out of the ndow. The police were immediate notified, and a scarge of the body indow. disclosed a number of papers. Among them was a letter from John Mitchell, president of the United Mine Workers, and addressed to Rev. Dr. Edward S. Phillips, Hazleton. There were also hillips, Hazleton. There were also everal telegrams from Mitchell, a half rate coupon, such as is issued to cler-gymen, and several receipts made out

n Dr. Phillips' name. It was made public for the first time, after the identification of the body, that two confidential alarms had been soul out by Captain of Detectives Titus for Mr. Phillips, who, according to this in formation, had been missing from his home in Hazieton since April 28. The first alarm was sent out on May 8, and the second yesterday, and detective, from the central office have been quiet ly searching the hotels and hospitals in this city for missing clergymen.

Police Captain Donahue, after exam-ining the body, the rooms and effects of the dead man, sent out a general alarm for the apprehension of Stapley. Shortly after midnight Stapley was Shortly after midnight Stanley was seen walking through Fiftieth street. When he came to the corner of Ninth avenue, half a block from his apart-ments, he stopped. A policeamn saw him. Stanley saw the policeman at the same moment and at once turned and walked rapidly through Fiftieth street toward Eighth avenue. The po-liceman ran after him, and touching him on the shoulder said the captain desired to see him. Stanley accom-panied the policeman, and when he reached the station house was taken at once to Capt. Donahue's private office. once to Capt. Donahue's private office He and the captain were closeted to gether for more than an hour. The captain then took Stanley before Ser-

geant Shible and told the sergeant to ek him up. The prisoner scemed to be suffering the effects of drink or drugs. His manner was that of a man who was badly dazed. He said his name was Kirk Stanley, and that he had come to this city about a year and a half ago. He said they called him a doctor, but he had no diploma. He was

a massage operator and intended to open an office here. Capt. Donahue was reticent in discussing the case. All that he would say was that the prisoner had made conflicting statements. He had denied knowledge of the man whose body was found in the room and said he had seen him before and that he did not know there was a body there until told by the polles.

The police are searching for a woman who was known as Stanley's wife. They say this woman left the house in Ninth say this woman left the house in Ninth avenue on May 9, and has not returned. Father Phillips disappeared on May 8. Stanley is said to have a wife and 12-year-old son in San Francisco, and is said to have resided at the Paiace hotel in that city. After coming to New York he frequently received \$100 checks from Alameda, Cal. He pro-checks from Alameda, Cal. He professed to cure rheumatism by the ap-plication of air at a temperature of

thout 400 degrees. Stanley was arraigned in police court and was remanded to the custody of the coroner. He refused to make any statement in court.

The body of Father Phillips was removed to the morgue. Dr. A. Dougherty of Wilkesbarre, Pa., A. said he is a nephew of the priest, iden-tified the body. He said Father Phillips had come to the city to buy some statuary for his church.

Coroner Bausch committed Stanley to the Tombs in default of \$10,000 bail, to await the result of the autopsy.

Stanley in an interview with a re-porter, said: "This is terrible. I thought I had been arrested for a debt of 38 I owed a Mrs. Geldstein. I did not know the body of

the priest was in my room." In a talk with Coroner Bausch, Stan-

barn barn Tuesday, cannot recover. Mr. Smith was prominent in business, political and social life here, and was the presiding officer at the last session of the American Whist congress. Maj. Gen. Rowe, Brig. Gen. Of per and Col. Barnes, of the Twenty-third regiment, which did the fatal shooting,

said today that while they regretted the shooting the soldiers had been or dered to stop mob violence and to shoo if attacked and the only safety for peaceable citizens was to move at the first indication of disorder.

The Ninth regiment of the national guard, which will reach the city today. will swell the number of troops in Al-bany to 3,000. The Ninth will be staioned in South Albany, where the Inited Traction company has a large wer house. Twenty-five non-union men who

reached the city early in the day were escarted by a battallon of the Twentythird regiment to the car barns. Th directors of the United Traction com pany will hold a meeting at 11 o'clock to consider the situation. Meanwhile it is not likely that any effort will be made to move cars.

The conference committee has ad-journed without coming to any agreement further than that the rallway officers will meet a committee of the strikers at 4 o'clock for discussion.

TROY STRIKE SETTLED.

Troy, N. Y., May 17 .- A committee of the Troy division of the Amalgamated Association of Steel Railway Employes has waited upon Mayor Conway and informed him that the strike has been settled. The committee said that under the terms of the agreement the em-ployes are to receive twenty cents per hour and that the company will treat with a committee of either union or

After notifying the mayor the com-mittee visited the headquarters and in-formed the members of the union. The news was received by the strikers with cheers.

THE ITATA CASE.

Chilian Claims Commision Has About Determined it

Washington, May 17 .- The celebrated Itata case, involving a claim of \$320,000 against the government of the United States, is about to be determined by the Chilian claims commission. The commission has cleared its entire dock-et of cases with the exception of this one, which by reason of its importance was left until the last for special consideration. An adjournment has been taken to permit the exchange of briefs and the commission will reconvene o June 8 to consider this case, the de cision of which will be rendered before the final dissolution of the body on July

The claim now put in, covers the time of the vessel, \$55,000; coal, \$65,000; repairs to vessel, \$25,000; maritime risks, \$10,000; cablegrams, etc., \$7,000; miscellaneous losses, \$50,000. The interest since 1891 amounts to about \$120,000 more, making the total claim abou \$320,000. Aside from the claim Itself the case presents many interesting legal questions as to the right of a neutral government to prevent the shipment of arms intended for belligerents.

ARRESTED FOR TRAIN ROBBERY

Believed to be Men Who Held Up Choetaw Express Train.

Memphis, Tenn., May 17 .-- A telegram was received here today from Shawnee I. T., stating that five men had been arrested there, charged with the robbery of a Choctaw express train at Bridge Junction, Ark., a few weeks ago. The names of the prisoners are not given in the telegram and details are meagre, but it is said that a fight en-sued between deputy sheriffsff and the

Conform Strictly to the Constitution. Manila, May 17, 5:35 p. m.—Gen. Mas-ardo, with 328 men, has surrendered to includ law, by which the governor only is an elective officer. Aguinaldo was uncardo, with 328 men, has surrendered to Capt. Joseph P. O'Nell, of the Twenty-

fifth infantry, at San Antonia, Zambales province. Aguinaldo, in an interview with the correspondent of the Associated Press infanity will proceed to the island of Samar. Squadrons of the Ninth and

today expressed the opinion that the American government of the Philippines in order to be unquestionably satsfactory should conform strictly to the constitution. Asked whether he con-sidered the Filipinos capable of exercising all the privileges guaranteed by the literal interpretation and application of the constitution, he declined to xpress an opinion.

Concerning the political and com-mercial future of the archipelago, Aguinaido was reserved. He said it

was hardly time to discuss it, while in what he considered to be captivity. The military officials say he is kept cablegram confirmatory of the Manila dispatch was received at the war deguarded principally for his own pro-tection. Againaldo says that he knows at Manila: of no enemies, needs no protection and is willing to go out unattended if per-

"Gen. Mascardo, 21 officers, 331 men and rifles, surrendered to Capt. Joseph mitted to do so. He is pleased with P. O'Nell, Sannarelso, Zambales prov-the municipal law conferring full local ince, May 16."

commercial activity.

THE EWO INCIDENT VERY SERIOUS England Dissatisfied With Gen. von Lessel's Explanation-Times Says the Apology is an Aggravation, and Not Sort of

Satisfaction to be Accepted.

London, May 17 .- The Ewo incident, ; use of arms is concerned, is regarded as quite inadequate. The Times, in an editorial, says: at Tien Tsin, May 4, when some German soldiers guarding a German bridge

'Apart from the question of the flag across the Pei Ho, at the south end of which the tug flew, we have no hesita-tion in declaring that such punishments the British concession there, fired on are out of all proportion to the alleged the British tug Ewo, wounding two of offense. We would have condemned them if they had been inflicted on coolher crew, after the vessel had touched the bridge, which impeded river traffic, ies, sailing under the German flag, at Kiao Chou. The flogging proves that is assuming a graver character. Owing the German authorities deemed that something more than two lives was to the unsatisfactory nature of the Ger-man commander's explanations, the necessary to atone for the helnous of-fense of running against a German matter has been referred to the British bridge. We will want to know who the authorities were who took the law in minister at Pekin, Sir Ernest Satow, with a view to diplomatic action being their own hands and executed it in this brutal fashion. The fact that the crew dealt with in this high hunded style were under the British flag introduces a taken. According to a dispatch from blished e crew serious factor. Von Lessel's apology is an aggravation of the original wrong since had been wounded, they have since died), the remainder were arrested, taken to a German prison and Bogged. Gen Lorne Campbell asked Gen, von Lessel for an explanation of the "un-warrantable act of brutality." Von Lessel's reply, which has just been re-celved, promising that the incident shall done us. It is not the sort of satisfac-tion we are likely to accept. Then Tshn is not the only place where Germans are disposed to forget that we are their

nation of the various German expedinot be repeated, at least so far as the ! tions.

> events over which the New York Yacht club will have jurisdiction. The cor-respondence has been turned over to the printers and will be given to the newspapers, probably tomorrow.

The decision not to permit the Inde-The decision not to permit the inde-pendence to race in the trials against the Constitution and the Columbia was reached by the cup committee it a special meeting held Wednesday in the Mr. Belmont.

a long standing rule of the club that no yacht shall be eligible to com-pete in any of the club's events unless er owner be a member of the organi-

The statement is made that Mr. Lawcon intimates that the boat would be raced in the trials in spite of the New the Shamrock II, but from all other | York Yacht club.

CUP RACE CONTROVERSEY. Feeling Between Mr. Lawson and N. Y. Yncht Club Very Bitt New York, May 17 .- The Mail and

Pekin, to the London Times, p

today, after two of the Chine

had been wounded, (they have

Express says: Correspondence between Thoma w.W. Lawson, of Boston, owner of the 90-foot vacht Independence, and the Amelica's cup committee, has reached such an

acute stage of bitterness on the pant of the Boston man that the committee decided to break off all negotiat ons and to bar that boat not only from the trial races to select a defender to meet dies and not their subordinates." The Times concludes with a condem