The Evening paper is the paper of Today, the morning paper is the paper of Yesterday.

DESERET EVENING NEWS.

5 O'clock -EDITION.-

TRUTH AND LIBERTY.

NO. 304. TUESDAY, NOVEMBER 17, 1896, SALT LAKE CITY, UTAH. VOL. XXIX

IT IS INVALID

The Election Declared to be Unconstitutional.

BALLOT WAS NOT SECRET

And Contrary to the Constitution's Mandatory Provisions.

CERTIFICATES MUST BE ISSUED.

Board of Canvassers Can Not Refuse to Do Its Duty, and the Courts Can Issue Mandamus to the Proper Board, Unless Either is Restrained by the Proper Court of Law—Excellent Opinion by Mr. Whitsemore.

County Attorney C. O. Whitsemore has shortly handed down an opinion on the legal status of the recent election. It declares that the ballot was not secret one as defined by the provisions of the Constitution, which are mandatory and prohibitory, therefore the election itself is pronounced invalid, and is, in fact, no election."

However, the board of canvassers is advised that it must perform its duty, which is merely ministerial, and that the county clerk must issue the certificates of election required by law unless he is prevented from doing so by the intervention of a court of competent jurisdiction.

The opinion was delivered to the board of canvassers at its meeting this morning, and is set down in full:

To the Honorable Board of County Commissioners of Salt Lake County, Utah:

Gentlemen—I have received from the county clerk a copy of the resolution adopted by your board on the 10th inst., in which it is recited that you have not yet completed the canvass of the returns of the general election in Salt Lake county on Tuesday, November 3rd, 1896, and that the board is now preparing to compute the total number of votes cast for each person voted for at said election and to declare the result of said election, and that a doubt has arisen as to the duty of the board in declaring duly elected the persons who, from the face of the returns, appear to have received the highest number of votes for each office intended to be filled, it being claimed that the board has no authority to make such declaration and to certify to such persons as the winners, for the alleged reason that said election is claimed to be void and unconstitutional, and that therefore I am directed to request the board an opinion as to the legality of said election and to advise the board as to its duty in the premises.

CONSTITUTIONALITY OF THE LAW.

In order to determine the question as to the validity of the election, it will be necessary to consider certain provisions of the State Constitution and the laws enacted thereunder.

Section 5 of article 4 of the Constitution is as follows: "All elections shall be by secret ballot. Nothing in this section shall be construed to prevent the use of any machine, or means not contrary to this section, for the purpose of recording and registering the votes cast at any election; provided that secrecy in voting be preserved." If the provision is merely directory, an election held in disregard of its terms will not be set aside, but, if mandatory, a violation of these provisions will void the election, without regard to the motive of the persons guilty of the violation and without any inquiry into the effect of the result of the election.

The question therefore presents itself, is the requirement that elections shall be by secret ballot mandatory, or merely directory?

Section 20 of article 1 of the Constitution is as follows: "The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise."

A careful perusal of section 5 fails to discover any express words declaring the provisions of that section to be otherwise than mandatory and prohibitory. In fact, the words used in section 5 are such as to clearly and unmistakably imply that its provisions are mandatory. In interpreting this provision into the Constitution, the framers of that instrument followed the well established rule of constitutional law. Cooley, in his work on Constitutional Limitations, says: "Provisions prohibitory in their form are held to be mandatory, unless the right is waived by those in whose favor the prohibition is made." Sutherland, speaking of statutes, says: "Where the language of a statute is affirmative and contains a negative element, it is generally held to be mandatory." Sutherland, Stat. Const. 363. Mr. Cooley, in his work on Constitutional Limitations, says: "Provisions prohibitory in their form are generally held to be mandatory, unless the right is waived by those in whose favor the prohibition is made." Sutherland, speaking of statutes, says: "Where the language of a statute is affirmative and contains a negative element, it is generally held to be mandatory." Sutherland, Stat. Const. 363. Mr. Cooley, in his work on Constitutional Limitations, says: "Provisions prohibitory in their form are generally held to be mandatory, unless the right is waived by those in whose favor the prohibition is made."

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[illegible] of voters, in the list of names appears the name of such voter.

It next became necessary to determine whether this provision for placing numbers on the ballot book, opposite the name of the voter, and the corresponding number on the back of the ballot, issue it be deposited, violates the right guaranteed to the electors under the Constitution of voting by secret ballot. We are about to commence to consider upon this point a decision previous by the decisions of courts where the same or rules in the laws of other states have been brought into question.

The supreme court of Indiana, in Wilmoyer vs. State, 39 Ind. 30, said such a statute unconstitutional, as violating the secrecy implied in the constitutional provisions that the vote should be by ballot, the court in that case saying: "The secrecy, which is necessary for an authority to be essential to the due exercise of suffrage, is so much violated by this law as it is not conceived that the election should be vote void."

The same view was taken in Attorney vs Cleary, 28 Minn., 107; Harrington vs. Hoffman (Cassia, Ill. cases), 101; and Woodward vs Estabrook, 4, R. 19 C. P. 75.

In all of the cases above mentioned, the constitutional clause provided that elections should be by ballot, and upon an elaborate review of all the authorities, the conclusions was reached that in this country the ballot is an invention and invaluable secrecy, and that this doctrine is rounded in the highest constitutions of public policy, that the term "ballot" implies secrecy and that the mode of voting we adopted making it an enable each voter to keep secret his vote. Our Utah legislature goes further than any of these, and provides, not only that elections shall be by ballot, but that they "shall be by secret ballot."

Having reached the conclusion that the provisions of the Constitution requiring that all elections shall be by secret ballot, and that such constitutional provisions are mandatory and prohibitory, and having further determined that the provisions for placing numbers on the ballot book corresponding number opposite the voter's name destroys the secrecy of the ballot, I am clearly of the opinion that an election held under the provisions of the law above quoted is absolutely invalid, and is, in fact, no election.

DUTIES OF THE BOARD OF CANVASSERS.

I am further requested in the resolution to advise the board as to its duty in the premises.

All authorities upon the question hold, in clear and unmistakable terms, that courts of canvassers are ministerial officers, whose duty it is to receive the returns from the various precincts, or counties, as the case may be, and declare the results as shown by the face of the returns. Following these authorities, I would advise the board that you cannot consider any question as to the validity of the election, and that you are bound to open the votes given, tran pose comments, and to declare those persons elected who have received the requisite number to have the highest number of votes.

Section 27 of Chapter 125 of the Laws of Utah, 1896, concerning elections, requires the clerk of the board, as soon as the result is declared, to enter on the records of said board a statement of such result, which statement shall be the evidence of the number of votes cast in the county, the names of the persons voted for, the office to fill which each person was voted for, the number of votes given to each person, the number of votes given in the county in each of said precincts. And section 28, following, requires that the board must declare elected the persons having the highest number of votes given for each office to be filled by the votes of a single county or subdivision thereof."

Section 29, following, requires that "the county clerk must (immediately) make out and deliver to each person (except to the person elected district judge) a certificate of election signed by him and authenticated with his seal."

Your duties, therefore, are clearly defined by the laws, and unless you are prevented by the intervention of a court of competent jurisdiction, from performing those duties, the terms of the statutes above quoted should be promptly complied with.

Very respectfully submitted,

C. O. WHITSEMORE,

County Attorney for Salt Lake County, Utah.

WRECK ON THE RIO GRANDE

Engine and Mail Car Demolished—Passengers Transferred Safely.

A wreck occurred on the Rio Grande Western in the canyon near Mount Mesa last night about 8 by which an engine and mail car were demolished and passenger train No. 2 which left this city for the east at 7:00 yesterday morning.

The wreck was the result of a huge rock rolling from the mountain side on to the track in a deep cut. The rock was struck with terrific force, the engine and mail car being thrown from the rails in a demolished condition.

The engineer and fireman were somewhat painfully though not seriously hurt and were taken to Grand Junction in the baggage car. Fortunately not a single passenger was injured to the slightest degree. All were transferred to another train and were forwarded on their way without great loss of time.

Two wrecking crews were dispatched to the scene of the wreck, followed by 12:00 this afternoon all the debris had been removed and the track cleared. The westbound train due in Salt Lake at 10:00 today will arrive at 11:00 this evening.

DEATH OF A SALT LAKER.

L. A. Davis, a Well Known Man, Passes away in Colorado, Colorado.

A special to the Tribune from Trinidad, Colorado, under date of Nov. 14, says: T. A. Davis of Salt Lake died Sunday, November 10th, of double pneumonia, after an illness of only four days, at the residence of his brother, E. L. Davis. Mrs. Davis was telegraphed for, but arrived Sunday evening too late to see her husband alive.

The deceased was born in West Milton, O., in 1841. In 1859 he came to Colorado and built the first sawmill in Colorado City. He then returned to his old home in Ohio, and soon after moved to Kokomo, Ind. On the 15th of February, 1865, he married Miss Mary E. Stewart of Alva, Ind., who survives him. Mr. Davis emigrated to Utah during the year 1866, where he remained a year and returned to Indiana. In 1868 Mr and Mrs. Davis came to Colorado and resided here until 1880, when they went to Salt Lake to take to their permanent residence. He came to Trinidad last the 26th of July, and since has been looking after his mining and real estate interests.

The remains will be taken to Kokomo, Ind., Wednesday morning for burial.

Cruelty to Animals.

Merritt Hemenway was arrested by Officer Hempel this morning and taken before court charged with cruelty to animals. Hemenway now a little wagon, and one of the horses attached to the vehicle was badly afflicted with "spider sores." The young man pleaded guilty, and stated that the horse had not been bought into shape with a knowledge of its actual condition. He was fined $10.

BRYAN AS AN AUTHOR.

He is Writing a Book on Bimetallism Now.

CHICAGO, Nov. 15.—William J. Bryan is actively engaged in the preparation of a work to be published about January 1st. This work will embody a thorough discussion of bimetallism and the impolicy of an attempt to the contrary of 1895.

Mr. Bryan has authorized his publisher, T. W. H. Cheney company of this city, to place the work of the expense resulting from the sale of the book will be used in advancing the cause of bimetallism during the next four years.

The work will also contain Mr. Bryan's views regarding the results of the recent campaign, his being written by his wife, together with special contributions from eminent political leaders.

CHILE AND ARGENTINE.

The Relations Between the Two Countries Again Strained.

NEW YORK, Nov. 15.—A cable from Valparaiso says:

It is confidently reported that the relations between Chile and Argentine are again strained. Chile made a proposition to Argentine to submit the question of arbitration. The policy of Argentine was that in the arbitration proposal accepted two months ago there was no reservation calling for arbitration, that government did not propose to do so. Politicians declare that Chile will only receive her pension in State paper and are exploiting it.

It is considered probable that in the case of a special reissue the government will resort to other measures.

A Case Against Bank Directors.

ST. JOHNS, N. F., Nov. 15.—The Ministry generally proposes reviving the case against the bank directors at the coming term of the supreme court opening Nov. 26. On this occasion he will proceed by affidavits since direct to the court, leaving the grand jury alleged. The proceeding is unique in the colony and will cause much legal manoeuvring.

"CONNEY, THE FOX."

A Mass of the Church Tragedy Brought on the Stage.

CHICAGO, Nov. 17.—"Conney, the Fox," or Cornelia Jane, is back in town. He returned to Chicago of his own free will. Conney reached the city Monday night. His first public appearance was Sunday night, when he visited North Side resorts where men to be frequented by the lovers of the anti-Church motion in the Clan-na-gael. He tended to tell anything about his journeyings or his movements during the last a dozen years where he stayed since he fled after the discovery of Dr. Cronin's body in the manhole of the Lake View cottage.

Conney is stopping at a house on the north side near his former haunts. He intends say he is here to stay. The police do not want him, and there is no reason why he should longer avoid Chicago.

Patrick Conney, better known as "Conney, the Fox," is the man whom Mr. A. Guy Fox accused of being deeply implicated in the Cronin murder. In his story of the crime Fox told how the executors had selected by lot to perform the murder. Conney also claimed, being unmarried, agreed to take her husband's place since Fox had a wife and age and a family of children.

Horses Burned to Death.

CHICAGO, Nov. 17.—Sixty-five horses were burned or suffocated to death, and one man was overcome by smoke in a fire in the J. Mix's transfer stable at 141 Fulgum street, this evening. The building, a two-story brick, was almost gutted. Two men were injured.

A Bus Also a Boat.

CHERRYVALE, Kas., Nov. 17.—A German named Bierman has been burned in Osage lake near Parker, a settlement north of here, to prevent him from being tortured for having outraged and murdered his eighteen-year-old daughter. Yesterday he had been found too gill to Brookmark's farm somewhere. Has was known into insensibility. Later in the day the child.

AN ELECTRIC BODY.

Alleged Discovery by a Colored Politician and Bon Friend.

CHICAGO, Nov. 17.—The Journal publishes a minute article concerning the discovery of a respectable negro it is asserted will revolutionize transportation methods. The powder was mixed with what looks an electric battery, now set of tools is claimed enough to run half a dozen locomotive coal lights. With two cells a power of 150 volts is claimed. The alleged discoverer are Washington Hoskins, a colored policeman, and Lovell H. Rogers, formerly a Lieutenant Governor. The powder is claimed to be made from the roots of a common plant, the name of which is kept secret awaiting a patent.

A WAR IS POSSIBLE

Between the United States and Poor, Old Spain.

THE SPANISH MINISTER SAYS SO.

It Would Be a Terrible One, He Adds, the End of Which Nobody Can Foresee.

NEW YORK, Nov. 17.—The Herald's Washington special says: Senor Dupuy De Lome, the Spanish minister, was asked the direct question last night: "Do you believe there is any danger of war between the United States and Spain?"

"It is possible," the minister answered. "It would be a terrible one. One can foresee its beginning but not its end."

STRONG FEELING AGAINST SPAIN.

NEW YORK, Nov. 17.—The Journal this morning says:

Through the intervention of the Spanish Navy has refused to grant any protection of the great activity there, it is generally believed that insurrection have been received from Washington to have every available vessel ready for use.

The most experienced commanders at the yard believe that there will not be any conflict with Spain. They laugh at the idea of Spain attempting, with her ancient fleet, to attack the United States navy. It is thought by them that the present activity simply presages the evolution for the winter cruise.

In the meantime, the men in the executive department are working night and day to put all the ships in order. In the navy yard more than 200 men are at work on the monitor Puritan, which will go into commission at the end of the month and from the Admiral Hanford. The hull of the Texas is now being repaired in dock.

The inquiry into the accident may be postponed for Thursday.

WAR TALK IS DISHEARTENING.

WASHINGTON, Nov. 17.—The Spanish minister, Mr. Lomb, does not expect to hear of any decisive battle in Cuba unless the Spanish troops should go to Havana as to retake the Cuban. He says Maceo has no force with which to give battle. The Spanish troops, he thinks, will have to cease the insurgents from place to place and destroy their supplies and plantations and prevent them from leaving the sea, where they can receive supplies. He said that the fighting must be the fighting between the country, driving the insurgents from one place to another. He does not look not any important advices from Cuba except possibly the death of Maceo, whom he believes will meet the fate of the great. He estimates Maceo's force at between 2,000 and 4,000.

The subject of hostilities between the United States and Spain being mentioned, the minister with a gesture of derision declared that it was preposterous. He said in this country the people were those who wanted to make Uncle Sam a laughing, whereas he was a peaceful and good-natured gentleman. There was no Spanish image of the same kind, always ready to start up trouble. He said Spain's position was to take care of her own and defend herself, and that she was going to do.

The Spanish minister is well pleased with the success of the Spanish loan. He received a cable dispatch yesterday saying that more than 100,000,000 pesos had been subscribed, which, he says, refutes the assertion that Spain is a poor and bankrupt nation.

THE DEED OF FIENDS.

They Break into a House and Torture an Old Man.

CLEVELAND, Nov. 17.—Last night three burglars broke into the house of John Miller, aged 75 years, a miser who lives alone and is credited with having large sums of money in the house. He refused to give up the burglars were the money was hidden, he was terribly beaten. The latter to force information from the old man. He was the only person who knew the hiding place and refused to give it until he had been literally cowed. The old man without a scream, but protested that he had no money. The fiends then applied the irons to his hands and then to the body until he finally sank into unconsciousness in which condition he was found early this morning. It is believed the burglars got nothing.

Bermuda Denies a Rumory.

LONDON, Nov. 17.—Barney Herald says a statement called to the London Times from Toronto, that his firm is obtaining options on mining properties of the Lake of Woods and Rainy river districts, Canada, is totally devoid of foundation.

NEW FREIGHT RATES.

Will Give California Jobbers a Larger Scope.

CHICAGO, Nov. 17.—C. J. Hinton, general agent of the Pacific Mail steamship company at San Francisco, now from general freight agent of the Texas and Pacific, has been named by to-day's general freight agent of the Southwest Traffic association.

The Southern Pacific company has been rates from the East that will enable California jobbers to have a larger buying field.

The new rates go into effect today.

Freight rates from Boston, Philadelphia and other principal points on the Atlantic seaboard will be the same as from New York on leading commodities with a minimum rate, however, of 25 cents per hundred pounds.

Not Sewed.

LONDON, Nov. 17.—The management of Hotel Cecil today continued making the greatest mystery over the sudden death of Mrs. Alma Merritt, the wife of Geo. W. Merritt, who died at the hotel on Saturday night, under circumstances which led to the circulation of a report that she had committed suicide. Mr. Merritt said today: "The reports published are entirely wrong. We have been traveling on the southeast six months. Our New York residence is Brooker, Minn. Sixteen years ago my wife, who was a Rosanna, arrived from Paris last week. She was suffering from an intestinal tooth. The doctor furnished her cocaine which indirectly caused her death, as it induced epilepsy, which was chronic with her."

The Spanish Loan.

MADRID, Nov. 17.—The subscription to the new Spanish loan of 250,000,000 pesetas now aggregate 350,000,000 pesetas, of which over 250,000,000 were subscribed in the provinces.

Accident to Steamers.

NEW YORK, Nov. 17.—The White Star line steamer Teutonic, outward bound, is reported aground on the north side of Dorney channel. The weather is calm. The steamer Minnehaha, which reached port early today reports that yesterday she passed the Anchoria, from Glasgow, for New York, anchored. The Anchoria had broken her shaft early Sunday evening, which necessitated her laying to until a duplicate shaft could be found. There was no casualties among the passengers.

In the Canal at Ottawa.

KANSAS CITY, Mo., Nov. 15.—William J. Bryan, in a letter to the politicians in the Times, urges the retention of state to continue the fight for the silver the cent last years. To avoid perhaps, he suggests that organizers retain from coming the state over him, merely calling them silver or bimetallic cities.

"The issue," he says "is greater than any man, and will tower upon its own merits."

TRAFFIC IS SUSPENDED.

Spokane Practically Cut Off From the Outside World

On Account of Damage to Bridges Caused by Rains—Rain and Snow.

SPOKANE, Wash., Nov. 17.—Spokane has been practically cut off from railway communication with the outside world for twenty-four hours. No northern Pacific trains ran either east or west yesterday. The trouble on the Rocky Mountain division prevented the mail and express from arriving, and the outgoing west mail was sent on the Nelson river bridge near Yakima prevented any train arriving from the west.

The Great Northern is tied up in a similar manner and the last no trains from everywhere except one as far west as Leavenworth. Traffic in the Clark D'Alene country is suspended by reason of the high water.

AT SEATTLE.

SEATTLE, Wash., Nov. 17.—Not a railroad train has left or reached Seattle yet, but the railway managers claim that they will be able to get trains out today. West bound trains on the Canadian Pacific were reported two nights ago getting through. Superintendent Ross of the Great Northern wires from that between two and three miles of track was washed away near Buffalo, N. Dakota. Buffalo can be seen in all the water stations. Reports from all points on the Northern Pacific show that the rain has ceased and snow is falling in place. There were four inches of snow at Bonne Diamond. The conditions are considerable favorable and railroad men are hopeful.

WORST FLOOD ON RECORD.

SEATTLE, Washington, Nov. 17.—A Post Intelligencer special from Mount Vernon says the present flood in the Skagit Valley is the worst in its history. The whole valley is under water and great damage will ensue to the farmers. The county between Mount Vernon and Lamoking is submerged while to the south there is one vast lake. At Mount Vernon the water is fifteen inches higher than ever known.

The dykes were manned all of last night and it was one until this morning the floods began to recede.

A special to the Post Intelligencer from Kane says the Cowlitz river is higher than ever and still rising. All log booms have let loose and millions of feet of logs are floating on the vast lake. At Mount Vernon the water is fifteen inches higher than ever known.

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The Valleys of the White and Black rivers are covered with water and the loss to farmers will be large.

HOLY WAR.

Pizarrists Inviting Nonsectarians to Kill Christians.

HAVANA, Island of Cuba, Nov. 17.—Pizarrists have been posted in this city inviting Mussulmans to engage in a holy war against the Christians.

County Let Cells at the White House.

WASHINGTON, Nov. 17.—General Fitzhugh Lee called at the White House shortly before the cabinet meeting today, but saw only Mr. Carlisle. From the last that Secretary Olney was not present at the meeting, the inquiry was made of the secretary of the interior if the Cuban question had been under consideration by the cabinet.

The Search For Secretaryship.

TOPEKA, Kas., Nov. 17.—Judge Myers will make a testing of the state Populist convention, Oklahoma at 3 o'clock this afternoon.

THE GERMAN REICHSTAG.

The Chancellor Kept Over Answering Questions.

BERLIN, Nov. 17.—The chancellor, Prince Hohenlohe, replying to an interpellation of Herr Auer, the leader of the Peiskely party, concerning the Brunswick incident on October 13 last, when the Kaiserin was the guest of the Brunswick workman named Schumann, who successfully pushed aside the officers guard in offering a note, stated that the military department was preparing new regulations with the object of limiting dueling as much as possible. A commission of officers, he added, would meet shortly to consider the question of abolishing the duel.

The chancellor said the proposed regulations contained provisions that an officer involved in a duel, the member should be left to the decision of a court of honor, but the judgment of the law court should never be waived so as to make evading the necessity of every officer who is a member of such court to settle a duel.

The government, Hohenlohe said, was now considering a bill for the preparation accordance but with embarrassing difficulties, he, it was hoped this would be welcomed with the bill of Germany. The principles of society, the chancellor further stated, appertained to the citizens and therefore is not subject to the judgment of the Reichstag.

General Von Goeler, minister of war, then addressed the house, speaking officially on the Brunswick affair. Herr Bebel, in the discussion, said the serious treaties in between the honor of his authority had been violated by the aristocratic parties against his claim by the unfortunate workman. The affair was most unmilitary and unknown to your your imprisonment and dismissed from the army.

Station Dispute Settled.

NEW YORK, Nov. 17.—The Herald's correspondent in Rio Janeiro, Brazil, cables that the preliminary of the Italian dispute has been made. Brazil will pay a stated sum in liquidation of all the claims of Italy, except those which arose from outrages on Italian subjects in Rio Grande Do Sul and Santa Catherine, which will be submitted to a mixed commission of inquiry. Italy accepts the terms and promises to remove the Italian consul at Sao Paulo, Signor Brancamoro, who was a conspicuous figure during the recent troubles in that city. Italians will also again be permitted to emigrate to Brazil.

Opposed to Football.

LAWRENCE, Kas., Nov. 17.—Chancellor Lewis are opposed to football and a resolution has been adopted to discontinue the game. The death of Bert Fort, the quarterback of the Kansas College eleven. It was decided to ask the next legislature to pass an act making it an offense punishable by imprisonment. It was stated that Florida had such a law. A committee was appointed to wait upon Governor Leedy and ask him to publicly such a recommendation in his forthcoming message to the legislature.

Railroad Reorganization.

PHILADELPHIA, Nov. 17.—The Philadelphia and Reading Railway company reorganized today.

The railroad was sold under foreclosure September 5th. Under the plan of reorganization there will be three companies, Philadelphia and Reading, Philadelphia and Reading Coal and Iron company, and the Reading company.

The latter is known as the reformed company, but application has been filed in court to have the title changed.

The officers are: President, Joseph Wood; vice president, Joseph H. Harris; secretary, Wm. H. Taylor; Geo. F. Baer; Reading; Chas. H. Mercer and Francis Lynde Stetson, New York; Wm. A. Thomas, Thomas McKean and John Lowe Smith, Philadelphia.

The capital stock is fixed at $50,000,000 to be issued in four hundred thousand shares of fifty dollars each.

Accidental Killing.

STILLWATER, O. T., Nov. 17.—Chas. H. Tull, deputy national, charged with murdering his wife, one term discharged, the coroner's jury returning a verdict of accidental killing.

THE DEEP WATER HARBOR

Commission Will Meet and Inspect the Great Harbors.

WASHINGTON, Nov. 17.—The commission recently appointed to locate the deep water harbor on the Pacific, at Santa Monica, California, has decided to meet in Los Angeles, Cal., December 2 for the purpose of inspection of the harbor. The commission expects to spend most of the winter in southern California in prosecution of the work. So far it has the cases unanimously in the general way. The commission will hold no meeting after today until the session in California begins.

Congressman Elect Dead.

SHELBYN, Mo., Nov. 17.—E. P. Gunn, Congressman-elect from the First Missouri district, died today.

A Million Fire.

MADISON, Ind., Nov. 17.—This morning a fire broke out in a saloon and spread to an entire block. The loss will reach $50,000.

ELECTION CONTEST.

Wholesale Fraud Charged in Tennessee.

NASHVILLE, Tenn., Nov. 17.—The Republicans since adjournment with the leading Republicans from all portions of the state present, unanimously resolved to investigate the election frauds in the state legislature a committee of five was appointed to take the matter upon the part of the republicans for Congress who, it is claimed, were elected by fraud. Republicans claim that the fraud in the state is increasing and that in Ten. was Tennessee counties alone so much fraud was committed that it would be sufficient to overcome the alleged Republican majority. E. Hallinan, who managed the Reputation campaign, is chairman of the committee which has been placed in the Republican state legislature. The Nashville Banner, Democratic, has begun for a thorough investigation.

An Offer for Corbett.

NEW YORK, Nov. 17.—C. M. Henry Gillinger, president of the Harlem sporting club, this city, has telegraphed Corbett that a purse of $10,000 for a twenty-five round contest. The conditions are that the fight shall be decided in New York City in the latter part of January next. That "Honest" John Kelly shall receive and Benjamin G. Williams official timekeeper. Corbett agrees to deposit the whole $10,000 with the referee before the boxers enter the ring.

ADVICES FROM CUBA.

Rumors That General Weyler is Not Meeting With Success.

INSURGENTS CAPTURE TWO TOWNS.

A Strong Force of Army Marching Against the Insurgents of Puerto Principe.

HAVANA, Nov. 17.—No news, official or otherwise, has been received concerning the movements of General Weyler and story, supposed to be in content of the insurgents, for the surrender of Amante Maceo, in the province of Pinar del Rio. No news from the Spanish force in the field, as a rule, means bad news and the insurgents are circulating reports of Spanish defeats in Santa, however, these seem groundless, the belief that the captain general has not met with the success he anticipated. While he is reported moving along the southern part of Pinar del Rio, Maceo is said to be south of him not far from the trocha or military line which would indicate the possibility of the insurgents trapping the Spanish flank and making it difficult for the captain general to return to Havana. This, however, is a conjecture, as news is not allowed to leave the official staff in the palace. From a private source this afternoon, it was said that Maceo was had been encamping a portion between Candelaria and Artemisa, and moved south of the former town, giving warward towards the trocha. In any event, Weyler knows he is that he is pushing a strong force through the swamp south of the Trocha.

It is no longer doubt that the insurgents have captured two quite important towns, Caunito and Guimara, in Puerto Principe, and an insurgent army of about ten thousand men is advancing upon the city of Puerto Principe.

THE W. C. T. U. SESSION.

The Ladies Responsible for the Revised Women's Bible.

ST. LOUIS, Nov. 17.—At today's national W. C. T. U. session the report of the executive committee was adopted with slight changes. As adopted, it provides that the field fund be placed in the hands of the superintendent of the organization department, and that work under the direction of the superintendent and general officers; that the national constitution be amended so that the superintendent of organization shall be added as national organizers; that the appropriation for the national organization be referred to the superintendent of organization in conjunction with other general officers and that the loyal temperance legion be made a branch department in the department of work with a superintendent and general secretary.

The following resolution was adopted: Resolved, that while we recognize the right of women to make commentaries on the Bible as men have done from beginning until now, we regret that the name of the "Woman's Bible," has been given to any volumes, and we further deplore the misrepresentations of the press, saying that religious, in referring this work, instead of to those parts of the Bible only relating to women as "New version of the scriptures."

"We further discount any connection, whatever, of the society or of our national president with this work."

The final report of Superintendent Mary Lee, of forty-five cases represented to the convention with 300 designees and officers.

A delegate announced that it was reported the house in Washington in which Abraham Lincoln died was to be turned into a saloon. A resolution was adopted memorializing Congress to take necessary action to prevent it. The next order of business was the election of officers. Miss Jenny Hoge, of Illinois, vice president, at large, was re-elected by a unanimous vote. Mrs. Lucy Page Gaston, of Illinois, was re-elected by the convention, as was that of Mrs. Flanner, of Bowling, of Ky., assistant recording secretary. All of the officers elected for a term when the result of the balloting was made known. Miss Willard was the people and several hundred participants in the national Annual Gathering, having the largest attendance, was the prize of a vote by Miss Willard to be annual vice-president.

At the afternoon session, reports of affiliated interests laid over from yesterday, were made.

Mrs. Lucy Page, of national superintendent of organization, made up the executive committee, was read and endorsed by the convention. Most of these reports were read. Miss Mary H. Hunt, world's and national superintendent of scientific temperance instruction, devoted an hour to her work and report of the year which she reports expansion were presented. Among those reporting was Mrs. Ada W. Lewis, Oregon.

Eyes on a Bloody.

PITTSBURGH, Pa., Nov. 17.—Wm. J. Bryan and the distinguished party of members from St. Louis arrived here this morning. The train was met by an enthusiastic crowd, including many railroad sheepers. Bryan was compelled to make a short speech. The party was finally escorted to the hotel by a crowd, which cheered the Nebraskan at every step. From the hotel Bryan made another speech. The party left at 10 o'clock for Cincinnati where they will be escorted to the game preserve of Tazey county.