

# CASTRO, ANGRY, STILL DEFIANT.

Venezuelan President, in a Rage, Denies that He Has Yielded to the Demands of the Powers and Says the Terms of Ultimatum Are Unacceptable.

Administration at Washington, However, Believes that the Crisis Has Passed and that a Peaceful Way Out of the Difficulty May Now Be Found.

CARACAS, Venezuela, Dec. 18.—President Castro was seen early to-day and questioned regarding the report published in the United States that the Anglo-German ultimatum had been accepted by Venezuela. The President became furious with rage and said there was no truth in the report. He added:

"The acceptance of an ultimatum cannot be coupled with arbitration. Besides, the Anglo-German ultimatum is not, properly speaking, an ultimatum."

When asked if it was true that Venezuela was taking diplomatic steps to arrange for arbitration, and that arrangements in this connection were well advanced, President Castro remarked:

"The Government of Venezuela does not propose to determine on any steps while the proposition for arbitration that the Legation of the United States was charged to present to Great Britain and Germany remains unanswered."

At noon no answer on the subject of the proposed arbitration had been received from Washington.

# HAY MAY HAVE POWER TO SETTLE WHOLE TROUBLE.

WASHINGTON, Dec. 18.—The State Department has learned that, as reported in the Berlin despatches, a mere money payment will not meet Germany's desire. Count Quadt, the German Charge, had a long interview with Secretary Hay to-day touching Venezuela, and the fact is now apparent that while money will satisfy Great Britain and Italy, Germany must have an apology. The difference between her case and that of the other powers is that the German Legation at Caracas was attacked, its windows broken, the Minister's sick wife terrorized and the German national honor otherwise touched in a manner that cannot be healed by money.

President Castro has clothed Minister Bowen with full powers to effect a settlement with Great Britain, Germany and Italy. Mr. Bowen simply awaits the consent of the State Department to take up the task, assuming that the nations named are willing that he shall undertake this work.

It is believed that the critical phase of the Venezuelan difficulty is passed.

Whether the consent of these governments can be obtained will, it is believed here, depend entirely upon the sufficiency of any guarantee that can be given for the faithful discharge by President Castro of any obligations he may assume as the result of Mr. Bowen's efforts. The allies feel that they must be assured against the consequences of another revolution and the repudiation by the President who may follow Castro of his undertakings.

The effort to induce the United States Government to act as guarantor, it is safe to say, will not succeed, and it is beginning to appear that there is likely to be a mixed commission appointed to receive all Venezuelan customs, and setting apart a certain portion for the maintenance of the Venezuelan Government, disburse the remainder among the powers until their obligations are met.

# GERMANY STILL FOR WAR; CASTRO MUST APOLOGIZE.

BERLIN, Dec. 18.—Aside from the financial claims mentioned in her ultimatum Germany expects some form of apology from Venezuela for the diplomatic insults which the Foreign Office says are more serious and more gross than those of which Great Britain complains. The Foreign Office officials point out that Premier Faifour's remark yesterday evening in the British House of Commons about Germany having other than financial claims must be understood as applying to diplomatic reparations for these insults and not to a material indemnity, like money or territory.

The Foreign Office is again calling attention to the suspicions in the United States lest Germany effect a landing in Venezuela. It says a refutation of such suspicions ought to be perceived in the slender forces at the disposition of Germany. There are scarcely three hundred men who could be spared from the squadron, not a sufficient number to take La Guayra, let alone form an expedition into the interior.

It is not settled whether the notification of the commencement of the blockade will occur in Berlin and London simultaneously, or take the form of a communication from the two commanders of the squadrons to the Venezuelan authorities. The publication will, apparently, be delayed a day or two.

The officials of the Foreign Office say that the reply to Venezuela's arbitration proposal has not yet been sent. The Foreign Office is still exchanging views on the subject with London. Although the Foreign Office does not give the least hint of the character of Germany's reply, it seems certain that arbitration will not be accepted, though the refusal may be accompanied by fresh suggestions.

It was announced from Caracas last night that the blockade of La Guayra, notification of which in the names of Great Britain and Germany was communicated to the Venezuelan Government Dec. 13, went into effect yesterday. It was added that the blockade applied only to Venezuelan vessels.

# CASTRO, IN HIDING, SUES THE POWERS FOR PEACE.

CARACAS, Venezuela, Dec. 18.—Gen. Matos with 1,600 men has occupied Rio Chico. Gen. Matos, who refused Castro's proposal to unite to resist

(Continued on Sixth Page.)

# DON'T KILL FISH, HE SAYS

Sharkey Goes on Witness Stand in His Own Defense and Swears Banker Died at Saloon Door.

STRONG CASE, SAYS COURT.

Justice Davy Overrules Motion to Dismiss Defendant and Says Evidence, Unless Contradicted, Would-Convict.

Thomas Sharkey went on the witness stand this afternoon and denied the charge that he had murdered Banker Nicholas Fish at Erhardt's saloon, in West Thirty-fourth street. He took the stand after Justice Davy refused to dismiss the case on a motion made by Mr. Levy, his lawyer.

This motion to dismiss was made when Mr. Clarke, the Assistant District Attorney, closed his case for the people. Mr. Levy said the testimony was not sufficient to show that Sharkey had killed Fish, although four witnesses had testified that they saw the blow struck and that Mr. Fish had made no resistance.

"I am sorry I cannot agree with you," replied Justice Davy. "There is the evidence of two or three people that they saw the defendant strike a blow and saw Mr. Fish fall as a result of that blow. This evidence is sufficient to warrant a conviction of manslaughter in the first degree, or at least manslaughter in the second degree, unless"—Justice Davy was very cold and deliberate, "sufficient evidence is produced to prove to the contrary."

Sharkey walked into court promptly at 10:30 o'clock. His place of business is just across the street. Justice Davy came into court a few minutes later. Then something akin to a sensation occurred. William C. Whitney, ex-Secretary of the Navy, appeared. Justice Davy invited Mr. Whitney to take a seat, but Mr. Whitney declined. He said:

"I just stepped in to look at the paintings in this court-room. I understood they were very fine, and they are. I have no interest in the case."

It was suggested that Jerome had summoned the sportsman, but the conjecture was incorrect. Ivan Jungel, of No. 64 East One Hundred and Sixth street, was the first witness called.

"I was passing through Thirty-fourth street and was opposite Erhardt's saloon, when I saw a man come out of the place. The man walked up steadily and with his hands by his side. Then I saw another man."

"Do you see the other man in court?" asked Mr. Clarke. "Yes, he sits there," replied Jungel, pointing at Sharkey.

Archibald Anderson and two other witnesses swore that they had seen the blow struck and that Mr. Fish made no resistance. Then the doctors told about the treatment of Mr. Fish and described his death.

This closed the case for the State, and the Court overruled the motion to dismiss. Sharkey took the stand. He was asked to tell what took place at the saloon and the story:

"I called there on that day at about 4 o'clock and sat down and ordered a drink. I saw some of the staff of the cafe were some ladies and a gentleman drinking. I sat down some one called my name. It was one of the ladies. I went over and was introduced. My right arm was on the back of the chair as Mr. Smith or some one else. I sat down."

Sharkey told about the controversy over the \$50 check and said Mr. Fish swore at him.

"Then," said Sharkey, "Fish jabbed me with his elbow in the cheek. A waiter grabbed him and said, 'Here, you cannot go on like this in here.' The waiter took Mr. Fish by the arm and took him toward the door."

"As I passed by the cafe door I heard some one say: 'Now I've got you, you—' It was Fish, and he aimed a blow at me which knocked off my hat. He aimed another blow at me and I put up my hand to ward off the blow. He staggered backward and fell. That is just about what happened."

"Did you strike Mr. Fish?" "I did not."

"Did you see the man who was introduced as Mr. Clarke cross-examined Sharkey very closely, but failed to shake his story."

Q. You say you wanted to get away from Fish. Why did you pass the cafe door? A. I was going to Broadway to take a car.

Q. You were paying attentions to Mrs. Phillips? A. No sir.

Q. What is the fact you resented her drinking with Mr. Fish? A. No sir, in anger.

Q. Didn't you have words with another man over Mrs. Phillips? A. No sir.

Sharkey then stood up with a diagram and traced the steps and those of Mr. Fish after they separated in the cafe. Henry J. Taggart, an accountant, who lives near Home N. Y., said he had come in on the train on the afternoon of Sept. 15 and happened to be passing Erhardt's saloon and saw him meet Sharkey. He swore that Fish made a pass at Sharkey and knocked his hat off and then fell back from the force of his own blow.

Mr. Clarke subjected the witness to a searching cross-examination. William Reincke, the waiter in Erhardt's cafe, who waited on Mr. Fish, Sharkey and the women on Sept. 15, testified that Sharkey and Fish had words in the cafe, but that he separated them. Then he led Mr. Fish toward the door.

"Did Sharkey follow Mr. Fish?" "He tried to, but Mrs. Phillips and myself held him back. But he got away and went on through the barroom."

# CORNELIUS VANDERBILT, WHOSE CONDITION IS AGAIN VERY GRAVE.



CORNELIUS VANDERBILT  
PHOTO BY EMERY STUDIOS

# RUSSELL SAGE AT HIS OFFICE TO-DAY.

At Business for First Time Since Illness, and Loans Millions to Wall Street Funds.

Russell Sage visited his office for the first time in more than six weeks. Ever since he was taken ill at his summer home at Lawrence, L. I., last fall he has been confined to his house recovering from an attack of bronchitis. The aged financier rebelled at the enforced idleness, but his physician would not allow him to go out until he was fully restored to strength.

Mr. Sage felt so much better to-day and the weather was so fine that he was allowed to drive to his office. Friends by the score visited him to congratulate him on his return to business.

Some of them incidentally borrowed a few million dollars, which Mr. Sage loaned them at the current rates for call loans.

# YOUNGS TO BE SWORN IN.

New District-Attorney to Take Oath To-Morrow.

William J. Youngs, once District-Attorney of Queens County and later private secretary to Theodore Roosevelt when the latter was Governor, will be sworn in as United States District-Attorney for the Eastern District of New York to-morrow in the United States Court, in Brooklyn.

Mr. Youngs will live at Garden City. It is said that for the present he will make no change in the staff of his new office.

# DROPPED DEAD IN DRUG STORE.

Nicholas Clark, fifty-five years old, a laborer, living at No. 729 Second avenue, died suddenly to-day at noon in the drug store of W. H. Tyler, at No. 674 Second avenue. He went into the place and asked for a stimulant. Before the clerk could get it for him the man fell dead.

# WEATHER FORECAST.

Forecast for the thirty-six hours ending at 6 P. M. Friday, for New York City and vicinity: Fair to-night; Friday partly cloudy; slight temperature changes; fresh to brisk westerly winds.

# An Appeal to the Ladies.

The services of the ladies' maid on the Pennsylvania Special, in connection with the palatial appointments of the train, commenced this morning.

# NO DEFENSE MADE BY THE GAMBLERS.

Hearing in Court of Frank Farrell's Doorkeeper Comes to a Sudden End Without Testimony of Any Kind Being Offered in His Behalf.

When the preliminary examination of Samuel G. Smith, the alleged doorkeeper of the alleged gambling-house at No. 33 West Thirty-third street, was resumed before Justice Wyatt of the Court of Special Sessions, to-day, Joseph Jacobs, the Jerome detective, went again upon the stand to undergo further cross-examination by ex-Gov. Black, who, with ex-Justice Furman, has been retained for the defense.

The great western sleuth showed his wonderful versatility as a detective by

# WITNESS FOR LAURA BIGGAR TRIES TO END LIFE WITH KNIFE

FREEHOLD, N. J., Dec. 18.—Edward Reynolds, who testified at the Biggar conspiracy trial yesterday that Bennett told him he was married to Laura Biggar, attempted suicide at the Pennsylvania Railroad passenger station this afternoon.

Reynolds and his wife and Joseph Goldye were waiting at the station for a train to take them to Avon.

The two men had a quarrel. Suddenly Reynolds asked Goldye for his knife. A big jackknife was handed Reynolds. Before either Goldye or Mrs. Reynolds could interfere he slashed himself across the left wrist. Reynolds tried to cut himself a second time, but the knife was taken from him by his wife. Reynolds insisted on binding up the wound himself, and all then took the train for Avon.

# NEW ORLEANS WINNERS.

First Race—Marco 1, Irene Mae 2, Candareen 3. Second Race—Andes 1, Harry Wilson 2, Summer 3. Third Race—Vesuvia 1, Alfred C. 2, El Rey 3. Fourth Race—Jessie Jarboe 1, C. B. Campbell 2, Moor 3. Fifth Race—John Peters 1, Ben Mora 2, St. Tammany 3. Sixth Race—Commission Forster 1, Optimo 2, Athelia 3.

# MINISTER AT BEDSIDE OF VANDERBILT.

Physicians Issue a Bulletin This Afternoon that Peritonitis Has Set In, and Relatives and Clergy Are Summoned to What Is Feared May Prove a Bed of Death.

Announcement of the Unfavorable Turn Came as a Great Shock, as, in Spite of Threatening Developments, His Friends Had Continued to Hope.

The condition of Cornelius Vanderbilt became so serious this afternoon that all his relatives, in addition to his immediate family and Rev. Dr. Stires, curate of St. Thomas's Church, were summoned to his bedside. Dr. Stires arrived in great haste shortly before 5 o'clock.

R. T. Wilson had left the house a few minutes before. Mr. Wilson was very much cast down.

"The condition of my son-in-law," he said, "is very serious indeed, but of course we are hoping for a favorable outcome. The sudden change for the worse to-day was a sad blow to us, for we expected that the crisis was at hand under the most favorable auspices. We are hoping for the best but our hearts are heavy."

The following bulletin concerning the condition of Cornelius Vanderbilt was issued at 3 o'clock this afternoon:

"Since the issue of the last bulletin Mr. Vanderbilt's condition has remained the same, with a tendency of his temperature to decrease until thirty-six hours ago, when he developed a small area of inflammation over the spleen. This subsided and showed no tendency to spread until to-day, when it developed a generalized peritonitis. His condition is, of course, grave."

"AUSTIN FLINT, JR.  
E. G. JANEWAY."

Another bulletin will be issued at 8 o'clock to-night. The appearance of peritonitis at this stage of Mr. Vanderbilt's illness gives to his case an aspect approaching the hopeless. Blood poison in the organs already weakened by the long run of the disease is a complication of the most serious nature. This has been feared all along by the eminent physicians in charge of the case.

A little before 4 o'clock carriages containing R. T. Wilson, father of Mrs. Vanderbilt; Ogden Goelst, a brother-in-law; Mrs. Erice, Mrs. Baylis and other relatives drove up to the Vanderbilt house. The carriages were dismissed and it became evident that the relatives were preparing for the worst.

It was reported that a carriage had been sent to the Knickerbocker Club for Alfred Gwynne Vanderbilt, who, it is said, has been greatly concerned over his brother, even though keeping away from the house himself.

# IT WAS A BAD DAY FOR THE YOUNG MILLIONAIRE.

On the verge of the crisis of his case Cornelius Vanderbilt took an alarming turn for the worse this afternoon and it would not surprise the physicians in charge if he failed to survive the night. Dr. DeLafont, the noted lung specialist, was summoned to the bedside of the young millionaire by the other physicians this afternoon.

Dr. E. G. Janeway and Dr. Austin Flint, Jr., made early calls at the Vanderbilt house to-day. Both remained a short time, and when they left expressed the opinion that if any change had occurred it was a slight change for the better, although Dr. Flint admitted that the temperature of his patient continued alarmingly high.

Both hurriedly called back. Soon after their departure a servant hurried to the telephone in the Vanderbilt house and called both of them back. Dr. Flint was the first to arrive, followed in a few moments by Dr. Janeway. Both were in a hurry and their demure showed that their call was a grave one.

After the doctors had been in the house about half an hour another trip to the telephone was made by a servant and soon after a young physician came hurrying into Park avenue with a stethoscope sticking from his overcoat pocket. He almost ran into the house and was escorted upstairs at once.

For more than an hour there were no developments, but the activity indicated that alarm was felt over the condition of the young millionaire.

Then Mrs. Ogden Mills arrived in her carriage and sent her footman to the door with her card. When he returned he reported that Mr. Vanderbilt was much worse. Other friends of the family who came to inquire after Mr. Vanderbilt dismissed their carriages when told the facts about his condition and went into the house, where they remained.

Dr. DeLafont's Flying Trip. Dr. DeLafont was summoned by telephone from the Hoffman House. He made the trip to the Vanderbilt mansion in an automobile at top speed. This is the first time that a specialist has been called in to assist Mrs. Janeway and Flint.

Late this afternoon Dr. Flint ordered an ice coil by telephone. The concern to which he sent his order had no coil in stock, and he was obliged to order it from another place. Dr. Flint said he would send after it this evening, but he indicated that Mr. Vanderbilt is expected by his medical attendants to live during the day at least.

Mrs. Ogden Goelst, the aunt of Mr. Vanderbilt, was summoned from her home to his bedside by telephone this afternoon. The information that came to her was that Mr. Vanderbilt was not nearly so well to-day.

# DEATH OF GEN. WAGER SWAYNE.

A Prominent Figure in New York Law and Politics Passes Away After Short Illness.

Gen. Wager Swayne, for years prominent in Republican politics and at New York bar, died this afternoon at his home, No. 10 West Forty-third street, after a short illness.

Gen. Swayne was born in Columbus, O., Nov. 10, 1834, and was a son of the late Justice N. H. Swayne, of the United States Supreme Court. Gen. Swayne graduated from Yale in 1856 and then took a course in the Cincinnati Law School. He enlisted in the Union army at the outbreak of the war as a major in the thirty-third Ohio Vol-

unteers, and for bravery in action and ability as a commander was advanced in grade. At Salkatche, S. C., he received a wound that necessitated the amputation of his right arm. The rest of his life he was compelled to use a crutch.

Gen. Swayne came to New York from Toledo, O., in 1861, and became associated in law with Judge Dillon. The firm was made counsel for the Western Union Telegraph Company. Gen. Swayne retired from partnership with Judge Dillon in 1892. He served for some years as Chairman of the Republican County Committee, and was elected to Senate Place and other Republican leaders. He leaves an ample fortune, amassed in his twenty-two years' residence in New York.

COLONIAL DAMES IN A DRAW. ALBANY, Dec. 18.—The decisions of the lower courts dismissing the complaint against the Colonial Dames of the State of New York and an incorporated society calling itself the National Society of the Colonial Dames of America were to-day affirmed by the Court of Appeals. Under this decision all the organizations may use the words "Colonial Dames" in their corporate titles. The home of contention was the name "Colonial Dames," which the plaintiff claimed by right of inheritance from a prior use.