



KIMBERLEY RELIEVED.

GENERAL FRENCH ENTERS THE CITY ON THURSDAY.

BOERS FROM MAGERSFONTEIN IN RETREAT—BRITISH SORELY PRESSED NEAR NAAUWPOORT.

General French, commanding the cavalry division of the British army on Modder River, reached and relieved Kimberley on Thursday evening.

General Roberts informed the War Office in London that the Boers had abandoned their entrenched position at Magersfontein, raising the siege of Kimberley and retreating to Bloemfontein, pursued by the British.

The British force under General Clements abandoned Rensburg and retired to Arundel in order to protect Naaupoort, an important railway junction in North Cape Colony, threatened by a large Boer force. The Boers report sixty British killed or wounded and eighty captured.

A Boer report from Natal stated that General Buller's army had bombarded the Boer position east of Colenso, where another advance for the relief of Ladysmith is expected.

WHERE IS CRONJE'S ARMY?

MUCH UNCERTAINTY STILL HANGS OVER ROBERTS'S WORK.

(Copyright, 1900, by The New-York Tribune.) [BY CABLE TO THE TRIBUNE.] London, Feb. 17, 6 a. m.—This morning's newspapers have to rely solely upon Reuter for unofficial details of General French's brilliant march. It appears that the dashing British cavalry general was opposed, though not in force, at the crossing of both the Riet and Modder rivers.

The course of events in the neighborhood of Kimberley is, however, not yet quite clear, and a day or two may elapse before a clear account can be given of the operations which General Roberts has so cleverly directed. Nothing is yet known as to the whereabouts of Cronje, and no intelligence has been received as to the pursuit by a brigade of infantry from the Sixth Division of a Boer convoy in the direction of Bloemfontein. It is interesting to know that General Roberts is in excellent health and spirits, in spite of the hardships of the advance, which has been conducted with so much rapidity and in such terribly hot weather. Various suggestions are put forth this morning as to the movements of General Cronje, and Dr. Leyds, who has been interviewed with respect to the situation, has expressed the opinion that the "slim" Boer commandant has deliberately allowed General French to enter Kimberley, so as to cut him off from communication with his Commander-in-Chief.

The British retreat upon Arundel has been followed by the occupation of Rensburg by the Boers, but in the retreat two companies of the Wilshire Regiment lost their way and are reported missing. The Boers, however, claim to have made eighty prisoners, so the Wilshires are easily accounted for. Delarey, who has hitherto commanded the Boers around Colenso, has apparently been recalled to the Free State, as he is stated to have opposed the British in their advance upon Jacobsdal.

A Boer telegram from Ladysmith suggests that General Buller is again active. On Tuesday he bombarded the burgher position east of Colenso, and was replied to with a rifle fire, but no particulars have yet been announced.

Full details by mail of the battle of Spion Kop are published to-day. Winston Churchill in his letter to "The Post" says it is an event which the British people may regard with feelings of equal pride and sadness. It redounds to the honor of the soldiers, though not greatly to that of the generals. I. N. F.

WESTERN BORDER CLEARED

GREAT ADVANTAGES WON BY GENERAL ROBERTS ON HIS FIRST MOVE.

(Copyright, 1900, by The New-York Tribune.) [BY CABLE TO THE TRIBUNE.] London, Feb. 17, 1 a. m.—The western border has been cleared by General Roberts's first stroke, since the relief of Kimberley carries Mafeking with it, and secures British control of the West Barly district and Bechuanaland.

General French, by leading the way to Kimberley, has become the Sheridan of this campaign, while "Boer" halting in triumph at Jacobsdal before turning eastward, is in a fair way to win a dukedom if he goes on without check or reverse to Bloemfontein and Pretoria.

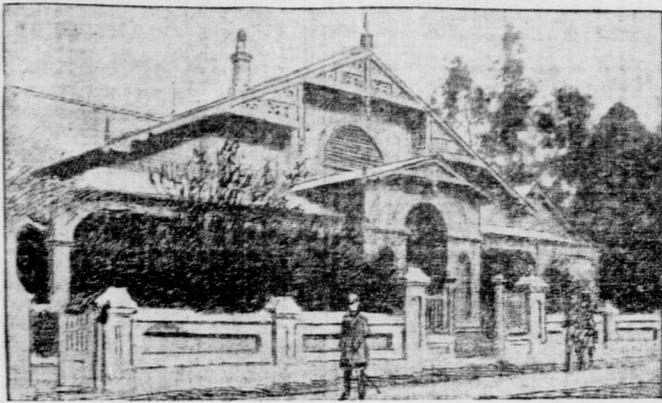
General French, by leading the way to Kimberley, has become the Sheridan of this campaign, while "Boer" halting in triumph at Jacobsdal before turning eastward, is in a fair way to win a dukedom if he goes on without check or reverse to Bloemfontein and Pretoria. He has transformed an immobile British force, which was tied up to railways, into an army remarkable for mobility, with a system of flying transport, and, if all goes well, he seems destined at the end of the campaign to succeed Lord Wolseley as Commander in Chief and to take the British military forces of the British Empire. Lord Salisbury's intimate friends assert that this is what he intends as the sequel to a successful war, and that this was in the Prime Minister's mind when he sent Kitchener to South Africa. Lord Salisbury has considered Kitchener the greatest organizer in the military service, and expects that he will ultimately revolutionize both the War Office and the British military system.

THE ADVANCE WAS RAPID.

Details of French's advance to Kimberley are reaching London slowly. The first announcement came in time for the opening of the Stock and Mining Exchanges, and created a buoyant feeling in the city. It was assured, since General Roberts's dispatch was sent from Jacobsdal, that the Dutch had abandoned their positions at Magersfontein, raised the siege of Kimberley and retreated by the roundabout way of Boshof toward Bloemfontein. Press dispatches received during the day indicated that French's column had reached its destination in four days, having concentrated twelve miles east of Enslin on Monday from various points along the railway and having shelled the enemy's laagers at Riet and Modder rivers before crossing and capturing large droves of cattle and sheep and a great quantity of supplies. This strong column

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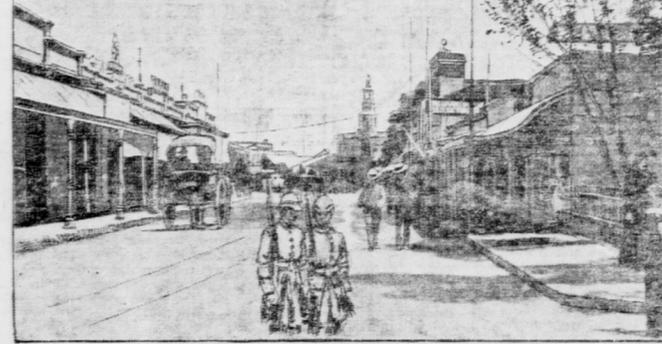
ON EITHER SIDE OF LAKE ERIE. Take your choice and go either North or South of Lake Erie on your next trip West. New-York Central Lines take you either way. All trains have Pintsch Light.—Adv.



The Diamond Fields Club - Mc Cecil Rhodes Favorite-Resort.



The Kimberley Post Office.



KIMBERLEY, THE CITY OF DIAMONDS.

GEN. ROBERTS'S REPORTS.

OFFICIAL ACCOUNTS OF THE OPERATIONS THAT RELIEVED KIMBERLEY.

London, Feb. 16.—Lord Roberts sent this message to the War Office, announcing the arrival of General French at Kimberley.

Jacobsdal, Feb. 16, 2 a. m.—Fought with a force of artillery, cavalry and mounted infantry, reached Kimberley this evening (Thursday).

The War Office also made public the following dispatch from Lord Roberts:

Jacobsdal, Feb. 16.—The following from General French was received this morning: "I have completely dispersed the enemy from the southern side of Kimberley, from Alexandersfontein to Oliphantsfontein, and am now going to occupy their ground. Have captured the enemy's laager and store depot supplies and supplies of ammunition. Casualties about twenty of all ranks wounded. "Kimberley cheerful and well."

General Roberts also sent the following dispatch:

Jacobsdal, Feb. 16.—I have good reason to believe the Magersfontein trenches have been abandoned, and that the Boers are endeavoring to escape. General French is scouring the country north of Kimberley. One of General Kelly-Kenny's brigades of infantry is in pursuit of a large Boer convoy moving toward Bloemfontein.

The following dispatch from General Roberts fills the gaps in the earlier dispatches:

Modder River, Feb. 16.—The Sixth Division left Waterford Drift early yesterday morning and marched here going on the same evening to Rondaval Drift, to hold the crossing of the Modder River and leave General French free to advance.

Shortly after arriving here the mounted infantry visited Jacobsdal and found it full of women and children, with four of our wounded men, doing well. On the way back the mounted infantry were attacked and nine men were wounded. Colonel Henry and Major Hatchell and ten men were missing. Both officers were subsequently found at Jacobsdal, slightly wounded.

The cavalry division is moving in a northerly direction, and has apparently already reduced the pressure on Kimberley, as Kitchener signals the enemy has abandoned Alexandersfontein and that he has occupied it.

French has advanced as far as Abonandam with slight loss and is pushing on the posts, his rear being held by mounted infantry.

General Roberts adds:

Clements, having been pressed by the Boers, has retired to Arundel to cover Naaupoort.

The War Office points out that the word "here" in the above dispatch means some point on the Modder River other than the Modder River station.

The War Office subsequently issued the following from Lord Roberts:

Jacobsdal, Feb. 16, 7:45 p. m.—Much gratified to arrive here to find admirable hospital arrangements, made by the German Ambulance Corps under Drs. Kaetner and Hildebrand, who, with their staffs, have shown the greatest kindness to our wounded, as they have to the Boer wounded. Some of our wounded have been here since December. Some were brought in yesterday.

BOER STORIES OF THE FIGHTING.

Pretoria, Thursday, Feb. 15.—The Transvaal Government has made public the following official dispatch: Yesterday at Rondaval Drift, in the neighborhood of Jacobsdal, the Federal troops were engaged in a severe fight with 2,000 British, who were trying to reach Kimberley. The engagement lasted until this morning, the Federal casualties being five wounded.

After another two hours of hard fighting it is reported that the British retired, leaving Colonel Henry dangerously wounded. Colonel Henry, with his servant, was taken to Jacobsdal.

An official dispatch from Colesberg says that fighting was resumed on Tuesday (February 13), and that the British had sixty killed and wounded and lost eighty captured. The Federal forces had no casualties during the fighting.

Head Laager, near Ladysmith, Wednesday, Feb. 14.—The British from Chiveley have been bombarding the Boer forces at Blaauwkrantz, east of Colenso, since yesterday afternoon, the bombardment continuing throughout the night. The Boers responded with rifle fire. Particulars are lacking. All is quiet around Ladysmith.

PENNSYLVANIA RAILROAD TRAINS TO CINCINNATI.

Run over the shortest line, best track, and make the fastest time.—Adv.

NEW COMMITTEE FORMED.

TO LOOK AFTER INTERESTS OF UNSECURED THIRD AVENUE CREDITORS.

Two important developments in the affairs of the Third Avenue Railroad Company occurred yesterday, closely following the announcement on the preceding day by Kuhn, Loeb & Co. that the syndicate represented by them had withdrawn from the negotiations for the taking up of the company's floating debt, the formation of a protective committee to look after the interests of the unsecured creditors of the company, and the appointment of Isaac D. Barton as assistant to President Elias. Neither fact became public until late in the afternoon, although it had been reported on good authority on Thursday that a protective committee would be formed. This committee is composed of F. P. Oloott, president of the Central Trust Company; General Louis Fitzgerald, president of the Mercantile Trust Company, and T. Jefferson Goodridge, Jr., president of the Old Colony Trust Company, Boston, who announce that they are acting on the request of the holders of a large amount of the unfunded debt of the Third Avenue company, and invite all the holders of that debt to communicate at once with them or the secretary of the committee, Alvin W. Krech, with a view to mutual protection.

The unsecured debt of the company, now in excess of \$17,000,000, is held by financial institutions all over the country, but chiefly in this city and New-England. Among the largest holders of these obligations are said to be the Mutual Life Insurance Company and some of the institutions affiliated with it, among them the United States Mortgage and Trust Company and the National Union Bank; the Central Trust Company, the Morton Trust Company and the National City Bank. Three months notes of the railroad company, aggregating a large amount, are now falling due, and the appointment of a Protective Committee is regarded as a move made for the purpose of safeguarding the interests of the whole body of the creditors, some one of whom might, it was pointed out yesterday, if no concerted action were planned, take steps looking to the appointment of a receiver.

Edward Lauterbach, counsel of the Third Avenue Railroad Company, said last night: "Yes, I have heard of the formation of the Protective Committee. That would be all right, and we should be glad to have such a committee with whom to confer."

In answer to a question whether or not the directors were in negotiation with any other bankers, now that Kuhn, Loeb & Co. had withdrawn their proposition for taking care of the floating debt, Mr. Lauterbach said: "Other things are being done, but there is nothing yet for the newspapers."

The announcement of the appointment of Isaac D. Barton to the place of assistant to President Elias was made after a conference of some of the Third Avenue officials at the office of Mr. Lauterbach. It was said at that place that the appointment was without special significance. Mr. Barton is an experienced railroad man, and was at one time general superintendent of the Long Island Railroad and later of the Brooklyn Elevated road.

Standard Oil interests are large stockholders in the Long Island Railroad Company, and the fact of Mr. Barton's long and conspicuous connection with that company, coupled with the fact of the election of William H. Carter, private secretary of William Rockefeller, less than a month ago to the trusteeship of the Third Avenue Railroad Company, caused a reversal of an opinion previously held by the Standard Oil capitalists, who had been interested actively in adjusting the present difficulties of the Third Avenue Railroad Company.

It is, of course, possible that the Metropolitan Street Railway Company might in time desire to take over the Third Avenue, but it is well known that the Metropolitan management places anything but a high estimate on the utility and effectiveness of the electrical equipment of which the Third Avenue system, in the installation of which by the firm of Naughton & Co. Co. most of the present unsecured debt of the company has been incurred, and it is pretty well understood that the transfer of control of the Third Avenue to the Metropolitan could be arranged only upon a valuation decidedly lower than that which the Third Avenue's directors regard as a fair price for their property.

Third Avenue stock held fairly firm yesterday, on reports that the directors had opened negotiations with bankers other than the Kuhn, Loeb syndicate for taking care of the floating debt. The close was at 108, a net advance for the day of 1/2 per cent.

Atlantic City's NEW HOTEL, RUDOLF opens to-day. Rooms en suite, sea baths. Orchestra.—Adv.

DR. HYSLOP TO SEEK HELP.

WANTS MONEY FOR INVESTIGATION OF PSYCHICAL PHENOMENA.

Dr. James H. Hyslop, professor of logic and ethics at Columbia University, whose recent investigations in spiritualism have attracted attention, informed a Tribune reporter last evening at his home, No. 519 West One-hundred-and-fourth-st., that the Society for Psychical Research could use \$50,000 a year in its investigations, and that an appeal would soon be made to the public for contributions to that amount.

"We have a large census of hallucinations," the professor went on to say, "which we are unable at present to work up for publication because we haven't the means or the men for the purpose. We wish to investigate all types of hallucination, especially apparitions, and one of the most important lines of investigation would be the study of the hallucinations of the insane and their conditions, and would include automatism, coincidences and apparitions. Undoubtedly, many persons are put in insane asylums who are simply psychical. They are really sane, yet need, perhaps, to be watched because their condition is abnormal, but the phenomena should be studied because of the coincidence and meaning that might be found in them."

"For instance, Dr. Weir Mitchell's father had an insane patient, with lucid intervals, whose wife died one night. The doctor called the next morning to tell him the news, when the patient said, 'My wife was here last night and told me.' On that night, when an attendant went to see the patient, he was reproached for disturbing the patient while he was talking to his wife, as he said. Now, this man's insanity was connected with some sort of conditions that gave him 'coincident phenomena,' and the insane asylums should be ransacked in order to study these phenomena, although out of a hundred incidents in this country which we haven't only one with psychical peculiarities. Planchette should also be studied. It is valuable for studying unconscious muscular action."

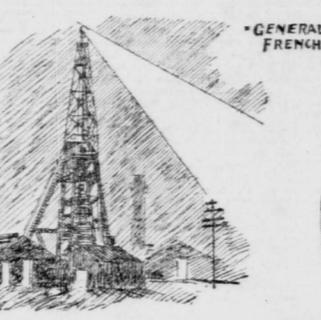
"We ought to have a number of investigators, with a central head. The last census of the society of hallucinations in England and Wales was 300, and there are several hundred hallucinations in this country which we haven't the money to investigate. It costs about \$1,500 a year for Mrs. Piper, the Boston medium. She is on a salary regulated by the number of sittings given. These are paid for by persons who hire the sittings. My own sittings were paid for by a friend of mine and by myself. Mrs. Piper relies on these sittings for a living. Her husband was stricken with paralysis a few days ago."

"Objects to the results of these investigations want beautiful, idyllic language and say the incidents are trivial. But the more trivial the incidents the more value they have for scientific purposes. It is only trivial incidents that will prove personal identity, and that is the whole problem. As soon as my report is published in England an appeal for support to the extent of \$50,000 a year will be issued to the public. We want to investigate everything relating to psychical phenomena that seems to require explanation. I have no convictions on the subject that I could not surrender to-morrow. We can explain the phenomena I have presented on the theory of continued existence after death. If any other theory can be shown to explain these phenomena I will accept it."

The Rev. Dr. Morgan Dix, rector of Trinity Church, and a prominent trustee of Columbia University, was seen by a Tribune reporter last evening at his home, No. 27 West Twenty-fifth-st., and asked whether Professor Hyslop's investigations would affect his relations to the university, and whether the trustees would take any action in the matter. The Doctor replied: "I do not see why we should interfere. A man may take up a fad and run it into the ground, but that does not commit the university. It is his own idiosyncrasy and is of no importance. The trustees of Columbia University would make themselves ridiculous if they took any action in this matter. If a man wants to investigate spiritual phenomena he should be allowed to do so, as long as he teaches what he is expected to teach in his particular chair."

"Personally, I believe solely what the Church teaches me on the state of the departed and their present condition, and everything outside the teaching of the Church on catholic eschatology I consider of very little importance. Outside of that is only human speculation, possibly of amusing interest to the age, but wholly without value whatever. Unless the investigations interfere with Professor Hyslop's professional duties, I should not suppose they would even be referred to at our next meeting in March."

22 HOURS AND 10 MINUTES TO INDIANAPOLIS via Pennsylvania Railroad. Save more than an hour taking the Standard Railroad of America.—Adv.



GENERAL FRENCH.



Mc Cecil Rhodes As photographed in Kimberley during the siege.



The Kimberley Hospital.



Mc Cecil Rhodes As photographed in Kimberley during the siege.



The Kimberley Hospital.

GEN. MOLINEUX'S PLEA.

ASKS PUBLIC SYMPATHY FOR HIS WIFE AND DAUGHTER-IN-LAW—CONFIDENT OF SON'S INNOCENCE.

General E. L. Molineux last evening made public the following:

No. 117 Fort Greene Place, Brooklyn, N. Y., February 16, 1900. Sir: The expressions of regard and of sympathy received by me concerning the persecution of my son from all sections of our country are so numerous that it has been heretofore physically impossible for me to answer them all by personal acknowledgments as I should like to have done, and I beg to request that you allow me the courtesy of the use of your columns to express my heartfelt thanks for the kindness of my friends and, more than that, for the spontaneous expression on the part of many with whom I have no personal acquaintance of their belief in the innocence of my son, and their opinion that he has been unjustly convicted.

So far as the legal questions involved in the case are concerned, they are entirely within the control of the able counsel who have protected his interests and have been always ready to do so. My remarks are confined solely to personal and family matters. I do not desire to intrude these personal affairs upon the public, but in view of the great number of letters and other communications which I have received, and in view of the very great publicity the District Attorney has seen fit to give to personal and irrelevant details by public interviews in the columns of the press while the charges were pending against my son, I feel justified, now that the trial is ended, in making this statement.

I may say in advance that I have been decidedly surprised at the support which has been given solely by the advice of counsel, and by my own consideration of dignity and of propriety. The views which I now express I have always entertained and have been always ready to declare as soon as I could properly do so.

ABLE TO SUSTAIN THE BURDEN. It has been intimated in some of the newspapers that a fund should be raised for assisting the defence of my son. I should not mention this matter at all except for the purpose of such publications will reach the ears of those who do not know me, and who might derive an impression wholly erroneous, and one which I do not desire to be characterized as a confession of being. I should not allow myself to be assisted from accepting such assistance, if it were needed, for the reason that I should not myself hesitate to offer it to any person who needed it, and I should never be ashamed to receive what I should not be ashamed to offer. But I owe no man a dollar, and I neither need nor desire any assistance of such a character. I feel, and am amply able in health, strength and mind, to sustain a man to sustain all the burdens that God has placed upon me until He wills otherwise.

I am rich in the firm belief in the justice of Almighty God, in the devoted love and comfort of a noble wife, my sons and their wives all united in certain in the innocence of Roland Molineux, and certain that the grace of God will be found in time, I need for myself no other assistance and no other comfort or support. But for my household I do need and I do appreciate the support and assistance of all those of every denomination and of every faith who, like myself, feel that my son is innocent and the victim of an unjust persecution. I do not ask for assistance or sympathy. My son is a strong man, able to bear his own sorrows and responsible for his own acts. I appeal, moreover, to every man who is a man to respect the sanctity of the grief of my afflicted wife and my sorely afflicted daughter—my daughter in affection and my daughter-in-law by reason of her marriage to my son—Blanche Molineux, and to every man who, in their half, my friends, gallant and certain that my struggle in the front line of defence of those my best of earthly blessings, shield and protect them from unnecessary and intrusive curiosity, let their modest womanhood and their agonizing sorrows move you to their support, and let them be your charge.

KNOWS HE IS INNOCENT? As for my sons, I trust that they are brave men, with the strength to live and die bravely. I have seen my son Roland asleep as a child by his mother's side. I have seen him asleep in his cell after the verdict condemning him to death had been pronounced. Who is better able than I, his father, to judge whether that sleep is the natural sleep of innocence? And I have heard his first words on awakening at the call of his father, as by revivification, from that sleep after the verdict: "How is Blanche? How is mother?" And before that sad awakening, during all the dreary days of his confinement,

Continued on second page.

THE FIRST RAILWAY IN THE WORLD to adopt for all its cars the Pintsch light is the New York Central. This line has Pintsch light in its sleeping and parlor cars, its coaches, baggage cars and mail cars, contributing in this, as in all other things, to the comfort and safety of its patrons.—Adv.

Cure the CHILDREN'S COLDS with JAYNE'S EXPECTORANT.—Adv.

MOLINEUX SENTENCED.

PROTESTS HIS INNOCENCE, DEFENDS HIS WIFE.

DRAMATIC SPEECH IN COURT—TAKEN TO SING SING AND PLACED IN "MURDERER'S ROW."

These hands never put pen to paper to address that poison package or to write the disputed letters. . . . Above and beyond everything else I denounce and despise the action of the District Attorney in so grossly and wantonly attacking the character of the pure and lovely woman who bears my name. It was the act of a blackguard. It was a damnable lie.

The foregoing were among the most striking sentences in a dramatic address delivered by Roland Molineux when he was arraigned before Recorder Goff yesterday to receive sentence of death on his conviction of murder in the first degree. It is the first personal utterance of the prisoner since his arrest, more than a year ago. He heard his sentence, which the Court ordered to be executed in the week beginning March 26, with the unflinching courage and calm demeanor which have characterized his conduct from the start.

The General Sessions chamber never witnessed a more dramatic spectacle, nor one surer to provoke strong human sympathy, than yesterday morning, when Molineux in his own defence, with the grace of an accomplished after dinner speaker, delivered a four minute speech which doubtless made an indelible impression on all present.

The condemned man was arraigned before Recorder Goff at 10:37 a. m. in the presence of his counsel, Messrs. Weeks and Battle, his father and brothers, and a throng that filled the courtroom to the aisles, in which chairs were placed. His brief speech was made about 11 o'clock. Sentence was pronounced at 11:08. He left the Tombs at 1:05 p. m., passed under and saluted the Dewey Arch, which he had never before seen, at 1:30, reached the Grand Central Station at 1:40, took the train for Sing Sing starting at 2:05, reached the penitentiary at 3:15, and was lodged in his cell near eight other men condemned to death at 3:40.

From the time the prisoner rose yesterday morning at 7:30 o'clock after a sleep of ten hours till the time when he reached through the grated door on the lower floor of the prison to shake hands with his white haired soldier father, his brother, his lawyer, Mr. Battle, and the Sheriff and deputies who accompanied him from the Tombs, there was hardly a half hour in Molineux's life yesterday devoid of dramatic interest.

COURTROOM BESIEGED BY A THROGG. Long before the hour of opening the court, at 10:30 o'clock, the doors of the courtroom were besieged by hundreds who wanted to witness the imposition of the sentence of death on Molineux. Extra policemen were detailed to hold the throngs back from the doors. Recorder Goff, in his official black robes, entered the chamber at 10:37, and almost at once a court officer was sent to bring in Molineux. Necks were craned to get a glimpse of the prisoner as he entered the door at the rear of the chamber.

With a quick, buoyant stride he soon reached the bar, where, with Mr. Weeks on his right and Mr. Battle on his left, he waited for the sentence. District Attorney Gardiner moved for judgment. The clerk asked the prisoner if he had any legal cause to show why judgment should not be passed. Mr. Weeks said:

The defendant, Roland B. Molineux, respectfully moves for a new trial herein upon the following grounds: First—That the verdict is contrary to law, and clearly against the weight of the evidence. Second—The verdict is contrary to the evidence, and against the weight of the evidence. Third—Upon each and every one of the exceptions taken by the defendant to the ruling of the Court to charge the jury, requests submitted to the Court by the defendant, which said requests were refused by the Court, and excepted thereto duly taken, as more fully appears by the record herein. Fourth—Upon each of the exceptions taken by the defendant to the ruling of the Court to refuse the defendant's objections to the admission of evidence offered by the prosecution. Fifth—Upon each of the exceptions taken by the defendant to the ruling of the Court in excluding testimony offered by the defendant. Sixth—Upon each and every one of the exceptions taken by the defendant to the ruling of the Court in admitting or rejecting testimony on the part of a challenge for actual bias to any juror who participated in the verdict, or in allowing or disallowing such challenge. Seventh—Upon each and every one of the exceptions taken by the defendant to the ruling of the Court in admitting or rejecting testimony on the part of a challenge for actual bias to any juror who participated in the verdict, or in allowing or disallowing such challenge. Eighth—Upon each and every one of the exceptions taken by the defendant to the ruling of the Court in admitting or rejecting testimony on the part of a challenge for actual bias to any juror who participated in the verdict, or in allowing or disallowing such challenge. Ninth—Upon each and every one of the exceptions taken by the defendant to the ruling of the Court in admitting or rejecting testimony on the part of a challenge for actual bias to any juror who participated in the verdict, or in allowing or disallowing such challenge.

THE MOTION DENIED.

The motion was denied, an exception was taken, and Mr. Weeks moved that no judgment be rendered, on the ground that the facts stated do not constitute a crime. Again the motion was denied, again the exception, and then Mr. Weeks said:

"The defendant, Your Honor, desires to speak in his own behalf." Molineux, in a resonant voice, without a tremor, began: "Of the crime for which I—" "Just wait a minute," said Recorder Goff, leaning forward slightly and looking earnestly at the prisoner. "Is this by advice of counsel?" "By the request of the defendant and without regard to the advice of counsel," said Mr. Weeks.

Recorder Goff hesitated an instant, and then said: "This defendant has been in this court for three months, defended by able counsel. It is an unusual thing for a defendant who has been so very well and ably defended by counsel to address the Court."

"It is the defendant's desire, and we have nothing to say to him except that we believe it is his right," said Mr. Weeks.

The nervous tension was at the snapping point. The tones of the Recorder and the lawyer alternately cut the stillness, and there was an involuntary leaning forward by those in the rear to catch everything that was said.

"His counsel," said Recorder Goff slowly, "has said for him all that the law permits to be said in reply to the question. What has he to say way judgment of death should not be pronounced against him?" HIS DESIRE TO SPEAK.

"I have advised him that way," said Mr. Weeks. "but it is his desire, Your Honor." "That is another matter," returned the Judge. "It is a desire expressed by the man at the bar under these circumstances and presented to the Court's discretion, that is one thing, but a thing presented as a matter of right, that involves another thing."

"I have simply presented it as the defendant's desire and my advice."

The scene was like a fencing bout between adepts—parry and thrust—thrust and parry.

"Then," said the Recorder, with a tinge of bitterness, "I ignore your advice."

"Sir," said Mr. Weeks, sharply. "I ignore your advice," said the Recorder with