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WASHINGTON, D. C. DECEMBER 21, 1896.

What may be regarded as the first authentic interview with Dr. Zertucha, the man of all others generally thought to have betrayed Macco, has been published in the New York Herald.

ZERTUCHA AND HIS STORY.

Because of its publication in that paper it is invested with a degree of credibility that would not otherwise attach to it, and it is, therefore, an important contribution to the current history of the war in Cuba.

Upon the acceptability of Zertucha's story will depend largely the acquittal or censure of Spain for conducting war by treachery and assassination, for if his be a truthful tale Macco's death was not brought about by foul means.

Zertucha is either a much-maligned man or an unconscionable liar. Briefly stated, he told the Herald correspondent that he was near Macco when the latter was shot.

Just a moment before that happening the general had his hand upon the physician's shoulder and remarked that all was going well. As soon as Macco was struck he bent over the wounded man, who, however, could not speak, and in a few moments, and he then jumped upon the general's horse and sped to Pedro Diaz, another insurgent commander, whom he informed of what had occurred, who secured the bodies of Macco and Gomez, and knows where they are buried.

These facts were elicited by the correspondent through persistent questioning and one is impressed by the stiffness and apparent insincerity of some of Zertucha's replies.

For instance, in reply to the question why he surrendered to the Spaniards after having gotten safely away from them upon leaving Macco's body, he said: "That is something I cannot tell you. My position is a delicate one."

Zertucha's position is so delicate that the inhabited globe is too small to shield him against the vengeance of the insurgents once it is established beyond peradventure that he has betrayed Macco for money. The suspicious fact militates against him that he tried to flee to the Spanish authorities with great consideration ever since.

It was the generally credited treachery through which Macco's death was accomplished that aroused the storm of indignation, resulting in the proposed act of Congress, and the antagonistic attitude of that body and the President with reference to the recognition of the republic's independence. Zertucha's vindication, therefore, will be the vindication of Spain, just as the condemnation of those from whom he is believed to have accepted blood money, like Judas Iscariot.

If the mania continues Health Officer Woodward should have an appropriation for a suicide clerk.

In the majority of criminal trials, and in not a few of those determined by the civil courts, the evidence is mostly of a circumstantial character.

Eminent lawyers regard this as of the strongest character, and in some instances even preferable to direct evidence, which, they say, rests too often and too readily upon perjury. Proof made up of circumstantial evidence is like a piece of mosaic, in which each individual bit fits close to the other until the combination of them all presents a perfect and harmonious whole.

Like all things human, however, there are defects sometimes in the weaving of the net. In that event it is just as likely to happen that an innocent man is found guilty and punished as that a guilty man escapes the penalty of his crime.

A case illustrating this fact is reported from North Carolina. A man was accused of having stolen a large sum of money. It was shown that he was the owner's acquaintance knew that the money was in the house, and also that he passed near the house at a certain hour of the night preceding the morning on which the money was missed. He was tried, convicted and sentenced to a term of imprisonment.

Shortly after this the son of the owner of the money, who had been on a protracted spree, sobered up. When told of the trial, he declared that the man had been wrongfully convicted; that he himself had taken the money while intoxicated, and had forgotten where he concealed it. He now remembered the hiding place, and restored it to his father. The innocent convicted person has been pardoned.

Suppose that this money had been taken by a burglar and the owner of it killed while resisting the robber. In that case the innocent man might have suffered on the gallows for the crime of another. It is not too bold an assertion to say that many a one has in this way fallen innocently a victim to the law. Now, this is not an argument against the acceptance of circumstantial evidence, because one fallacy is offset by perhaps a hundred proper

and deserved convictions. The fact, however, that such a failure is possible furnishes an incontrovertible argument against the infliction of capital punishment. In the case referred to above the governor could at least so far atone for the miscarriage of justice as to restore the innocent man to freedom, though the State can make no reparation for the agony of mind he underwent through his undeserved conviction and incarceration. But in the supposition case he could not have restored life, and society and the law would be chargeable with legalized murder unlawfully committed. In view of the fact that all human institutions are necessarily affected by the limitations of human insight, society should not make itself responsible for irremediable acts.

Once again the necessity for uniform legislation on the subject of marriage and divorce is demonstrated by the McGown case in New York. In the State of New York there is only one statutory cause for divorce. In most of the other States there are several such causes. In South Carolina no divorce at all can be obtained. In South Dakota "any old cause" will do. The facts in the McGown case are that one of the parties obtained a divorce in Dakota, upon grounds not recognized by the law of New York, and remarried, a child being the issue of the last marriage. This union not being regarded valid in New York, the persons who contracted it are living in a state of adultery and the child is illegitimate in the eyes of the law of that State. Such a condition of things is nothing less than shocking. It affords satisfaction, therefore, to learn that the delegates of New York city have been aroused by the exposure of the wretched Dakota divorce, and will introduce legislation for the enactment of a general divorce law. They will be joined in their petition by leading members of the bar and as many of the prominent and respectable citizens in other walks of life as can be induced to affix their signatures.

At present Congress unfortunately has no power to pass such a law. It involves a matter jurisdiction over which was not specially conceded to the general government by the States, and, therefore, comes under the category of reserved powers. The only way in which Congress can be enabled to deal with it is by the adoption of an amendment to the Constitution, conferring upon it the power to legislate upon this subject. It is quite probable that the votes of three-fourths of the State legislatures could be secured to sustain such an amendment, and thus make it a part of the fundamental law. In that event, a carefully elaborated marriage and divorce law should be one of the first acts of Congress, because it is needed in the interest of morality, of the rights of wronged women, and of innocent children.

In the meantime, however, the reform need not be indefinitely postponed. Its friends should agitate for it in every State, memorialize and importune governors and legislatures, and bring them up to the point of seeking to secure uniform action through conferences held for that purpose. This course has been repeatedly pointed out by The Times as the only immediately practicable one, and it should be pursued energetically and persistently.

It is a matter of which the American Bar Association and the Bar Association of every State should take hold vigorously. The former of these bodies embraces the leading jurists of the country, and a law drafted by it and submitted to the different legislatures would not fail of respectful consideration.

Mr. Olney has raised a constitutional point that will have to be decided by the Supreme Court and Congressman Bailey.

Mr. Wainmaker's department stores sold stock up with a few harmony dinners for Senatorial purposes.

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City Brevities

Commissioner Ross has been slightly indisposed for several days.

Rev. M. Ross Fishburn has gone to his old home in Pennsylvania to spend the holidays.

Full-dress inspection of soldiers at the Marine Barracks was held today.

Mr. H. Backus, of the British legation, has left the city on a visit to New York.

The police report a very large number of tramps in the outlying districts of the city.

The Fish Commission launch Patron is lying in the south shipyard at the navy yard.

Samuel F. Fisher has returned from Philadelphia, and will reside at No. 7 K street northeast.

Christmas services were held generally yesterday in churches through the southeast section.

The Congressional Directory for the new session has been printed and will be ready for delivery today.

The German-American Kindergarten will give a concert exhibition for Christmas on Wednesday next.

The Government Printing Office has just completed a large order of maps for the Geological Survey for the holidays.

The Episcopal class of the First Congregational Church will meet tonight for its last reading.

The Christmas vacation at Gonzaga College will commence Thursday, and conclude on January 1st.

Rev. Father Hannan, the new assistant pastor of St. Paul's Church, preached at the high mass yesterday.

Chief Clerk J. M. McCoy of the Pension Office will speak at the holidays at his Fairmont, W. Va., home.

A number of admirers of Father Stafford have requested him to repeat his lecture on Dickens at an early date.

Rev. M. A. Kelly, Newark, N. J., is a visitor at St. Dominic's pastoral residence, Sixth street southwest.

A party of thirty young ladies from the Mount Vernon Seminary will take a trip to Chicago during the holidays.

The government tug Triton carried a large number of naval officials to the proving ground at Indian Head this morning.

The work of the present grand jury will terminate the 1st of January, when juries for the new three months' term will be drawn.

F. L. Francis and T. Freeman have been appointed additional policemen, under the regulations, for service at the Weather Bureau.

The finance committee of the late fair for the benefit of St. Dominic's Church, report that the net proceeds amount to \$9,489.48.

James W. Bell, son of the late John W. Bell, has been appointed clerk of the county court, to fill the vacancy caused by his father's death.

Rev. J. J. Stafford, of St. Patrick's Church, lectured last night at St. Peter's Church, Baltimore, on "The Foundation of the Kingdom."

Messrs. Burton and Kent Brown, of Fourteenth and I streets, have in preparation a novel on life in that country.

Rev. Father Hannan, of this city, delivered a temperance lecture Thursday evening in Cambridge Springs, under the auspices of the Catechism W. C. T. U.

Supreme President Echols, of the American Protective Association, who went to New York early last week, will return to Washington tomorrow.

Congressman Brocius has been added to the list of speakers who will deliver addresses at the banquet in honor of Forefathers' Day tomorrow evening.

Mount Pleasant Congregational Sunday school held its annual election of officers Saturday, and selected Leonard W. Smith, superintendent, and Miss Imogen Ickes, secretary.

Col. H. Hay, counsel for Richard Mansfield, will in a few days make a motion for a new trial of Miss Sanders' suit against the actor. It is claimed that a verdict was won practically by default.

Alice Brown, a housewife, living at No. 322 Pennsylvania avenue, started to go down to the cellar in her home last night, when she tripped and fell, fracturing her neck.

A mysterious fire occurred last evening in the residence of Ellen Lucas, corner of South Capitol and Water streets southeast. It is reported that the damage done was \$10,000, cause a mystery.

The large main altar for St. Peter's Church, Capitol Hill, was described by The Times several days ago, has arrived at New York, and will be brought here this week. It was manufactured in Italy.

It is of record that the present excise board has not, since it was constituted, granted a retail license to a new place, outside of hotels, and also operating on principally applications for renewals.

A barn belonging to Congressman William B. Baker of the Second Maryland district, about three-quarters of a mile from the depot, was last night, together with the contents, early Saturday morning.

A lively runaway occurred yesterday morning in front of the Shoreham, a team attached to a carriage, driven by James J. Wilson, became frightened at an electric car. Considerable damage was done to the carriage.

Morton Post, G. A. R., colored, which meets tonight, is expected to take some action regarding the killing of London Shears by Policeman Curry. The trouble over the annual election of officers prevented a discussion of the matter one week ago.

THE HOTELS.

Last Night's Arrivals.

ARLINGTON—George W. Boyd, Philadelphia; Major J. B. Quinn, New Orleans; La. George Lyman, St. Paul; Mr. and Mrs. J. S. Bailey, North Carolina; A. H. Williams, Chicago.

EBBITT—John White, Cincinnati; Mrs. White, Cincinnati; Mrs. White, Cincinnati; W. P. Day, U. S. N.; George W. Gilo, New London, Conn.

METROPOLITAN—William Seaman, Virginia; W. V. F. O. Merrill and wife, Birmingham; N. Y.; W. H. Flower, Bowling, Ala.; W. C. Johnson, Rochester, N. Y.; C. C. Kington, Perry, Philadelphia; G. R. Davis, Indian Territory; Dr. Melvin, West Virginia; George B. Kemmer, Mich.; George A. Sheval, Nashville, Tenn.

NORMANDIE—Jerome Carty, Philadelphia; O. J. Vactor, York; Mr. and Mrs. H. Warner, Maryland.

NORMANDIE—Edward Maxwell, Montreal; W. H. Andrews, Tidwell, Pa.; O. C. Woodford, Pittsburgh; W. L. Hut and J. A. Bailey, Jr., Boston.

RALPH—L. Cunningham, Buffalo; Marshall W. K. Jackson, Union P. O., Va.; C. A. Gibbon, Jr., Chicago; Mr. and Mrs. Fred J. Pratt, Boston; Mrs. M. Robinson, Savannah; G. J. Gohary, Cleveland.

RIGGS—W. B. Wilkinson, Asheville, N. C.; J. M. Butler, New York; Mr. and Mrs. C. Searvey, New York.

WILLARD'S—J. H. Fitzpatrick, New York; Lewis W. Washington, Pittsburgh; Walter J. Roberts, New York; Y. J. F. Mansfield, Boston, Pa.

Morning Arrivals.

ARLINGTON—Benson Howard and Daniel Robinson, New York; C. P. Frougny, New York; E. M. McKee, New York; A. Fossitt, Baltimore.

EBBITT—J. I. Brittain, East Palestine, Ohio; W. N. Jackson, Union P. O., Va.; C. A. Gibbon, Jr., Chicago; Mr. and Mrs. Fred J. Pratt, Boston; Mrs. M. Robinson, Savannah; G. J. Gohary, Cleveland.

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The Lounger.

ALTHOUGH the Japanese are undoubtedly the most progressive of Oriental nations, said J. Louis Mayer, an American, who is at the head of a large commercial house at Yokohama, in the lobby of the Normandie last night, nevertheless they are not so far from their most ridiculous customs.

For instance, the lower classes all through the island no longer eat any fish. The reason for this is most amusing. When the huge tidal wave struck the eastern coast of the island several months ago, many thousands, as was reported in the newspapers at the time, were killed. Now, as all the fish eaten came from that section, the more ignorant refuse to purchase them for fear that along with their fish friends they should eat some of their friends or relatives, upon whom the fish have presumably fed.

The Japanese, Mr. Mayer further said, are at present suffering from a slight case of swelled head, as a result of their victory over the Chinese. They are now continually employed in singing compliments at the expense of the Chinese.

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