

SOME BRIGHT ANSWERS

Given by Presumably Intelligent Citizens

TO THE QUESTIONS OF THE COURT

In the Garrison Case--Only one Panelman Accepted, While a Great Many Have Examined--Fixed Opinions, Strong Bias and Prejudice and in Some Cases, Bullheadedness Keep Citizens off the Jury.

Yesterday's proceedings in the Garrison trial were even more tedious than those of the day before. Out of 134 jurors examined only one was accepted on the panel, thus making seven men. Judge Paul adopted yesterday a more expeditious mode of putting prospective jurors through the examination. The usual preliminary questions were put to a boxful at a time, and only those relating to opinion, bias and prejudice were asked separately. This saved a good deal of time, and many more were examined than would have been possible under the old method.

Some of the efforts made to keep off the jury were pitiful indeed. Intelligent looking men stood up in court and made such ridiculous exhibitions of themselves that it was enough to make the spectators weep, though in most cases it caused derisive smiles. Judge Paul certainly kept his temper, but in one or two cases told the intelligent citizens they might go, in such a tone that they would probably have preferred to serve on the jury rather than get the ice bath again.

John Derringer, Peter Erb, J. K. Hall and M. J. McFadden had fixed opinions that evidence wouldn't shake. Clement Hess had been under obligations to Dr. Baird. John Ziegenfelder and Robert Nesbitt had strong opinions and Charles Bailey had a bias. John M. Sweeney was strongly biased. Otto Weisgerber's opinion was too strong to be affected by evidence and Thomas Lewis had a personal feeling, and Charles Kraus was prejudiced either for or against the defendant.

A LONE PANELMAN QUALIFIES.

George Durst, Edward Hazlett and Theodore Roller felt biased, and so did Councilman M. B. Bailey. Frederick Bentz had an opinion, and had strongly expressed it, but as he could listen to evidence and render a verdict accordingly, he was accepted and made the seventh man. W. C. Hanes and Thomas J. Ball and John Emmert were excused on account of opinions formed. Charles Franzheim said he had had a prejudice twelve years before the shooting, and he was excused. George S. Feeny had a strong prejudice, and John Richardson had a strong bias.

James A. Dunning was excused, having been on the grand jury that found the indictment. John Korn said he would not regard it as his duty if sworn as a juror, to find a verdict according to the evidence. When the court asked him if his opinion was positive, Mr. Korn said he couldn't understand that kind of English, he was versed in only the common style. He actually had opinions and was excused. George McMechen's opinion could not be changed, neither could that of Michael Emsheimer. J. J. Kavanaugh had fixed opinions, and William Bayha had a bias. J. S. Leasure had a prejudice, and Loring Downs very strong opinions. Henry Kell defined the word "bias" as meaning "having expressed an opinion;" of course he wouldn't do. Lefe Gardon had a bias, and so had Robert Pekari. Simon Parker had a prejudice, and F. W. Baumer felt the same way.

Henry Bayha had very strong opinions and Philip Fletcher

HAD BIAS AND PREJUDICE,

which meant, according to his dictionary, "having expressed an opinion." E. C. Harry's mind having been made up the day of the "accident," could not be changed. Charles Dittman, M. L. Colvig, John McCrum, John Brining, Charles Lukens, Charles Stump, William Stone, Hugh Sterling, Mr. Beamer had fixed opinions and Charles F. Wincher had bias and prejudice. They were all excused and another boxful was called up.

Howard Wilkinson, Samuel H. Bell, John E. Rihelhafer, James H. Robb, G. O. Smith, J. C. Lynch, John F. Miller, David Henry, Samuel Ruff, J. O. Horner, Charles F. Zimmer, W. Elbert and A. Hildebrand were excused, one or two for bias and prejudice and the rest for having opinions that no evidence would change.

George Westwood said that Dr. Garrison's wife was his full cousin, and he was excused. W. E. Davis, John Auber and J. P. Roth had fixed opinions. Thomas Killeen could give a fair verdict if he was not biased. Dan Brown shook his head and said that no evidence would shake his opinion. J. M. Bertschy, James Boycott, James Phillips, Herman Thatcher and Charles Erk were excused for the usual reasons. Adolf Bott said his opinions never changed and Andrew Reitz said

HIS OPINION WAS MADE UP.

G. H. Medick had formed and expressed an opinion; he thought he could not discard it, as he very seldom changed his mind after having it once made up. H. Menkemoller had strong opinions and Andrew Slater was a man who never made mistakes nor changed his opinions. J. H. Foote, Harry Gartley, John Devlin, George Lobenstein, Henry Bode, Hermann Daler and Frank Gruber had opinions. George Carnahan had prejudice. D. Kuplon was hard of hearing and could not change his opinions.

J. A. McCollough was related to the late Dr. Baird and was excused. Chris Kalbitzer, Mr. Bartol, William Dudley, A. R. Jacob, Matt McCloskey, Oscar Welshons and David Hercules were excused for having fixed opinions. Leonard Schaefer did not know what the word "opinion" meant, and he too was excused.

At half past twelve o'clock court adjourned, and examinations were resumed at two o'clock in the afternoon. Frank Wendel had a bias and prejudice. Owen McCain had been in the employ of Dr. Baird; Burt Watson had strong opinions; Walter Burris had opinions, and Hugh Cleary had a bias; Frank Higgs had formed an opinion based on the newspaper reports of the former trial; John Ebbert never changed his opinion; Bernard Curran had formed an unchangeable opinion; John Dick had a prejudice against the prisoner; Charles Danner could not find a verdict according to the evidence, because he was so

WELL ACQUAINTED WITH THE CASE.

William B. McKelvey could not give a fair trial, because one of the principals had been his family physician. Louis Goehring had not read the newspaper reports of the trial nor conversed with any of the witnesses, still he had

formed an opinion. He said under oath that he would pay no attention to the evidence, though he would have to listen to it, if he were on the jury.

"Do you know that you are under oath?" said the court.

"I do," said the juror; "perhaps you don't understand me."

"I think I do," said Judge Paul, "but I will give you the credit of not understanding me. Any man, who, under oath--"

Juror--"Well, when a man forms an opinion, you know--"

Judge Paul--"You may go."

Michael Whalen, Jr., had opinions and was excused. Another boxful of jurymen was called up. J. M. Thornburg was excused, as his cousin had married Dr. Baird's wife's sister.

J. B. McKee could not give a fair and impartial verdict, as he was decidedly biased. John McNichols had formed a strong opinion, and so had John W. Myles. James K. Bier was biased, J. M. Carlo had formed and expressed an opinion, so had James Faris. James Cresap could not give a fair and impartial verdict for the same reason; J. C. Stroebel had strong feeling in the matter and Joseph Tengel strong opinions.

"What do you mean by the word bias?" asked the court of Austin Mealey.

"I understand that that means punishment," said Mr. Mealey.

The court--"You may go."

David Waddell and Dr. Garrison

HAD BEEN BOYS TOGETHER

and Waddell was excused. J. Seybold had opinions. "Do you never change your opinions?" said the court.

"No; I do not. Dr. Garrison defended himself."

"Even when you find you're wrong, you never change your opinions?" pressed the court.

"No, sir."

"You may go."

Oliver Pryor said he had been prejudiced all his life.

While another batch of names was being drawn, Messrs. McCoy, Ewing and Gillen were examined. They all had opinions and were discharged. Up to this time 251 had been examined, 134 of whom ran the gauntlet yesterday. Only seven panelmen had been obtained, and the bright prospects of the day before, when six were got, had vanished. Every now and then some of those who were summoned Monday afternoon and Tuesday morning would drop in and go through the form of examination. George B. Riddle did not think that any evidence would shake his opinion. He was personally acquainted with either Dr. Garrison or the late Dr. Baird. George H. Ford had a bias, E. K. Metzner had expressed decided opinions and had a strong prejudice. H. B. Clemens, the colored barber, had expressed strong opinions and had a prejudice. Lawrence Zarnitz could not render an impartial verdict. John D. Culbertson was excused on account of relationship to Dr. Baird. Alfred Paul and T. C. Moffatt had strong opinions. A. C. Davis had a strong feeling and G. W. Brener a bias. William A. List had a very strong opinion, having discussed the subject for the last day or two.

NO MORE JURYMEN WERE PRESENT TO ANSWER TO THEIR NAMES, AND JUDGE PAUL PROCEEDED TO DRAW ANOTHER THREE HUNDRED, AND THE SUMMONSES WERE GIVEN TO THE SHERIFF, THIS MAKING ABOUT 650 WHO HAVE BEEN SUMMONED SO FAR, AND ONLY SEVEN PANELMEN HAVE BEEN SECURED.

G. A. R. ENCAMPMENT.

The Annual Department Session at New Martinsville To-day.

The annual encampment of the Department of West Virginia, G. A. R., meets at New Martinsville to-day. The town has prepared to welcome the delegates, who will number several hundred, and the session will be an important one. Each post in the state will send a number of delegates. From this city and Benwood and from the surrounding country quite a large number will board the early train on the Ohio river road this morning. The following are the delegates from Holiday Post No. 12: John L. Wise, F. H. Crago, J. A. Faris, Oscar Seeley, J. M. Ephlin, C. T. Reed, Richard Robertson, S. S. Liller, John Holt, John Marsh, C. F. Ulrich, Morg Gontor and Albert Stump. The delegates from Stephens Post No. 53 are: James N. Pritchard, Joseph A. Arkle, W. F. Grabe, J. H. Bartt, Henry Goetze, Jacob Klein and James Craft. Besides the Wheeling delegates there will also be a large number of visitors.

The following delegates will go from Hancock post, Benwood: Joel D. Marble, Josiah Sinclair, P. P. Stewart, Robert Kelley, I. V. Barton, William Tinsley, John T. Davis and Walter Greenwood.

The annual state encampment of the Sons of Veterans will also be held to-day and to-morrow at New Martinsville. Delegates are expected from all over the state. A number of members of U. S. Grant camp will go down. The regularly selected delegate is Harry W. Thurber, and several officers, Lieutenant General H. B. Baguley, Captain Ed Sylvius and Past Captain F. P. Hall, who are delegates ex-officio, will also be present.

General Fleming in the City.

Gen. R. E. Fleming, of Fairmont, was in the city yesterday, enroute to New Martinsville to attend the G. A. R. Encampment to-day. General Fleming is government superintendent at the East Pepperill, Mass., paper mills, where is manufactured the paper on which the United States revenue stamps are printed. The general says that Republican prospects throughout New England are brighter than ever. The effect of the Rhode Island election has been to enthrone Republicans, and in November Massachusetts particularly will come up with an old time majority for Harrison.

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A VERY BUSY SESSION

Of Council, and Lots of Work Transacted.

THE LIQUOR LICENSE TROUBLE.

New Assessors Elected, and the Caucus Nominees put Through--The Telephone Underground Subway Ordinance Passed--Free Gas to Benevolent Institutions Causes a Discussion.

The Council committee on petitions and remonstrances sent in a report to Council yesterday, recommending that liquor licenses be not granted to George Watson, Andrew Fisher, Troesch & Biery, August Matthews, Nicholas Asselta and Frank Albinger.

The second branch spent about two hours qualifying the applicants, and when the name of August Matthews was called the license went through like greased lightning, although Matthews was one of those whose application the committee recommended to reject.

"Andrew Fisher," called out Clerk Thoner, and applicant Fisher stepped up to be qualified.

"The motion is," said Chairman Jenson, "that the application of Andrew Fisher be granted. Those in favor will say aye."

Silence was the only response. "Those in favor will please say no."

Silence was again the only response. "Gentlemen," said the chair, "you will have to vote."

"Mr. Chairman," said Mr. Bailey, "isn't that one of the applications the committee on petitions and remonstrances recommended to reject?"

"It is," said Chairman Jenson.

"Well, then," replied Mr. Bailey, "I am surprised that members of this committee should sit in this body dumb as oysters, and vote to allow a man of whom they disapprove, to get a license, for I see that they did not vote on the application of August Matthews, which was just granted. I move that the application of Andrew Fisher be referred back to the committee."

There was some discussion on this, and several counter motions were made. The upshot of the whole affair was, that four of the applications were referred back to the committee on petitions and remonstrances. These four were George Watson, Andrew Fisher, Troesch & Biery and Nicholas Asselta. Frank Albinger was granted a license, notwithstanding his application

HAD BEEN REJECTED

by the committee, some members of the First ward stating that Mr. Albinger's landlord was trying to work him out of his saloon, in order to go into business himself.

The committee on petitions and remonstrances had done its best and recommended the rejection of certain applicants, because they kept disorderly houses, except Frank Albinger, whose application was rejected by mistake. Council, however, seemed to be afraid to act on the committee's recommendation, and sent the matter back. It will be advisable for all those who object to granting licenses to any of the parties mentioned, to attend the next meeting of the committee and offer their objections.

All the other applications for licenses were granted by Council.

When the application of H. G. Driggs for a license as auctioneer was read, a petition from various business firms was presented, asking that the license be refused. Mr. Robertson wanted to know the reasons for refusing the application. Prosecuting Attorney Howard, by permission, stated that the license was asked for by a man who might be here to-day and somewhere else to-morrow. The petitioners had invested their money and were in business, and did not think it fair that a skillful auctioneer, who was able to induce people to pay more for goods than they were worth, be granted a license. Mr. Howard further said that Council had the right to grant or refuse licenses as auctioneers.

Captain Dovener represented the applicant. The latter, he said, represented Seipp & Zeigler, of Cleveland, a firm that paid taxes on all the goods it brought into the city. The firm

HAD FORMERLY SOLD GOODS

in this city through auctioneers located here, and they now desired to employ a man who understood the business better than the auctioneers now in the city. The application was rejected, Messrs. Craig and Robertson voting to grant it.

In the first branch the underground subway ordinance, presented by the Bell Telephone company, came up. Dr. Campbell moved that the words allowing the company to use the underground

SUBWAYS FOR PNEUMATIC TUBES

be stricken out. Dr. Campbell said the company was not going to use the pneumatic tube system for probably some years. Dr. Campbell's motion was lost. Section 6 of the ordinance, which gives the city the right to use the system, was amended to read "without compensation."

When that provision of the ordinance was reached, which compels the company to place its subways on Main and Market between Tenth and Sixteenth streets, before eighteen months have passed, Dr. Campbell called Council's attention to the fact that this allowed the company any time it pleased to take before putting down the other wires. Mr. Wilson offered an amendment, providing that whenever 100 wires are on a street, then the poles shall be taken down and subways put in the streets.

With the provision that if the company shall not have formally filed its acceptance of the ordinance by the first day of August, 1892, then the ordinance shall be null and void, the ordinance passed. Dr. Campbell voting no.

The second branch voted the ordinance as amended by the first, which is understood to be acceptable to the telephone people, though they regard it as a little hard.

Charles Vierheller was appointed on all committees Mr. Capps had been a member of.

On motion of Mr. Hall, a resolution was adopted asking the gas trustees to buy all glass globes for the electric lights from the Wheeling manufacturers of such globes.

A petition asking Council to prevent the occupation of Alley E for private purposes was referred to the committee on streets, alleys and grades, and a resolution instructing the board of public works to remove forth with the obstructions on Alley E was referred to the board. If Mr. Frank renews the obstructions after the board has removed them, the committee on streets, alleys and grades may take legal proceedings to prevent him.

A report was received from the gas trustees reciting that only six eleemosynary institutions in the city are receiv-

ing free gas from the city. In view of the fact that the 3,400 gas consumers are paying for this gas, the gas trustees recommended that the six institutions be not allowed.

FURTHER USE OF GAS.

The matter came up through the request of the trustees of the Jewish synagogue that they be allowed free gas in the temple. Mr. Emsheimer explained that the synagogue has asked for free gas under the impression that other churches were getting it gratis. Since the trustees had discovered, Mr. Emsheimer said, that other churches were not getting free gas, they did not desire the privilege. Mr. Emsheimer was opposed to cutting off the benevolent institutions from the free list, but Mr. Wilson offered a resolution that this be done, on the ground that benevolent institutions have no more right to free gas than have the churches. Mr. Emsheimer fought bravely for the benevolent institutions and made a warm speech. Mr. Pollock said he was in favor of granting benevolent institutions free gas. He would cheerfully pay his gas bill and his share of the bills of the benevolent institutions. Mr. Wilson having made a motion to instruct the trustees to cease granting the six institutions free gas, Mr. Happy amended the motion by moving to strike out only the Young Men's Christian Association.

Mr. Wilson spoke against the amendment, declaring that the Y. M. C. A. did more good than any other institution in the city.

Dr. Campbell moved to lay the whole business on the table, and it was done.

On motion of Mr. Wilson the new City Hospital was granted free gas.

The United States Baking Company presented a petition asking that it be

PERMITTED TO LAY A SWITCH from the Baltimore & Ohio railroad tracks to the southwest corner of Main and Twentieth streets, the company proposing to build a large brick building to be used for the manufacture of crackers and other bakers' products. The company desires to lay the switch along the short alley adjoining its property. The petition and the accompanying ordinance were referred to the committee on railroads.

A petition from Butcher John Wentzel, asking for permission to run a slaughter house within the city limits, was referred to the committee on health.

Mr. Wilson offered a resolution, directing the gas trustees to charge benevolent institutions receiving free gas for all gas used over 10,000 feet. Mr. Emsheimer interrupted Mr. Wilson, who by this time had become excited and was white in the face, by saying:

"Oh, I move to lay on the table."

"I have the floor, Mr. Emsheimer," called out Mr. Wilson, "and if you interrupt me again I'll come over there to you." Mr. Emsheimer's motion to lay on the table was lost. Mr. Pollock moved to amend by limiting the amount to 15,000 feet, and Mr. O'Kane offered an amendment to the amendment, naming 25,000 feet. Mr. Wilson said he had offered the motion to save the gas consumers money, and if Council was disposed to make fun of it, he would withdraw it.

The report of the committee on police reinstating Officer Watson was adopted. Mr. Kenny kindly calling up the report at a quarter of an hour before midnight. The quarterly report of Chief McNichol was received and filed. The ordinance providing for the payment of the city's expenses for May and the sum of \$6,000 for the completion of the Main street stone bridge was adopted. The board of Lawrence Clark, the new garbage contractor, was approved and Mr. Clark sworn in.

THE ELECTION OF ASSESSORS.

A joint session of both branches was held, and five assessors were elected, one to fill the vacancy caused by the resignation of Assessor Hughes, and the others to fill offices created by the ordinance passed at the last meeting of Council. John R. Hanlon was elected unanimously to fill the vacancy caused by Hughes's resignation.

Mr. Wilson nominated D. Z. Phillips and Mr. Kenney nominated James W. White as assessor for the northern district. When Councilman Cecil Robinson's name was called he said:

"I understand that the gentlemen nominated were elected by the Democratic caucus held last night. Now, I want the Democratic party to have all the credit for any selections it may make, but I also want it to have all the responsibility; hence I decline to vote."

"Let her come," cried a voice. "We'll take it," said another, and Mr. Robinson was excused from voting. Patrick Weir, sr., and Jonas Pickett were nominated for the district south of the creek. The machine worked beautifully, the wheels revolved noiselessly, and the nominees were ground out with celerity. There was not a squeak heard. Though the Democratic caucus received no congratulations on the sort of material it had selected for the important office of assessor, yet the slickness with which the whole thing worked was admired even by those outside the pale.

Council adjourned at 12:25 a. m.

ABOUT A TOWN CHARTER.

Tax Payers at Fulton will Contest--Other Matters in Court.

It Judge Campbell's court yesterday Hon. J. B. Sommerville, as attorney for the Hanna & Clemans Paper Company and other tax payers of Fulton, applied for a writ of quo warranto to compel the authorities of the town of Fulton to show by what right they levy and collect taxes and perform other duties and exercise powers of an incorporation. There are many citizens of the village over the hill who maintain that the charter lapsed, and this suit is brought to settle that question.

The Long Reach Starvo and Barrel Company's suit against Wilson & Dunlevy is still in progress before Judge Campbell.

Joseph D. Dubois and John D. Culbertson were yesterday confirmed as trustees of St. Matthew's P. E. church.

DIED.

BENTEL--At her residence, in Washington, Pa., early Monday morning, April 25, 1892, after a brief illness, Mrs. MARY BEATTY BENTEL, widow of the late John F. Bentel, of Freedom, Pa., and daughter of the late Samuel Beatty, aged 42 years.

ROGERS--On Tuesday, April 26, 1892, at 6:30 o'clock p. m. FLORENCE, infant daughter of Harrison W. and Minnie Rogers, aged 3 weeks.

Funeral from the residence of the parents, 1726 Woods street, this (Wednesday) afternoon at 3 o'clock. Interment at Peninsula Cemetery.

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