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KNOCKED OUT.

The Scheme to Change Grammars Voted Down by the House.

SPEAKER EDWARDS AND HIS PLAN

To Secure Delay in the Interest of Hyde's Book Denounced.

MR. EVANS'S RAKING CRITICISM

Of the Speaker's Course—Intense Interest Taken in the Announcement of the Vote, Which Is Held Back For a Long While—Various Tactics to Secure Further Delay—Another Fight Will Come Against the Adoption of the Free Trade Text Book on Civil Government.

Special Dispatch to the Intelligencer.

CHARLESTON, W. VA., Feb. 5.—The school book fight was on again in the house to-day. Mr. Evans, of Berkeley, one of the strongest and most experienced men in this legislature, opened with a raking criticism of the speaker's course of yesterday, when that officer literally shot the house out of the hall to give his side of the school book fight a chance to turn defeat into victory, and save Hyde's Language Lessons from being knocked out of the committee's report.

Mr. Evans argued that the speaker had overridden the rules of the house and warned his fellow Republicans that they could not afford to permit the house to be governed in any such way. He insisted that the speaker had nothing to do but to cause the vote on the rival books to be announced.

Mr. Dandridge, (Dem.) of Jefferson, resented some of Mr. Evans's reflections on Democratic speakers and Evans came back, quickly asking by what majority Judge Fleming was elected Governor in 1888. This thrust was very much relished by Republicans.

Mr. Morris, chairman of committee on education, whose report was under fire, defended the speaker's action, which was not strange, because the speaker and the chairman were pulling together for all that was in them.

SPOILED THE SCHEME.

Mr. Evans' speech spoiled the scheme to rescue Hyde's book from defeat on the spot. The speaker had put on all the pressure of his position. Members had been threatened with dire things if they did not stand by him. Heath & Co. had done their best hustling to induce members to change their votes, still a counting of votes could not be made to show anything but defeat for that side. Then there was talk about further standing off the decisive moment so that a Republican caucus could be called and an attempt made there to tie up Republicans for the Hyde book. Whether the free trade "American Citizen," published by the same firm, was to be urged on the Republican caucus was not revealed.

The caucus idea was not taking very well. But there was another proposition from the same side "in the interest of fairness and harmony." Hyde's and Harvey's were both to be adopted. The speaker did some earnest buttonholing in this behalf. By the time Mr. Evans got through the speaker saw that he would at least have to make a show of allowing the announcement of yesterday's vote to proceed. It did proceed, but with such obvious intent to clog the wheels as to add to the chapter of scandal.

IRREGULAR PROCEEDING.

Several members who were absent yesterday were given leave to vote. Four voted for Hyde, six for Harvey. This was not mending matters from the speaker's point of view. Moreover, some changes favorable to his side were hoped and had not come. The hall was crowded and the strain was as intense as though a governorship had been at stake. The moments sped. The silence was becoming more painful with each passing moment. Members looked at the speaker and at each other. The speaker's face was crimson. He saw that the house and the lobbies were "onto him."

Mr. Campbell, of Ohio county, wanted to know why the vote was not announced. The speaker had the steady nerve to reply that the vote would be announced as soon as the clerks could foot it up. Everybody else who took interest enough to follow the vote had footed it up nearly half an hour before. The announcement of the vote was being held back in the desperate hope of saving Hyde's book, which the house had doomed.

There was a gleam of hope for that side when Davis, of Cabell, changed his vote in a speech which did not make plain why he changed. Messrs. Rinehart, of Grant, and Crislip, of Roane, changed theirs without speeches. Mr. Morris changed his several times, to get further delay, in the hope of more changes, and finally to get in position to move a reconsideration. But the agony had to come to an end for the day. All expedients for delaying without more scandal were at an end. The vote was announced—thirty-six for Harvey's, thirty-one for Hyde's. Chairman Morris gave notice that he will move to reconsider.

ANOTHER FIGHT IN PROSPECT.

The bill will come up again on Thursday and between now and then another mighty effort will be made to pull Hyde's book through. After the announcement of the vote, Mr. Evans drew attention to the rank free trade bias of Dole's "American Citizen," another of Heath & Co.'s publications, and the book recently opened to INTELLIGENCER readers in these dispatches. He moved to strike the book out of the report as being partisan and unfit to put in the hands of the school children of West Virginia. He did not care what book on civil government was substituted, but he urged that Dole's be knocked out. Before he could finish his entertaining remarks he had to give way to other business. He will resume on Thursday and he may be expected to take up the fruitful topic with renewed zest. It remains to be seen whether Republicans who have gone into the fight for Heath & Co., will insist upon teaching free trade in the free schools of West Virginia.

The proceedings in the house on the book question yesterday and to-day are more commented on than all other things put together that have happened in this legislature.

The judiciary committees of both houses are actively at work on a bill to reform the judiciary of the state and an early report is expected.

The senate session to-day was very quiet and business like, and the same is true of the afternoon session of the house. It is probable that a night session of the latter body would have been held, but for the fact that the State Bar Association desired the use of the hall this evening.

MECHANICS' LIEN BILL.

Mr. Smith's mechanics' lien law, and Mr. Toler's bill, establishing a bureau of labor statistics and board of arbitration, passed the house without discussion. Messrs. Boggs, Brownfield, Fleming, Harding, Kester, McDonald, Pugh, Reynolds, Stapleton and Stuckey voted against Mr. Smith's bill. Judge Fleming, in explaining his vote, said he favored the special features of the bill and many of its provisions, but as he had failed in securing the adoption of what he considered necessary amendments, he could not support it. Mr. Smith is fully confident that the measure will pass the senate.

Owing to the absence of Judge Fleming, who was engaged in committee work, his resolution, asking that the report of the West Virginia commission, appointed some years ago, looking to a settlement of the Virginia debt question, be printed with the report of the Virginia commissioners, was not acted on to-day, but was made a special order for 4 o'clock to-morrow. Judge Fleming desires to be heard briefly on the subject, and it is understood he will take the position that West Virginia is neither legally nor morally liable for any portion of the old state's indebtedness.

AN IMPORTANT MEASURE.

House bill, 35, was advanced to its third reading to-day. It provides that prosecuting attorneys shall not be in the grand jury rooms while witnesses are being interrogated or while a vote is being taken. The fact of the presence of the prosecuting attorney in the grand jury room when an indictment was found against Van Baker was a point used by the defense in that case and the supreme court decided his presence did not invalidate the legality of the proceedings. Many are of the opinion that the bill is an important one and should pass.

An amendment was made to house bill 21, relating to the appointment of a state board of medical examiners, which was advanced to its third reading in the house to-day. The amendment provides that one homœpathic and one eclectic physician be on the board which is to be composed of eight members, two from each congressional district, to be appointed by the governor.

Messrs. Dawson and Silver, who are here in the interest of the Berkeley Springs improvement, are much encouraged by the favorable reception of their project. The indications are that the bill will pass. It will put new life into the springs and make the spot one of the most attractive in the country.

C. B. H.

STATE BAR ASSOCIATION

In Session at Charleston—A Good Attendance of Members.

Special Dispatch to the Intelligencer.

CHARLESTON, W. VA., Feb. 5.—The State Bar Association met in the supreme court room at noon to-day, and was called to order by its president, Judge Thomas P. Jacobs, of New Martinsville, who read the annual address, his subject being "Legal Education."

Senate bill 44, relating to the examination and licensing of attorneys, was thoroughly discussed by Hon. W. P. Hubbard, Col. Robert White, E. W. Wilson, D. C. Westenhaver, J. F. Brown, C. Wood Daley, J. H. Brown, J. M. Payne and George E. Price. The subject will be further discussed to-morrow.

Secretary D. C. Westenhaver and Treasurer W. N. Miller presented their reports.

Hon. J. B. Sommerville read an able paper on "Justices' Courts," which was discussed by Judge J. P. Brown.

Judge D. B. Lucas read a paper discussing the advisability of a constitutional convention.

Judge R. L. Barton, of Winchester, Va., delivered an address in the hall of the house to-night on the subject, "Inter-State Commerce." It was an able effort and was listened to with much interest.

About one hundred members are in attendance and the meeting is an important one. Officers will be elected to-morrow and at night a banquet will be given in Germania hall by the local bar.

West Virginia Appointments.

WASHINGTON, D. C., Feb. 5.—The senate in executive session to-day confirmed the nomination of Frederick Munchmeyer, of West Virginia, consul at San Salvador, Salvador.

Emery Jacobs, of Wellsburg, W. Va., was confirmed as postmaster.

BRIEFS FROM THE WIRES.

A big strike of coal miners in Mercer, Lawrence and Butler counties, Pa., is imminent.

The gross earnings for January of the Buffalo, Rochester & Pittsburg railroad were $228,789, increase $10,074.

The stockholders of the East Side Bank of New York city yesterday decided to make good all shortages and resume business.

The supreme council of the Farmers' Alliance, in session at Raleigh, N. C., yesterday passed resolutions protesting against another bond issue.

It is reported that a conspiracy of Peixotoists against the government of Brazil has been discovered and that martial law will be proclaimed.

In an encounter between the police and strikers in Brooklyn yesterday afternoon several arrests were made and a number of people were injured.

The queen regent of Spain has signed and the Official Gazette will to-day publish the commercial modus vivendi agreed upon by Spain and the United States.

Cable advices from Valencia, Spain, are to the effect that the entire orange crop has been damaged by the cold wave that visited that section last evening. Conservative estimates placed the loss at about sixty per cent.

The Rev. Dr. Edward Sylvester Jaort, pastor of the church of the Sacred Heart, of Wilmington, Del., has received a letter from Rome in which he is informed that the holy father disapproves of Roman Catholic priests riding bicycles.

THE SCENE OF WAR

Transferred From the House to the Senate Chamber.

AN EXCHANGE OF COMPLIMENTS

Of a Left-Handed Character Between Senators Mitchell and Harris—The Day's Legislation in the House and Senate—A Cabinet Meeting Discusses the Proposed Bond Issue. Our Military Laws.

WASHINGTON, D. C., Feb. 5.—The session opened to-day with a very breezy personal altercation between Mr. Mitchell, (Oregon,) and Mr. Harris, (Tennessee). The words "ungentlemanly" and "contemptible" were exchanged and for a time it looked as though the senate chamber might witness a repetition of the belligerents seen in the house last week. But the conflict assumed a somewhat serio-comic aspect and the senate soon relapsed into an uneventful condition of routine business.

Mr. Mitchell rose to make a report on certain sugar bounty claims, on which, he said, he desired to make a brief explanation.

"There will have to be an explanation when the subject comes up," interposed Mr. Harris, "so that it will be a waste of time to have an explanation now, I therefore object."

Mr. Mitchell urged that the explanation would not take three minutes, but Mr. Harris shook his head.

"Then," said Mr. Mitchell, with impatience, "I will not make the report; I will withdraw it. It is most extraordinary that senators cannot submit a brief explanation if they so desire. It is remarkable."

"It is needless for the senator to protest," said Mr. Harris. "I object; and I emphasize it, I object."

"Then I withdraw the report," declared Mr. Mitchell.

"Withdraw it, then," exclaimed Mr. Harris, defiantly.

Mr. Mitchell showed intense irritation at the defiance, and, raising his voice, he said to Mr. Harris: "The action of the senator is unusual, most unusual."

"I want the senator to understand," retorted Mr. Harris, "that I am capable of doing unusual things, and am responsible for doing unusual things."

"Yes," answered Mr. Mitchell, his flushed face showing intense indignation, "I appreciate that the senator is capable of doing unusual things," and then Mr. Mitchell added: "And he is capable of doing ungentlemanly things."

Mr. Harris stepped forward from his desk, and for a moment it seemed that he was about to resent the statement in an unusual and emphatic way. He paused, however, and then with a gesture toward Mr. Mitchell, and addressing him directly, said: "Let me tell you, sir, that your conduct is contemptible—contemptible."

The presiding officer had been rapping vigorously as the controversy proceeded. "The senators must proceed in order," he said.

The colleagues of the two angry senators gathered about them, and their indignant expostulations continued in subdued tones. The presiding officer directed the clerk to proceed with other business and the incident was summarily closed. Mr. Mitchell moved about the rear of the chamber reiterating his protests, while Mr. Harris sat at his desk apparently unmoved by the sharp exchange of personalities.

The District of Columbia appropriation bill was passed after having been before the senate more than a week, and discussion of the diplomatic and consular bill was begun.

BOND ISSUE DISCUSSED

In a Prolonged Session of President Cleveland's Cabinet Yesterday.

WASHINGTON, Feb. 5.—The cabinet was in session to-day from before 10 o'clock until after 2:45. It is understood that almost the only subject of discussion was the pending bond issue. Several prominent New York bankers are here, among them Mr. Pierpont Morgan, and while they have not seen either the President or Mr. Carlisle, it is understood that their views on the situation were conveyed to the President to-day. No authoritative statement of the character of the cabinet discussion can be made, but it is believed that no final action has been determined upon. It is understood that negotiations with representatives of London bankers are now in progress with indications of an early consummation. There is no longer any expectation of a popular loan to be placed in this country, as in that event the experience of the last few months would be repeated and the gold reserve again depleted.

DIVERGENT VIEWS

Expressed in the House Yesterday on the Financial Question.

WASHINGTON, D. C., Feb. 5.—The debate on the administration's bill to authorize the issue of $500,000,000 gold bonds for the purpose of retiring the legal tenders and treasury notes began in the house to-day and continued for six hours. It developed widely divergent views at the outset. The silver Democrats and Populists opposed it outright. Some of the administration Democrats, like Hall, of Missouri, favored a substitution on the lines of the Carlisle bill, while Reed, the leader of the Republicans, after a speech charging the present trouble to the deficiency in the revenue, introduced a bill authorizing the secretary of the treasury to sell three per cent coin bonds to keep up the gold reserve and certificates of indebtedness, redeemable at the pleasure of the government, to pay current expenses until the revenues shall equal the expenditures. Mr. Patterson, a Democrat from Tennessee, on the contrary, favored the issue of gold bonds. The debate under the five minute rule, when the bill was open for amendment, begins to-morrow.

The Militia Force.

WASHINGTON, D. C., Feb. 5.—The secretary of war to-day sent to Congress an abstract showing the militia force of the country by states and territories. The entire force is placed at 116,809, of whom 107,391 are privates and non-commissioned officers, and 9,505 commissioned officers. The unorganized military force of the country numbers 9,582,906.

JIM NUTT DYING.

In a Drunken Rage He Shot Mrs. Payton and is Fatally Wounded By Her—An Old Tragedy Recalled—The Details of the Crime.

ATCHISON, KAS., Feb. 5.—Jim Nutt, made famous for killing lawyer M. L. Dukes in Uniontown, Pa., over a decade ago, because he seduced Miss Nutt, is dying from wounds inflicted early this morning by Mrs. John Payton, who committed the act after Nutt, in a drunken rage, had fatally shot her. Neither can live. Leonard Coleman, a hired man, who attempted to save Mrs. Payton's life, is *lying seriously wounded*, having received a bullet from Nutt's revolver, but will recover. The crime was most horrible and unprovoked. The prominence of the families concerned make it most sensational.

The Nutts and Dukes were at one time prominent politicians in Pennsylvania, while Coleman, who is twenty-seven years of age, originally came from New York, where he was well known.

He was considered a good citizen and became prosperous. Until two years ago the Paytons worked for Nutt, living on his farm. Their relations became strained, however, and the Payton family, consisting of the parents and five children, rented a farm eight miles from Nutt's place, from Mrs. A. E. Bradbury.

Payton has been away from home most of the present winter cutting ice, during which time Nutt renewed his relations with the family. Nothing out of the way was discernable in his conduct, however, until last night, when he sauntered into the Payton household at a late hour under the influence of liquor. Payton was absent, and Coleman, the hired man, was the only other man on the premises. Nutt, who had been on a week's spree, was in no pleasant mood, and gruffly ordered Mrs. Payton to get him some supper. Mrs. Payton complied, though more through fear than because she cared to, and scenting trouble, she quietly got the children from the room. As he ate Nutt became more abusive toward Mrs. Payton and seemed to be turning mad. When he finished eating he deliberately drew his revolver and pointed it at the now thoroughly frightened woman, crying: "I'm going to kill you." Before she could make a move he had carried his threat into effect and sent three bullets into her body. The shots attracted Coleman, who rushed into the house with an axe in his hand. The instant he entered Nutt levelled his weapon at him and fired. Two shots struck the would-be rescuer. He fell on the floor and for a time lay unconscious in the blood that poured from his wounds.

At the same time Mrs. Payton, with a superhuman effort, had raised herself from the floor and secured the axe. Nutt had now became weakened and literally sank in his tracks. Rushing to where he lay the woman, her own wounds bleeding profusely and herself weak from excitement and loss of blood, rained blow after blow upon Nutt's head. Not until her victim's head was a mass of jelly and she too weak to longer wield the axe, did she desist. Then she sank to the floor and went into a state of unconsciousness that lasted several hours.

When Coleman recovered, finally his consciousness, he found both Nutt and Mrs. Payton lying in great pools of their blood. Tying Nutt to a chair, lest he should escape, Coleman gave the alarm. When assistance arrived the woman was beyond help. Neither Mrs. Payton nor Nutt are able to relate the story of the crime. Coleman is also in a bad way, but will recover. Aside from the above facts, he steadfastly refuses to be interviewed. Nutt has been removed to Atchison.

THE NUTT-DUKES TRAGEDY.

A Review of the Famous Murder Trial That Excited Public Attention.

PITTSBURGH, PA., Feb. 3.—The Nutt-Dukes tragedy which is recalled by the Kansas killing was the reigning sensation in Pennsylvania in 1783 and it gained national notoriety.

Capt. Nutt was the state treasurer and M. L. Dukes was a member of the legislature from Fayette county. Both lived in Uniontown. Capt. Nutt had a brilliant war record. Dukes was an attorney. He had been paying attention to Lizzie Nutt, the captain's daughter, and was engaged to be married to her.

In the spring of 1883 Dukes, as an excuse for breaking the engagement wrote a letter to Captain Nutt who was in Harrisburg, which was offensive and improper, relating to Lizzie. On receipt of the letter Captain Nutt started for home to investigate the allegations made in the letter. He wrote to Dukes to meet him, but instead, Dukes bought a revolver and kept out of the way of Captain Nutt. Finally, Captain Nutt went to Dukes' office and went there unarmed. The two were in a back room together and what passed between them is only a matter of conjecture. Dukes shot and killed Captain Nutt with a revolver he had bought a short time before.

Dukes was tried before Judge Wilson in Uniontown. He set up a plea of self-defense and was acquitted. The court in discharging the jury plainly intimated that it had failed to perform its duty properly. There was general dissatisfaction over the verdict.

In the meantime young Jim Nutt, as he was called, came home from the commercial college he had been attending in New York. He was a changed young man. The killing of his father, the acquittal of Dukes and the aspersions on the honor of his sister caused him to be much depressed and melancholy. He passed many sleepless nights.

Dukes continued to live in Uniontown, and frequently passed young Nutt and members of the family on the street. This seemed to disturb and excite young Nutt. He made no threats, but often recurred to the killing of his father and the acquittal of Dukes. He seemed to think that Dukes treated him with contempt.

One day he was standing in front of the Uniontown postoffice talking to a friend when Dukes passed. Without saying a word Nutt followed him and fired four shots at him from a revolver. Three of the bullets struck Dukes and inflicted fatal wounds. The fourth missed him. Nutt was arrested, and as it was found impossible to get a jury free from partisan feeling, a change of venue was made to Allegheny county. The trial was a most notable one and excited the attention of the whole country. A plea of insanity was made by the defense, and after a legal battle lasting ten days Nutt was acquitted.

Public sentiment was so strong in favor of the prisoner that the finding of the jury met with approval from all except the immediate friends of the Dukes. Shortly afterwards he moved to Kansas and managed his mother's farm.

BLIXT'S STORY

Of the Murder of Catherine Ging, at Minneapolis.

HAYWARD'S COLD-BLOODED PLANS

For the Murder of His Victim—Every Detail of the Plot Carefully Considered—Blixt at First Refused to be an Accomplice, But Hayward Frightened Him by Threatening to Implicate Blixt's Wife.

MINNEAPOLIS, MINN., Feb. 5.—In the trial of Harry Hayward for the murder of Catherine Ging, the state to-day sprang a surprise by placing Claus A. Blixt, the self-confessed tool of Hayward, on the stand.

Blixt related how for six or seven weeks before the murder Harry Hayward was accustomed to come down into the engine room, where he was employed, and have long talks with him. Blixt pointed out the rooms on the diagram of the flats where they were accustomed to talk, and went to say that along in November Hayward began to talk to him about doing some outside work in a newspaper case.

Blixt described how he had witnessed the note for $7,000 given by Miss Ging to Hayward. He said he had been instructed by Harry to say when he saw the pile of bills, "Jesus Christ, what a lot of money." That night in the basement of the Ozark, Harry had said to him: "I am going to kill her. I didn't let her have $7,000. It was only $2,000. I am going to taken her around where I have take her here and gamble as high as $1,000 on her. I am going to take her to a restaurant and have her show the money and tell her how careless she'd been."

"Afterwards," continued Blixt, "he told me that he took her around to a restaurant and had her show the money and she placed it in a tumbler while she ate, and some one else told her she'd be killed for her money."

WOULD HAVE HER LIFE INSURED.

"He said he was going to have her life insured and then kill her. He said he was going to drive out and find a place where there were some rocks and throw her on the rocks and then they would think it was a runaway. He wanted me to go to St. Paul and get an overcoat, a slouch hat and a revolver like the one he had. I said I would not do it. One day Harry came into the boiler room with a piece of T rail four feet long and wanted me to cut it in two. I said I couldn't do it, but a man showed me how and I did it. Harry took the shorter piece, put it under his coat and went up stairs. I showed the officers where the other piece was."

"He wanted me to go out somewhere and get a hitched horse. He said he would drive out somewhere with Miss Ging. He would drop some money out of the buggy and get her to go after it. Then he would strike her on the head with the T rail and leave her there and start the horse to running away. He wanted me to make a list of all the things he had in his pockets when he went so that he should not lose anything while away, that would turn up against him as evidence. That was Saturday night before. The next morning he came down and asked me if I ever heard of people getting killed in elevators. I said I had. He said he would get in the elevator with her and strike her on the head and then put her on the floor so that when the elevator started it would cut off her head."

BLIXT PLEADS WITH HAYWARD.

"I said I would not do that. Hayward said that every time Miss Ging came into his room and put her arms around his neck he wanted to stick a knife into the ——— ———," and Blixt, with an expressive gesture, showed how Harry wanted to stab the woman. "I said to him, 'Harry, can't you make the money some other way? This is the awfullest thing I ever heard.' He said, 'You're a coward. Your conscience is hurting you. If I had her and a dog, I'd shoot her and leave the dog.' That evening he came down with her to the boiler room and showed her the things. The next morning, that was Monday, about 11 o'clock, he handed me his watch, a box of cartridges and a roll of money, and told me to hide them in a tin box, so that if he was arrested they would not be found. The watch was gold, and he said there was $50 in money there. I put it in the attic, and when I told him where I had put it he called me a —— fool, and said that that was the first place they'd look for it. He said to put in a hollow tree in the woods. He said the money was not all good, but that some of it was green goods. He said there was going to be a funeral there before the tenth, no matter how it happened. He says: 'Of course she'll be brought and here I'll be sorry, and I'll have to sit up all night with the corpse, and after the coroner has had his examination then I'll go east with the body.'

NEEDED MONEY.

"He said he had to have $15,000 to carry out his plans in the east. He would get $10,000 out of this and he would have to make $5,000 in some other way.

"Late that evening he came in with a pint bottle of whisky. He said, 'Blixt, here's some whisky.' I said I didn't want any. 'You d—— fool,' he said, 'this ain't common whisky.' I then took it and drank half of it. He then said, 'She's got to die to-night and you've got to help me.' I said, 'Harry, haven't you got any other way to make money than to kill that poor little girl?' He said, 'It's nothing to kill people. I've killed two other people.' He said one was a Chinaman, but he did not say who the other was. He said he had wounded a third. I said I could not help him do it. He said I'd got to or he would kill me. I did not pay any attention to that, and then he said that he'd kill my wife. I told him, 'Whatever you do, don't hurt my wife. You can do what you like with me, but don't touch my wife.'"

BLIXT FINALLY YIELDED.

"Finally I said to him that I would do as he liked, but he must not hurt my wife. He wanted me to sign a receipt for a revolver, but I would not. He gave me six long cartridges and six short ones to put in it, and after it was all done I was to change the cartridges. Then he told me to go out Hennepin avenue to Kenwood and wait for him. When he came I was to follow him. Pretty soon I saw him coming across a lot and I followed him. Then he stopped at a buggy and I came up and he told me to get into it and drive along. I got in and he said to keep our heads inside. Then he said to Miss Ging: 'This man is in the gang.' Then we drove out Hennepin avenue and I did not see him again until afterward.

After awhile she asked me if Hayward was buying green goods. I told her I did not know. She asked me what I had down there by my side and I said a revolver that Harry told me to take. She kept looking out all the time and I kept thinking. It was a fight in my head all the time. I thought I would get out and then I thought of my wife and stayed in the buggy. I tried ten times to do it and it was always fighting in my head. I finally fired and the shot hit her where he said I should. Then she threw her head back like this. I went on about thirty or forty yards further, and then I thought I'd have to get her out. I moved her legs so, then she went out, so, and struck her head on the wheel, and then she went over on the ground."

At the afternoon session Blixt was again put on the stand and asked to tell any part of the story he had forgotten in the morning. He said: "A day or two after the murder Harry came down stairs and I asked him if he could hold out. He said he had been in the sweat-box, but that he would not give way, not in forty years. He asked me if my wife could be bought, and I told him that she did not know anything, and if she did she could not be bought. Once he said: 'If I can't do anything else I'll have rheumatism. I'll have it so bad the doctor will say so. If they come to me and touch me I'll say I can't be moved.'"

WISHED HIM TO COMMIT MURDER.

Blixt said that on one occasion when he wanted some new skates and clothes that Hayward had told him if he (Blixt) would go out and kill any man, woman or child, and show him the place he would give him $100.

"What else did he say?"

"Well, he said that he would give me $5 if I'd go and burn the barn. It was right across the street. Afterwards he said that he had an affidavit sworn to before a notary public and if I ever told anything on him he would put me in states' prison for ten years. Harry said he wanted some excitement."

Mr. Erwin then began a searching cross-examination. He first drew out that Blixt had told his story to at least six people, including the city attorneys, the sheriff, the jailor and his own attorney. Erwin questioned him closely about the sweating process to which he was subjected before the confession was drawn from him. But the lawyer tried in vain to shake his original story; he repeated it without substantial alteration. He said he was a changed man now and a happy man. He knew he was forgiven, and had a home with God in heaven. He was telling the truth now, although he had lied in his first confession.

"What did those men do who were with you?" thundered Erwin.

"There were not any men with me."

Blixt said the clothes he had on were the ones he wore that night, being the only ones he had. Erwin at once offered them in evidence. The jury examined them and found what they thought might be minute spots of blood. Erwin asked that Blixt's coat remain in the court room.

The Conspiracy Trial.

CHICAGO, Feb. 3.—Judge Grosscup today dismissed the charges of conspiracy against Dennis Lark in, John Burke, Joseph McDonald and Frank Dreyer, co-defendants with Debs. This action was in conformity with the motion of the attorneys for the defense made yesterday afternoon. In the cases of Hannan and McVeen, the judge said he would hold his action in abeyance until more of the testimony had been heard.

The defense expects to have George M. Pullman on the stand in the morning. An officer with a subpœnæ was hunting for Mr. Pullman during the afternoon but up to this evening had not found him.

The Japanese Treaty.

WASHINGTON, Feb. 5.—The senate today modified its former action on the Japanese treaty by inserting a provision which will render it impossible to abrogate the treaty before it goes into effect. Senator Frye moved reconsideration of the ratification, and then moved that the word "thereafter" should be inserted after the date, 1899, when the treaty takes effect, and the entire clause reads that either nation shall have the right, on one year's notice, to abrogate the treaty.

No Official Confirmation.

WASHINGTON, D. C., Feb. 5.—Neither at the state department nor at the navy department has there come any word from China in confirmation of the reported capture by a Chinese mob of some of the officers of the United States steamer Concord, who accidentally killed a native while on a shooting expedition. This lack of an official report has strengthened the belief of officials that the story was either without foundation or else much exaggerated the facts.

One of the Elbe's Mail Bags Found.

LOWESTOFT, Feb. 5.—A mail bag marked "No. 1," belonging to the ship Elbe, was found off South Wold this morning.

An inquest upon the remains of Friedrich Ernst, of Magdeburg, Prussia, the drowned passenger of the Elbe whose body was landed here yesterday by the fishing smack Verena, was opened here this morning. The coroner swore in a special jury and announced his intention of traversing all the facts in the case. The inquest was then adjourned until February 26. The coroner is communicating with all the parties interested in the disaster.

No New Developments.

CITY OF MEXICO, VIA GALVESTON, Feb. 5.—There was no new change in the situation to-day and the government has not given out any information. While the city is full of all kinds of rumors as to war, nothing authentic can be learned.

Weather Forecast for To-day.

For West Virginia and Western Pennsylvania, generally fair; north winds.

For Ohio, fair; probably slightly warmer; east winds.

THE TEMPERATURE YESTERDAY.

as furnished by C. SCHNEPF, druggist, corner Market and Fourteenth streets.

7 a. m.	4	3 p. m.	16
9 a. m.	7	7 p. m.	11
12 a. m.	15	Weather—Fair.	