interests, besides throwing enhanced burdens of neutrality upon this gov-ernment. In 1873 peace was brought about by the trues of Zanjon, obtained by negotiations between the Spanish commander, Martinez de Campos, and the insurgent leaders.

The present insurgention broke out in

the insurgent leaders.

The present insurrection broke out in February, 1895. At is not my purpose at this time to recall its remarkable increase or to characterize its tenacious resistance against the enormous forces massed against it by Spain. The revolt and the efforts to subdue it carried destruction to every quarter of the island, developing wide proportions and delying the efforts of Spain for its suppression. The civilized code of war has been disregarded, so less so by the Spaniards than by the Cubans.

The existing conditions cannot but

by the Spaniards than by the Cubans.

The existing conditions cannot but fill this government and the American people with the gravest apprehension. There is no desire on the part of our people to profit by the misfortunes of Spain. We have only the desire to see the Cubans prosperous and contented, enjoying that measure of self-control, which is the inalienable right of man, protected in their right to rean the benefit of the exhaustless treasures of their country. their country.

their country.

The offer made by my predecessor in April, 1896, tendering the friendly offices of this government, failed, Any mediation on our part was not accepted. In brief, the answer read: "There is no effectual way to pacify Cuba unless it begins with the actual submission of the rebels to the mother country." A CRUEL POLICY.

Then only could Spain act in the promised direction of her own motion and after her own plans. The cruel policy

mised direction of her own motion and after her own plans. The cruel policy of concentration was initiated February 16, 1896. The productive districts controlled by the Spanish armies were depopulated. The agricultural inhabitants were herded in and about the garrison towns, their lands laid waste and their dwellings destroyed. This policy of the late cabinet of Spani was justified as a necessary measure of war and as a means of cutting off supplies from the insurgents. It has utterly falled as a war measure. It was not civilized warfare. It was extermination.

Against this abuse of the rights of war I have felt constrained on repeated occasions to enter the firm and earnest protest of this government. There was much of public condemnation of the treatment of American citizens by alleged tilegal arrests and long imprisonment awaiting trial or pending protracted judicial proceedings. I felt it my first duty to make instant demand for the release or speedy trial of all American citizens under arrest. Before the change of the Spanish cabinet in October last, twenty-two prisoners, citizens of the United States, had been given their freedom.

For the relief of our own citizens, suf-

citizens of the United States, had been given their freedom.

For the relief of our own citizens, suffering because of the conflict, the aid of Congress was sought in a special message and under the appropriation of April 4, 1897, effective aid has been given to American citizens in Cuba, many of them at their own request having been returned to the United States.

The instructions given to our new min-

The instructions given to our new ister to Spain before his departure to post, directed him to impress upon post, directed him to land wish of the government the sincerc wish of the United States to lend its aid toward the United States to lend its add toward the ending of its war in Cuba by reaching a peaceful and lasting result, just and honorable alike to Spain and to the Cuban people. These instructions recited the character and duration of the contest, the widespread losses it entails, the burdens and restraints it imposes upon us, with constant disturiance of national interests and the injury resulting from an indefinite continuance of this state of things. It was stated that at this juncture our government was constrained to ture our government was constrained t seriously inquire if the time was not rip seriously inquire if the time was not ripe when Spain of her own volition, moved by her own interests and every sentiment of bumanity, should put a stop to this destructive war and make proposals of settlemen's honorable to herself and just to her Cuban colony. It was urged that as a neighboring nation, with large interests in Cuba, we could be required to wait only a reasonable time for the mother country to establish its authority and restore peace and order within the borders of the island; that we could not contemplate an indefinite period for the accomplishment of this result. No soluaccomplishment of this result. No solu-tion was proposed to which the slightest idea of humiliation to Spain could attach dica of humiliation to Spain could attach and indeed precise proposals were withheld to avoid embarrassment to that government. All that was asked or expected was that some safe way might be speedily provided and permanent peace restored. It so chanced that the consideration of this offer, addressed to the same Spanish administration which had declined the tenders of my predecessor and which for more than two years had poured men and treasure into Cuon into the fruitless efforts to suppress the revolt, felt to others. Between the departure of General Woodford, the new envoy, and his arrival in Spain the statesman who had shaped the policy of his country fell by the hand of an assassin, and although the cabinet of the late premier still held office and received from and atthough the caonic to the tast her-mier still help office and received from our envoy the proposals he bore, that cabinet gave place within a few days thereafter to a new administration un-der the leadership of Sagasta.

THE REPLY OF SPAIN The reply to our note was received or the 23rd day of October. It is in the direction of a better understanding, rection of a better understanding. It appreciates the friendly purposes of this government. It admits that our country is deeply affected by the war in Cubrand that its desires for peace are just. It declares that the present Spanish government is bound by every consideration to a change of policy that should satisfy the United States and pacify Cubra within a reasonable time. To this end Spain has decided to put into effect the political reforms herotofore advocated by the present premier, without halting for any consideration in the path which in its judgment leads to peace. The military operations, it is said, will continue but will be humane and conducted with all regard for private rights, being seconoperations, it is said, will continue but will be humane and conducted with all regard for private rights, being secompanied by political action leading to the autonomy of Cuba while guarding Spanish sovereignty. This, it is claimed, will result in investing Cuba with a distinct personality; the Island to be governed by an executive and by a local council or chamber, reserving to Spain the control of the foreign relations. The army and may and the judicial administration. To accomplish this the present government proposes to medify existing legislation by decree, leaving the Spanish cortes, with the aid of Cuban senators and deputies to solve the conomic problem and properly distribute the existing debt.

In the absence of a declaration of the measures that this government proposes to missing out its proffer of good offices it suggests that Spain be left free to conduct military operations and grant political reforms, while the United States for its part shall enforce its neutral chilegations and cut off the assistance which it is asserted the insurgente receive from the control of the supposition of an in-

gations and cut off the assistance which it is asserted the insurgents receive from this country. The supposition of an indefinite prolongation of the war is denied. It is asserted that the western provinces are already well nigh recisioned; that the planting of one and tobaccotherein has, been resurfed and that by force of arms and new and ample reforms very early and complete pacification is hoped for.

COST OF MAINTAINING NEUTRALITY

TRALITY.

The immediate amelioration of existing conditions under the new administration of Cuban affairs is predicted, and therewithal the disturbance and all oc-casion for any change of attitude on the part of the United States. Discussion of the question of the international duties and responsibilities of the United States 1s States as Spain understands them, is presented with an ap-parent disposition to charge us with fall-ure in this regard. This charge is without any basis in fact. It could not have been made if Spain has been cognizant of the constant efforts the government has made at the cost of millions and by the employment of the administrative maemployment of the administrative machinery of the nation at command to perform its full duty according to the law of the nations. That it has successfully prevented the departure of a single military expedition or armed vesses from our shores in violation of our mag would seem to be a sufficient answer. But of this aspect of the Spanish note it is not necessary to speak further now. Firm in the conviction of a wholly performed obligation due response to this charge has been made in diplomatic course.

Throughout all these horrors and dangers to our own pease this government has never in any way abrogated its sovereign prerogative or reserving to itself

reign prerogative or reserving to itself the determination of its policy and course according to its own high sense of right and in consonance with the dearest interests and convictions of our own peointerests and convictions of our own peo-ple should the prolongation of the strife

so demand.

Of the untried measures there remain only: Reorgnition of the insurgents as belligarent; recognition of the independence of Cuba; neutral intervention to end the war by imposing a rational compromise between the contestants, and intervention in fayor of one or the other party. I speak not of forcible annexation for that cannot be thought of. That by our code of morality would be criminal aggression. Recognition of the belligerency of the insurgents has often been ency of the insurgents has often been canvassed as a possible if not inevitable canvassed as a possible if not inevitable step both in regard to the previous ten years struggle and during the present

BELLIGERENCY RESOLUTIONS. F am not unmindful that the two houses of Congress in the spring of 1896 expressed the opinion by concurrent resolution that a condition of public war existed requiring or justifying the recognition of a state of belligerency in Cuba, and during the extra session the senate voted a joint resolution of the like import which interests was a senated to be senated. voted a joint resolution of the like import which however, was not brought to a vote in the house of representatives. In the presence of these significant expressions of the sentiment of the legislative branch it behoaves the executive to soberly consider the conditions under which so important a measure must needs rest for justification. It is to be seriously considered whether the Cuban insurrection pessesses beyond dispute the attributes of statehood which alone can demand the recognition of belligerency in its favor. Possession, in short of the essential qualifications of sovereignty by the insurgents and the conduct of the war by them according to the received code of war are no legs important factors toward the determification of the problem of belligerency than are the inproblem of belligerency than are the in-fluences and consequences of the strugg! upon the internal policy of the recognize ing state

Ing state.

The wise utterances of President Grant in his raemorable message of December 7, 1875, are signally relevant to the present situation in Cuba and it may be wholesome now to recall them. At that time a ruinous conflict had for seven years wasted the neighboring island. During all those years an uter disregard of the laws of civilized warfare and of the just demands of humanity, which called for the expressions of condemnation from the nations of Christendom, continued unabated. Desolation and ruin pervaded that productive togion, enormously affecting the commerce of all commercial mations, but that of the United States more than any other by reason of proximity and larger trade and intercourse. At that juncture General Grant uttered these words which now as then, sum wise utterances of President At that juncture General Grant uttered these words, which now, as then, sum up the elements of the problem:

GRANT'S WORDS RECALLED. "A recognition of the independence of Cuba being in my opinion, impractica-Cuba being in my opinion, impracticable and indefensible, the question which next presents liself is that of the recognition of belligerent rights in the parties to the context. In a former message to Congress he had occasion to consider this question and reached the conclusion that the conflict in Cuba, dreadful and devastating as were its included that the conflict in Cuba, dreadful and devastating as were its included to the fearful dignity of war. It is possible that the acts of foreign bewers, and even acts of Spain herself, of this very nature, might be pointed to in defense of such recognition. But now, as in its past history, the United States should carefully avoid the false lights which might lead it into the mazes of doubtful law and of questionable propriety, and adhere rigidily and sternly to the rule, which has been its guide, of doing only that which is right and honest and of good report. The question of according or of withholding rights of belligerency must be judged in every case, in the view of the particular attending facts. Unless justified by necessity, it is always and justify, regarded as an unfriendly act and a gratuitous demonstration of meral support to the rebellion. It is necessary, and it is required, when the interests and rights of another government or of its people are so far affected by a pending civil conflict as to require a definition of its relations to the parties thereto. But this conflict must be one which will be recognitized in the sense of international law as war. ble and indefensible, the question which

this conflict must be one which will be recognized in the sense of international law as war.

"Belligerence, too, is a fact. The mere existence of contending armed bodies, and their occasional conflicts, do not constitute war in the sense referred to. Applying to the existing condition of affairs in Cuba the tests recognized by publicists and writers on international law, and which have been observed by nations of dignity, honesty and power, when free from sensitive or selfish and unworthy motives. I fail to find in the insurrection the existence of such a substantial political organization, real, palpable and manifest to the world, having the forms and capable of the ordinary functions of government toward its own people, and to diher states, with courts for the administration of justice, with a local habitation, possessing such organization of force, such material, such occupation of force, such material, such occupation of force, such material, such occupation insurrection, or occasional skirmishes, and place it on the terrible footing of war, to tion, or occasional skirmishes, and place it on the terrible footing of war, to which a recognition of belligerency would aim to elevate it. RECOGNITION OF BELLIGERENCY

UNWISE

"The contest, moreover, is solely on land; the insurrection has not possessed itself of a single scaport, whence it may send forth its flag, nor has it any means of communication with fareign powers except through the military lines of its adversaries. No apprehension of any of those sudden and difficult complications which a war upon the ocean is apt to precipitate upon the vessels, both commercial and national, ed itself of a single scaport whence it

ocean is ant to precipitate upon the vessels, both commercial and national, and upon the consular officers of other powers, calls for the definition of their relations to the parties to the centent. Considered as a question of expediency, I regard the accordance of beliligerent rights still to be as unwise and premature as I regard it to be, at present, indefensible us a measure of right.

"Such resognition entails upon the country according the rights which flow from its difficult and complicated duties, and requires the exaction from the contending parties of the sirict observance of their rights and obligations. It benfers the right of search offen the high seas by vessels of both parties; it would subject the carrying of arms and munitions of war, which now may be transported freely and without interruption in vessels of the United States to detention and to possible selsure; It would give rise to countless vesations questions, would release the partent government from responsibility for acts done by the insurgents and would invest Spain with the right to exercise the supervision recomised by our Continued on Fixth Page.

Continued on Stath Page.

WISE WOMEN.

Those Who Heed the First Symptoms of Nervous Derangement.

Special from Mrs. Pinkham.

A dull, aching pain at the lower part of the back and a sensation of little rills of heat, or chills running down the spine, are symptoms of general womb derangement, If these symptoms are not accompa-

nied by leucorprecursors weakness. than folly to neglect these symptoms. Any woman of common sense will take steps to cure herself. She will realize that

her generative system is in need of help, and that a good restorative medicine is a positive necessity. It must be a medicine with specific virtues. As a friend, a woman friend, let me advise the use of Lydia E. Pinkham's Vegetable

Compound. If your case has progressed so that a troublesome discharge is already es-tablished, do not delay, take the Vegetable Compound at once, so as to tone up your whole nervous system; you can get it at any reliable drug store. You ought also to use a local applica-tion, or else the corrosive discharge will set up an inflammation and hard-ening of the parts. Mrs. Pinkham's Sanative Wash is put up in packets at 25 cents each. To relieve this painful condition this Sanative Wash is worth

its weight in gold.

Mrs.George W. Shepard, Watervliet, N. Y., says: "I am glad to state that I am cured from the worst form of female weakness. I was troubled very much with leucorrhœa, bearing-down pains and backache. Before using pains and backache. Before using Mrs. Pinkham's Remedies it scemed that I had no strength at all. I was in pain all over. I began to feel better after taking the first dose of Vegetable Compound. I have used five bottles, and I feel like a new woman. I know if other suffering women would only try it, it would help them."

THE WHEELING PARK Association Stockholders Hold Their An-

nual Meeting. Last night the annual meeting of the stockholders of the Wheeling Park Asso-ciation was held, Judge G. W. Jeffers presiding. The old board of directors was re-elected, as follows: Anton Reymann, August Rolf, Henry Bieberson, L

mann, August Rolf, Henry Bieberson, L. F. Stifel, H. F. Behrens, F. Laupp, Paul O, Reymann, F. Häster, Conrad Hirsch, John A. Hess, George Hook. The directors elected the presentsofficers, as follows:

President—Auton Reymann, Manager—August Polf.
Secretary—Conrad Hirsch.
Assistant manager—Ernes, Krieger.
Plans for certain imprevements at the park next season were discussed at the stockholders' meeting, but nothing definite was determined. Receipts the past season showed a comfortable increase, but there was also an increase in expenses. The net result was also an increased profit. penses. The recreased profit.

A BRILLIANT AFFAIR.

The Dance Given by Mr. Jule Hearne in Honor of Visitors.

The dance given at the Carroll Club last night by Mr. Jule Hearne in honor of Mrs. Clark Armour and Miss Tough. of Kansas City, was a brilliant affair, and was attended by a notable assemblage. The entire club house was given over, and was transformed into a wealth of light and flowers. Assisting Mrs. Armour and Miss Tough in receiving were Mrs. William Hearne and Mrs. G. A. Aschman.

The auditorium was the scene of the terpischerean pastine, the Opera House orchestra making the project. Easy

orchestra making the inclody. Easy chairs distributed judiciously gave a pleasing air of comfort, and the other parts of the building were as tastefully furnished. Ziegenfelder was the caterer.

AT HEARNE TABERNACLE.

The members and friends of the Hearne tabernacie congregation last night were treated to the illustrated lec-ture "Greenland's Icy Mountains," de-livered by Rev. R. R. Bigger, of the Third Presbyterian church. Over 300 Third Presbyterian church. Over 330 people were present, forming an audience that was delighted with the lecture, which was a success in every respect. The views, about fifty in number, were quite realistic. The lecture will be repeated at the Third Presbyterian church teachers. to-night.

AT MT. DE CHANTAL,

The dramatic club of the Mount, gave for last week's Salurday entertainment, "The Minstreis." The following young ladies rendered a delightfully humorous programme of songs and dancing, closing with a genuine. Blackwills solve programme of songs and dancing, closing with a genuine Blackville cake walk; Miss Blanche Loughney, Miss Manette Joyce, Miss Kate O'Brien, Miss Florence Umberger, Miss Francis McQuald, Miss Julia Montague, Miss Mary MacHenry, Miss Stella Stelnmeyer, Miss Mabelle Ashmore and Miss Mariam Aukenhell.

RECEPTION AT ST. MATTHEW'S. A reception will be tendered this even-ing to the new rector of St. Matthew's P. Ing to the lev rector of st. Mattack & F. E. church, Rev. N. S. Thomas, his wife and mother. The reception will occur in the basement at 8 o'clock. A cordfal in-vitation is extended to the clergy and members of other churches to be present.

How to Prevent Pneumania.

How to Prevent Pneumonia.

At this time of the year a cold is very easily contracted, and if left to run its course without the aid of some reliable cough medicine, is liable to result in that dread disease, "pneumonia. We know of no better remedy to cure a cough or cold than Chamberlain's Cough Remedy. We have used it quite extensively, and it has always given entire satisfaction.—Oigah, find. Ter. Chief.

This is the only remedy that is known to be a certain preventive of pneumonia. Among the many thousands who have used it for colds and is grippe, we have never yet learned of a slingle case having resulted in pneumonia. Persons who have weak lungs or have reason to fear an attack of pneumonia, should keep the remedy at hand. The 25 and 50 cent sizes for sale by druggists.

HIVES are not dangerous to life, but they are a prolife breedes of misery and profemity. Doan's Oleitment gives instant relief, even it, the worst cases of this and other exasperating diseases of HAVE youngfired the extra size of the Eiderstown Quitts in Siffel & Co.'s ad.?

GO and hear Wheeling's finest singers at King's Daughters' consert and social at Pythian easite to night, beginning at 7.45 o'clock. Admission 25 cents.

BOTH CONFIDENT.

State Says it will Convict Wiley Bowers of Murder

WITHOUT A PARTICLE OF DOUBT

Attorney Schuck is Just as Sure of the Innocence of

HIS CLIENT, THE PRISONER,

Who was Recently Indicted for the Murder of Dairyman Henry Kiel-The Trial Opened in Criminal Court Yesterday Morning and is Likely to Continue Throughout the Week-The Day Spent in Efforts to Complete the Panel-Jury Completed at Last Night's Sessions, After Which Opening Statements Were Made.

It was a busy day in the criminal court. Sessions were held morning, afternoon and evening, and when court adjourned for the day at 8:45 p. m., the jury in the case of the state vs. Wiley Bowers, accused of the murder of Henry Kiel, had been secured and the opening statements by state and defense statements by state and defense were made. Judge Hugus intimates that night sessions will be held throughout the week, it being thought nearly certain that even with night sessions the trial will hardly reach its conclusion next Saturday.

Bowers, of course, was in the court room yesterday while the jury panel was being filled, and he maintained the same stolid and indifferent demeanor that has been a remarkable phase of his conduct since arrested, over a month ago.

that has described arrested, over a month ago.

The concluding feature of the day was the statement of the case to the jury by Mr. Meyer, for the state, and Mr. Schuck, for the defense. This morning the taking of testimony will begin. As usual, the state will open and its first witness will life by be young George Bowers, upon whose testimony depends in a large measure the conviction of Bowers. The defense has eighteen witnesses, and its greatest effort will be to set up an alibi ir favor of Wiley Bowers. It is alleged that Bowers was in Fullon at the time the murder is claimed to have been committed. mitted. THE MORNING SESSION.

Considerable Progress was Made in the Matter of Scenring a Jury.

The morning session of the court was called to order at 9:30 o'clock, Judge Hugus on the bench. Most of the session was devoted to securing the jury. Several venire factas were necessary before the twenty acceptable jurors were had. The following were found wanting: Alex Beabout, opposed to capital punities.

ishment. C. H. Wheeler, expressed a disinclination John McCrum, would not change his

pinion. James Bogard, could not serve. George Plues, his opinion might in

Henry Rempke, could not find a ver-

dict from the evidence alone.

Louis Neibergall, had formed an

pinion.
Edward Murren, sr., his sympathy sevented service on the jury.
Louis Huseman, prejudice.
Fred Schaub, had formed an opinion,
Jack Hunter, could not change his

George W. Merchant, could not give the accused a fair trial.
Ralph Hayman, could not change his

Fred Harpfer, prejudice. Alex O. Maxwell, excused on account

sickness. Frank M. Carlin, could not give ne-

cused a fair trial.

A. S. Kraft, nothing would change his

opinion.

Just before neon adjournment—the state handed in the following list of its

Lizzie Kiel, John E. Smith, Mrs. D. Lizzie Klei, John E. Smith, Mrs. D. E. Paxton, Eleie Steel, Mrs. John Johnson, Mrs. William Purcell, Mrs. Charles Hess, Jacob Yoss, William Tubaugh, Dr. W. P. Megrall, Dr. J. A. Campbell, Mrs. John Treiber, David Campbell, Mrs. Charles Thonum, Jacob Heyman, Mrs. William Chatterbuck, A. A. Franzheim, Henry Brooks, Miss A. Shoenhoose.

AFTERNOON SESSION.

Still one Lacking of the Panel Quota of Twenty.

The afternoon session of criminal court opened at 2 o'clock sharp, and the making up of the jury was resumed.

making up of the jury was resumed. The following were found wanting: John Reed, had an opinion.

J. Adam Hess, could not give defendant a fair trial.

Alex Durst, excussed on the strength of a physician's certificate of sickness. George L. Durst, had an opinion.

J. M. Weistling, prejudice.

Z. A. Henick, prejudice.

The defense had the following witnesses subpoemaed:

esses subpoenaed: Mrs. Michael Stein, Miss Gussie Stein,

nesses subpoemed:

Mrs. Michael Stein, Miss Gussie Stein,
Mrs. Mary Miller, Miss Emma Yacke,
Isaac Bogard, Mrs. Hill. of Fulton;
Charles Stein, of Pleasant Valley; Ben
Duniap, Jr., Dan Meyers, Jacob Heyman, Alonzo Sells, Alf Lewis, of Wheeling; Mrs. Happy, of Sistersville; John
Smith, Mrs. Amella Hess, Mrs. Purcell,
Mrs. Schwarz, Jacob A., Yosa, of Stackyard Hollow,
The papers were given to deputies by
Sheriff Richards, who at once proceeded to serve them.
The examination of applicants for
jury honors from the second venire faclas was continued, only one being
needed. The first was Henry Merkel,
whose bias was a sufficient excuse. After of wait of fifteen minutes, F. S.
Basnett appeared and was examined in
the usual form by Judge Hugus. He
was not sensible of bias or projudice in
this case. He was acceptable and the
twentieth man had been secured, completing the panel.

Judge Hugus, then asked If any had

twentieth man had been secured, com-pleting the panel.

Judge Hugus then asked if any had conselentious scruples against the In-fliction of the death penalty. To this question, three answered in the affirma-tive, W. C. Hanes, J. E. Hanes and John W. Norrington. This left seven-teen on the list, as follows: thin W. Norrington. This left seven-en on the list, as follows: William Reitz, W. C. Jones, H. J.

FACES

BLOOD HUMORS CUTTORA REVENIES.

Mendel, J. F. Potter, Joseph W. Bier, William Hervey, George Hawkins, Albert Stolze, J. T. Stone, C. H. Herwig, B. W. Pell, G. H. Medick, John A. Smith, ir., James White, J. M. Dunlap, E. C. Harry, F. S. Basnett.

The sheriff then renewed his efforts to bring in absenters, Again there was a tedious wait of fifteen or twenty minutes, ending in the appearance of M. V. Jones, who was excused on account of his crippled condition.

The third venire factas was then drawn by Judge Hugus and Clerk Wilson, with the hope that the names drawn might be persons ensier to find than those that made up the second venire factas.

mire facias.

At 4:20 o'clock, Sheriff Richards announced that witnesses present in the court room were excused until pine o'clock this morning. This was taken as a sure sign the jury would not be completed, and many in the audience denarted.

completed, and many in the addicate departed.

At 4:30, W. S. Melton appeared. He was interrogated by Judge Hugus and felt no prejudice. To Mr. Schuck, Melton said he held an opinion which he might not be able to change when the testimony was heard. He stood aside. Lee R. Hamm followed. He had expressed an opinion and was afraig he could not give the defendant a fair trial. He was excused.

He was excused.

Peter Muhn next appeared. His was a case of prejudice against the prisoner, so he was excused.

Andrew J. Seifert felt no bias or prejudice against the defendant. He could give the defendant a fair trial and had no scruples against capital punishment. Saifert was No. 18.

Seifert was No. 18. U. M. Hervey held an opinion which

U. M. Hervey held an opinion which might make him unable to give the defendant a fair trial. To Attorney Schuck Mr. Hervey said it would require evidence to overcome his opinion already formed. He was excused.

Albert L. Meyer felt no bias or prejudice. He had not read Monday's Intelligencer. It would require evidence to remove his opinion. The defense challenged. Meyer was excused when he stated he could not lay aside his opinion. Harry E. Hillman felt no prejudice.

He had formed an opinion and thought he would be unable to give defendant a fair trial. Like a hundred and one others, Mr. Hillman "stood aside."

others, Mr. Hillman "stood aside" William A. Miller felt no prejudice or bias. He had not formed an opinion as to defendant's guilt or innocence. He had read the newspaper accounts, but could give the defendant a fair and impartial trial. He had no scruples against inflicting capital punishment, so Miller became No. 19. Evidently he Eidn't want to serve on the jury and told the judge he was "hard of hearing."

You hear all right," responded the

"You hear all right, responded the court, and a general laugh at Miller's expense, followed.

At 5:30 o'clock there was another tedious wait, the deputies seemingly being unable to unearth the men they were in search of. Only one man was needin search of. Only one man was need-ed to complete the panel, and it looked as thought it would take an evening session before he could be secured. At 6 p. m. court took a recess until 7:30 p. m.

THE NIGHT SESSION.

The Panel Completed When the Third Man was Brought in

At the night session, which began at 7:30 o'clock, the panel was spee pleted. Thomas Descar ck, the panel was speedly com-Thomas Deegan and Walter Woods were rejected, having expressed their respective opinions of the crime.

The next man, Daniel Brown, "didn't take any newspapers" and was unbiasted and unprejudiced and proved satisfactory to both state and defense. Thus the panel was completed.

Then the state and defense cach struck four names from the panel.

Those struck from the list by the defense were as follows:

W. C. Jones, H. J. Mendel, J. F. Potter and T. S. Bannett. Woods were rejected, having expressed

W. C. Jones, H. J. Mendel, J. F. Potter and T. S. Basnett.
Those struck off by the state were:
William Hervey, J. T. Stone, G. H.
Medick and John Smith, jr.
This left the Bowers jury composed of the following:
William Reitz,
George Hawkins,
Charles H. Herwig,
Charles H. Herwig,
J. W. Delf,
James White,
J. M. Dunlap,
E. C. Harry,
W. A. J. Seifert,
W. A. Miller,
Daniel Brown.
It was shortly after S o'clock when the

It was shortly after 8 o'clock when the jury had been announced. Then Prosecuting Attorney William C. Meyer adting Attorney William C.

cuting Attorney William C. Meyer addressed the jury, making the opening statement of the case on behalf of the state. Mr. Meyer said, in effect:
Wiley Bowers has been charged with the taking of a human life. The jury should carefully weigh the evidence adduced in this trial and seek for the motive that prompted this crime. If the state produces evidence of a direct nature, showing that Henry Kiel met a violent death and that the defendant intended to kill him with mallee aforesthought, leveled that gun and sent the bullet appealing through Kiel's body. thought, severed that gun and seek the bullet speeding through Kiel's body, then the jury must find a verdict of guilty. This will be proved by positive and direct evidence, which will be am-ply corroborated.

ply corroborated.

Mr. Meyer then quoted from the West Virginia code the sections regulating the punishment for murder, and said the vidence would justify a verdict of first degree murder

degree murder.

The speaker then described the murder in all its harrowing detail, and said the sfhite would prove Bowers had killed Kiel without the least provocation. The act, he said, was incited by the dictates of a depravely and the state of a depravely so deep that the man was lost ao all sense of the dules man owes to man and to rockety. The crime had been committed in ambush. Bowers had knelt on the ground, and here lying in wait, with no one but his own younger brother, shot Mr. Kiel in the back and then robbed him. From this the speaker advanced the claim of wilfulness, premeditation and deliberation.

Proceeding, Mr. Meyer detailed the movements of Bowers and his brother on that fateful second of November, a little over a twelve-month ago, and showed how careful Bowers had been to take steps to conecal his connection with the crime. The crime was committed by a man well acquainted with the surrounding country, Bowers often hunts over this same ground. He did speaker then described the mur

the surrounding country. Bowers often hunts over this same ground. He did not kill Kiel at night because his habit

nuits over this same ground. He did not kill Kile at night because his habit was to remain indoors then.

Mr. Schuck, for the defense, made his statement to the jury. The innocence of the accused must be presumed until the state has proven him guilty. He must be proved guilty beyond a reasonable doubt, and it should be rememberded that at all times the burden of proof is upon the state. If there is the lenst doubt, the jury must acquit the accused man. The defense, he said, would prove beyond doubt the lanocence of Wiley Bowers. The defense would also prove that the charge against Howers is a tramped up affair, the motive being to bar the reward offered for the capture of Kiel's murderer.

Court adjourned until this morning.

Circuit Court.

Before Judge Hervey, yesterday, in

Circuit Court.

Before Judge Hervey, yesterday, in the case of the Oil well Supply Company vs. John E. Clator, there was a verdiel for plaintiff for 3493.08.

In the wase of Nell & Ellingham vs. D. J. McKee, there was a confession of Judgment for \$462.

The case of William Carey vs. city was reset for February t.

James Boyce, of Pittsburgh, was admitted to practice.

HERRIERT SPENCER, famous one time, Can now be bought for just one dime.

Old Stock Uream Ale and Porter, made at home by home taber. Call for it. All first class saloons handle it.
J. J. KENNEY, City.

EIDERDOWNS unke elegant Xmas

WHAT IS LIFE?

A Discovery by Prof. Gates, of Washington, Which Auswersthe

Ouestion. AN INTERESTING SUBJECT.

"What is life?" This question has been asked during all ages, but it has never until now been successfully answered, Professor Elmer Gates, of Washington, who has been making great experiments with the microscope great experiments with the increscope, has made virtually, a double microscope; in other words, he brings the inage of the first microscope on the ina which picture on the lens is enlarged by the second microscope so that mass things which it is impossible to see with the control of the con

which picture on the lens is enlarged by the second microscope so that may things which it is impossible to see with an ordinary microscope are revealed in this way he is able to see the smaller cells of the body in an exceedingly larged. The sags: "Cut a piece of protaplasm into a number of pieces as each piece will still be alive," thus proving that the germs of life exist in the the minutest particle of the body.

But he goes farther and says that is believes mind is life, and that mind a present in every particle of the body. This is a new, a startling, a wonderful theory and it may lead to a revolution on the subjects of disease, health and of happiness. It explains clearly one than and that is, why the mind is frequently affected when the body is disordered, and it brings home the question of health or disease very forcibly.

It becomes plain that in order to have a clear head and a strong mind, end that is a clear head and a strong mind, end the subjects of the body is deranged the mind cannot work rightly. With plain in the back, nausea, weariness, bearing down sensations and all the symptoms indicating a weakened condition of the kidneys and urinary organs, therein certain to be a clouding of the inteller which calls for immediate action. This action can only be successfully takes by using some great, modern discovery that is certain to nut he cell issues in perfect shape. There is such a discovery and it is doing more to countered pain and establish health than anything known to modern times. In speaking of it Dr. William Edward Robson, of London, says: "I emphatically state that I have been able to give more rellef and effect more cure by the use of Warner's Safe Cure than by all the medicines in the British, pharmacopoela." Doctor R. A. Gunn, dean et the United States Medical College, fays: "I prescribe and use Warner's Safe Cure than by all the medicines in the British, pharmacopoela." Doctor R. A. Gunn, dean et the United States Medical College, fays: "I prescribe and use Warner's Safe Cure than b all the medicines in the British pharma. copoela." Doctor R. A. Gunn, dean of the United States Medical College, says: "I prescribe and use Warner's Safe Cure in both acute and chronic Bright's disease and commend it men frankly.

frankly."
Such statements should convince any man or woman that there is no need of farther suffering. If a prompt use is made of the remedy that is commended to highly. so highly

THE RIVER.

YESTERDAY'S DEPARTURES. Parkersburg BEN HUR, 9 p. m. Sistersville...RUTH, 2:30 p. m. Clarington...LEROY, 2:30 p. m. Steubenville..T. M. BAYNE, 2:30 p. m.

BOATS LEAVING TO-DAY Cincinnati...KEYSTONE STATE. % a.m. Pittsburgh...QUEEN CITY, 5 a.m. Parkersburg. ARGAND. II a.m. Matamoras...LEXINGTON, II a.m. Sistersville...RUTH. 2:39 p. m. Clarington...LEROY, 3:30 p. m. Steubenville..T. M. BAYNE, 2:39 p. m. Steubenville..T. M. BAYNE, 2:39 p. m.

BOATS LEAVING TO-MORROW. Charleston... KANAWHA, 6:39 a. m. Pittsburgh... BEN HUR, 8 a. m. Clarington... LEROY, 3:30 p. m.

Along the Landing.

The marks at the landing showed ? eet 9 inches and rising. The Ben Hur is due down to-night for

The Ben Hur is due down to-night for Parkersburg.

The steamer Will J. Cummins will leave Wheeling next Saturday and ex-ery Saturday while river will permit for Cincipnati and intermediate points T. Morris & Co., Agents, 1114 Water A. Me street.

River Telegrams. GREENSBORO—River 12 feet 6 incher and falling. Weather cold and cloudy. Adam Jacobs and Nellie Hudson dawn Tuesday. James G. Blafne and Florens

WARREN-River 3 feet. Cold and

cloudy.

MORGANTOWN—River 8 feet 6 inches and falling. Cold and cloudy.

BROWNSVILLE—River 17 feet 5 inches and falling.

OIL CITY—River 3 feet 8 inches and stationary. Cloudy and cold.

PITTSBURGH—River 12.3 feet and falling at the dam. Clear and cold.

falling at the dam. Clear and cold.

STEUBENVILLE—River 11 feet 5 inches and rising. Claudy and cold. Up:
Hawk. Down: Keystone State and Bea

PARKERSBURG-Ohio river 12 feet 3 triches and rising. Cloudy with mercury at 33. Up: Valley Belle, Queen City-Passed down last night: Virginia. Little Kanawha out of lock. No boats repar-

THE standard cure for cold and ough, Dr. Bull's Cough Syrup, should be kept by every mother who loves her

DON'T fail to attend King's Daugh-ters' concert and social at Pythian cas-tle to-night. Admission so cents, Good Used Upright Plane Chesp.

We have an upright plane in nice manegany case, used but very little in perfect condition, which will be sold at a low price.

F. W. BAUMER & CO.,

1210 Market Street. 1310 Market Street.

HANDSOME Novelty China pieces at DOES your head feel as though some one was hammering it; as though A million sparks were figing out of the eyes? Have you horrible cickness of the stomach? Burdock Blood Bitters will cure you.



THE CROWNING TOUCH OF A BEAUTIFUL WOMAN'S TOILET

Is exquisite Jet The mems may not be costly, but if are well cut and perfectly set the greatly add to the wearer's charms trade of setting gens is an art. Our men possess that art to perfection.

John Becker & Co., JEWELERS AND OPTICIANS

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