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TEN CENTS A WEEK

BRIDGE

Has Been Accepted From Company

BY CITY COUNCIL,

But the \$1400 Penalty is Withheld.

SPECIAL ELECTION CALLED

To Vote on the Proposition for Water Works Bonds.

President Curtis called Council together in adjourned session last evening with all the members in attendance. The primary object of the adjourned meeting was to consider the acceptance by the city from the Pittsburg Bridge Company of the new bridge over the Muskingum river at Putnam street.

After preliminary questions by various members of the Council about the completion of different parts of the bridge, the matter of accepting the structure was taken up.

Mr. Gossett reported that the bridge, from a mechanical, architectural and utilitarian standpoint, was satisfactory in every respect and a credit both to the city and to the Pittsburg Bridge Co. This being the case and the Council being in session to accept or refuse the bridge, Mr. Gossett moved the acceptance of the bridge and the allowance of the money still due the Pittsburg Bridge Company, less \$1400, the amount of money forfeited by the contractors from July 15 to Sept. 10, a period of 56 days delay, which according to the terms of the contract between the city of Marietta and the Pittsburg Bridge Co., was to be reimbursed to the former at the rate of \$25 per day.

Attorney A. D. Follett, who represented the Pittsburg Bridge Co., said that the adoption of the bridge by the city and the question of a penalty were two separate questions and should be decided separately. When the first controversy was disposed of, the controversy about the amount of damages due the city could be taken up and be intelligently considered and a decision arrived at.

BRIDGE ACCEPTED.

A resolution, prepared by Mr. Follett, was then read and adopted by Council. The resolution provided for the acceptance of the bridge by the city as soon as the gate at the east end draw was put in proper condition.

Mr. Storck moved the adoption of the resolution with the attached proviso.

Mr. Toller asked the City Solicitor for information as to whether the acceptance of the bridge by the city would in any wise affect the collection of the money claimed by the city.

The Solicitor's reply was in substance as follows: The adoption of the bridge and the amount of money due the contractors for the completion of same were entirely different matters and the admission of one would in no way oblige the fulfillment of the other. When the resolution was passed the structure became the property of the city, but the city still remained a free agent to say what amount of money it would pay the contractors.

When the vote was taken on the resolution it was passed with but one dissenting vote—Mr. Lorentz voting in the negative.

This then being disposed of, the bone of the evening's contention, the estimate due the Pittsburg Bridge Co., was fought over for the greater part of the evening.

\$1400 WITHHELD.

Mr. Follett said that the Pittsburg Bridge Co. would not admit the city's claim of \$1400 for the delay in the completion of the bridge. He claimed that in point of law the city, as a municipal corporation, could not be said to have sustained any damages. Private individuals, or for that matter the

whole population individually, may have been damaged by failure of the bridge company to complete the structure within the time specified by law; but the city of Marietta as a municipal corporation could not sustain such damages or collect any forfeit for them. He cited the case of the Water Works Trustees and the Snyder Hughes Pump Co., in which he as counsel for the Water Works Trustees, had delivered a similar opinion, which had been accepted.

Upon the conclusion of Mr. Follett's speech, Mr. Eveleigh moved that the final estimate, amounting to \$18,550, which sum of course excluded the proposed forfeit of \$1400 claimed by the city, be awarded the Pittsburg Bridge Co. Mr. Storck seconded Mr. Eveleigh's motion.

The Solicitor, who was asked for his opinion in the matter, said that time was undoubtedly an essential and important element in the contract. He agreed with Mr. Follett that the city could not contract for damages, but if such exist they must be paid for; that it was now the duty of the Council to determine whether or not harm had resulted to the city by the delay.

Mr. Kerns moved to amend Mr. Eveleigh's motion by allowing the final estimate, less the \$1400 claimed by the city.

The following members expressed their sentiments in regard to the advisability of refusing the Pittsburg Bridge Co. their full estimate.

Mr. Strain said he could not vote for the amendment because he was convinced that the bridge company was delayed 35 days by the city.

Mr. Marsch said that the city might get into trouble, which would prove more expensive than the rebate of \$1400 if the full amount were not granted the company.

Mr. Storck could not see where the city had sustained any damages by the failure of the bridge company to fill their part of the contract.

Mr. Eveleigh stated that the City Engineer had stopped work on the piers last winter and that bad weather had interfered with the progress of the work.

Mr. Gossett in a strong speech said that the bridge company had knowingly and wilfully set its own time and that this was done in the full knowledge that winter weather would interfere with the work. He therefore was in favor of withholding the \$1400 forfeit.

The amended motion of allowing the estimate of \$18,550 with the deduction of \$1400 was voted on, and the members went on record as follows: Ayes, Cutler, Curtis, Coffman, Gossett, Kerns, Lorentz, Plumer, Toller, Nays, Eveleigh, Marsch, Storck and Strain. The motion was accordingly declared carried by a vote of eight to four.

A resolution was then prepared by Mr. Follett and submitted to Council for its approval. The resolution was drawn up to protect both the Pittsburg Bridge Co. and the city. The Bridge Co., by accepting the \$17,150, did not wish to waive claim for the additional \$1400 forfeit. The city, in case judgment was given the bridge company for the full amount, did not wish to pay interest on so large a sum of money.

Mr. Eveleigh moved the adoption of the resolution and Mr. Storck seconded the motion. When voted on the following members were found to have opposed the resolution: Cutler, Gossett, Kerns and Toller. Carried.

CARRIED OVER.

Mr. Cislser, who has but lately completed a new house on Tupper street, wished to connect with the water works, but was unable to do so because the street is not filled in to the proper level. Lorentz moved to amend the former motion and carry over for one week. The amendment prevailed.

FIRE DEPARTMENT RULES.

Mr. Storck moved the adoption of the new fire department rules which had been laid over for one week. His motion prevailed.

Engineer Mason asked for instructions in regard to the grade on Maple street at the intersection of Harmar street. On the motion of Mr. Storck, the Paving committee in conjunction with the City Solicitor, was instructed to communicate by wire with the officials of the O. & L. K. R. R. this morning at as early a date as possible.

Mr. Storck's motion that the City Engineer be instructed to prepare an estimate of the building of guide piers was carried.

LIEN RECEIVED.

The Men of P. Q. Shrake, the subcontractor on the Putnam street bridge, against the Pittsburg Bridge Co. was placed in the Clerk's hands.

(Continued on eighth page.)

TAIL

End of the Caracas Earthquake

REACHED FLORIDA

And Eight Distinct Shocks Were Felt.

CAME IN QUICK SUCCESSION

And Badly Frightened the Inhabitants of Jacksonville.

By Associated Press

JACKSONVILLE, FLA., OCT. 31.—EIGHT DISTINCT EARTHQUAKE SHOCKS WERE FELT HERE TODAY. THE FIRST, AT 11:15 A. M., SHOOK SOME OF THE LARGE



HON. LEWIS C. LAYLIN, Republican Candidate for Secretary of State.

BUILDINGS. HUNDREDS OF PEOPLE BELIEVED THAT HEAVY ORDNANCE WAS BEING FIRED. AT 11:25 ANOTHER SHOCK, EQUALLY AS SEVERE, WAS FELT AND THEY CONTINUED AT FIFTEEN MINUTE INTERVALS UNTIL 12:30 P. M. AT 4:04 P. M. THE SEVENTH SHOCK OF THE DAY WAS FELT, BEING SEVERER THAN ANY OF THE ONES PRECEDING. FOLLOWED FOUR MINUTES LATER BY A REPORT AND SHOCK, THE SEVEREST OF THE DAY.

THE LAST DISTURBANCE MADE WINDOW PANES RATTLE IN SEVERAL SECTIONS OF THE CITY. THE LOCAL WEATHER BUREAU OFFICIALS REALIZED THE NATURE OF THE FIRST SHOCK AND KEPT THE TIME. DIRECTOR MITCHELL STATED THAT THE VIBRATIONS PASSED FROM SOUTH TO NORTH, NO DISTURBANCE IN THE WATER WAS NOTICEABLE, AND THE SHOCKS WERE NOT SEVERE ENOUGH TO CAUSE ANY DAMAGE.

To U. S. Authorities.

By Associated Press. New York, Oct. 31.—District Attorney Gardiner announced this afternoon that Alvord would be turned over to the United States authorities.

SOME QUESTION

As to the Status of Missionaries in China.

By Associated Press

New York, Oct. 31.—Rev. Arthur J. Brown, one of the secretaries of the Presbyterian Board of Foreign Missions, today received a letter from David J. Hill, assistant Secretary of State, which covers various points connected with the present status of the missionaries in China. The letter was written in connection with information that Rev. A. M. Cunningham and wife, missionaries at Pekin, were about to return to their post, requesting that the United States authorities in China be informed of their purpose if, in the judgment of the Department, those authorities might interpose any objection to their return to the city. While it would be premature to open access to the Chinese interior for our citizens engaged in a commercial or professional way, there would seem to be no objection to Cunningham's return. The United States forces at Tien Tsin and Peking would doubtless afford him all facilities for his return, not in conflict with regulations which may have been adopted regarding the return of foreigners into the city. A copy of this correspondence will be sent to Minister Conger for his information.

Cunningham, who was in this country on a furlough at the time of the outbreak in China, recently applied for permission to return to his post. He is now in San Francisco with his wife and will sail for China Saturday.

GRIGGS

Raps Monnett Good and Hard

ON A STATEMENT

He Made Concerning Prosecution of Trusts.

NEVER MET HIM BUT ONCE

And the Subject Was Not Even Talked About.

By Associated Press.

Napoleon, O., Oct. 31.—The following letter from Attorney General Griggs to J. R. Linthicum, chairman of the Republican committee of Henry county, relative to certain statements made by former Attorney General Monnett in a speech held here Oct. 22, was made public today:

Office of Attorney General, Washington, D. C., Oct. 25.

J. R. Linthicum, Chairman Republican County Committee, Napoleon, O.

Dear Sir—I am in receipt of your letter of the 23d inst. in which you state that ex-Attorney General Frank S. Monnett, of Ohio, in a Democratic speech at Napoleon on the 22d inst. stated that in a letter to him, also in a personal interview with him, I stated the reason why trusts have not been prosecuted was because the President has been inactive and indifferent in the enforcement of the anti-trust laws.

Unless Mr. Monnett has taken leave of his senses, I cannot believe that he ever made such a statement. As far as I can recall, or the records of this department show, I have never written him a letter upon any subject. I am sure that I never wrote him a letter upon the subject of trusts, nor in any way alluded to the action of this administration with reference thereto. As to his allegation that I made such a statement in a personal interview with him, that also is entirely untrue. I never met Monnett but once, and that was only for a few minutes when he called to pay a visit of courtesy, being introduced to me by his predecessor, the present Solicitor General, John K. Richards, of Ohio. I do not think or believe that the subject of trusts or any other subject, except such as would arise in a general conversation upon a visit of this nature, was touched upon. I am sure that I made no such statement as you say Monnett attributes to me, nor could I have made such a statement because it would have been untrue.

The attitude and record of this administration on prosecution under the anti-trust laws is contained in the last annual report of the Attorney General, a copy of which is forwarded to you by this mail. Yours respectfully,

JOHN W. GRIGGS, Attorney General.

RIOTER CONVICTED

And Other Cases Will Be Pushed to Rapid Trial.

By Associated Press

Akron, O., Oct. 31.—Harvey Earl, one of the rioters indicted by the special grand jury, was today convicted of illegally possessing and using dynamite. This was the first of the rioters cases to be tried. Prosecutor Wana-maker says that all of the cases will be forced to trial as rapidly as possible.

First Degree Murder.

By Associated Press.

Van Wert, O., Oct. 31.—Mrs. Emma VanLiew was indicted this evening for murder in the first degree, and was immediately arrested and committed to jail. Mrs. VanLiew threw vitrol in the face of Miss Alice Mammell, the latter dying from her injuries after five weeks of terrible agony. Jealousy was the cause. Mrs. VanLiew has been prominent in society.

OIL NEWS

Of Interest From the Several Fields on Both Sides of the River.

CRUDE OIL.

The closing prices of oil yesterday as reported by the Seep agency were as follows:

Tiona.....	\$1.25
Pennsylvania.....	1.10
Corning.....	93
Newcastle.....	85
North Lima.....	82
South Lima.....	77
Indiana.....	77

BOND CREEK FIELD.

Special to the Leader.

Bond Creek, W. Va., Oct. 31.—Mallory Bros. No. 3 on the B. P. Butcher, 700 feet east of the No. 1 on the B. P. Butcher, is in and dry.

Mallory Bros. No. 1 on the B. P. Butcher made 140 barrels in the last 24 hours.

Garland & Co. commenced drilling their No. 8 on the Wm. Welch.

ST. MARYS FIELD.

Special to the Leader.

St. Marys, W. Va., Oct. 31.—The Octa Oil Co.'s No. 21 on the S. Bills has its rig up.

LOWELL FIELD.

Special to the Leader.

Lowell, O., Oct. 31.—Hovis & Dyar are rigging up their No. 4 on the Ason McNeal.

SAND HILL FIELD.

Special to the Leader.

Sand Hill, O., Oct. 31.—The Henderson Oil Co.'s No. 7 on the R. Amos is drilling.

MARIETTA FIELD.

Special to the Leader.

Marietta, Oct. 31.—Uhl Bros. No. 8 on the C. D. Uhl is drilling.

In the Brownsville, Monongalia county, W. Va., district the South Penn Oil Co. has two excellent wells, one on the Mariner farm is holding up at 490 barrels a day, another on the S. P. Thomas farm is making 230 barrels a day.

Guffey & Co. have a 20 barrel well in their No. 4 on the Flaherty farm, northeast of the Wolf Summit field in Harrison county, W. Va.

The South Penn Co. in the same field has shot its No. 11 on the Fletcher farm and has a show for 20 barrels.

The Kanawha Oil Co. has drilled in its No. 60 on the John Mills tract on Buffalo Run in Wetzel county. The hole filled 1600 feet from the Gordon sand.

The Cumberland Oil Company has made a location on the William Wagner farm and will start to drilling shortly.

CARLIST BANDS

Getting Ready for an Attack on the Spanish Government.

By Associated Press.

Madrid, Oct. 31.—It is officially announced that a Carlist band in the vicinity of Berga numbers 800 men. Troops are closely pursuing them. Communication between Berga and Barcelona has been severed. Another numerous band appeared at the Figsols. It is said that the revolution has been timed for the first fortnight in November. The conspirators in three groups were to attack simultaneously the municipal council, the civil government and the Captain General. The Minister of War says that the number of Carlists in Catalonia will not reach the figure by the minister of interior, who asserted that there are 800 Carlists in the vicinity of Berga.

Shaffer Resigns.

By Associated Press.

Muncie, Ind., Oct. 31.—Official information comes from M. M. Garland, former President of the Amalgamated Association of Iron, Tin and Steel Workers, from Pittsburg, that President Theo. J. Shaffer has tendered his resignation to the executive board to take effect at once. A meeting will be held during the next two weeks and the vice presidents will name his successor.

Twenty-Six Missing.

By Associated Press.

New York, Oct. 31.—A revision tonight of the list of those missing and thought to have perished in the explosion and fire at Tarrant & Co.'s drug house, shows twenty-six unaccounted for.