RANGE OF THE THERMOMETER.

The thermometer ranged as follows at the Times office yesterday: 9 A. M. 40; 12 M. 46; 3 P. M. 46; 6 P. M. 41; 9 P. M. 39; 12 M. 36. Average temperature, 41.33.

The Times.

WEATHER FORECAST.

Forecast for Saturday:

Virginia—Increasing cloudiness Saturday, probably rain Saturday night and Sunday; light fresh north to northeast winds.

North and South Carolina—Rain Saturday, increasing east winds. Sunday, clear and cooler.

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GAMING DEBTS MUST BE PAID

An Important Decision by Judge Waddill

IN THE M. LEVY CASE.

Was Once the Wealthiest Resident of Petersburg.

AN ASSIGNMENT MADE BY HIM.

The Holder of One of His Notes Sought to Force Him Into Bankruptcy. The Motion Resisted on the Ground that It Was Given in a Gaming Transaction.

One of the most important decisions rendered in bankruptcy proceedings was that delivered by Judge Edmund Waddill, Jr., of the United States District Court yesterday, when M. Levy was adjudicated an involuntary bankrupt.

The case is one in which many of the nice points of law had to be decided, and the litigation has been prolonged. Hon. William P. Mellon represented the creditors and Hon. Richard B. Davis the bankrupt.

The case has attracted much attention on account of the unusual legal questions involved and the amount of property concerned.

Mr. Levy is a resident of Petersburg, and was a man of large possessions, owning much real estate in Petersburg and elsewhere, and being the president of large peanut companies in Petersburg and Norfolk, and looked upon as the most prominent man in the peanut trade in Virginia.

In 98 he became involved and in October of that year he made an assignment to Messrs. Hamilton & Mellwaine, two well-known lawyers of Petersburg, preferring certain creditors, the chief of whom were the Petersburg Savings and Insurance Company and the National Bank of Petersburg, to which institution he was heavily indebted as endorser for the M. Levy Company, of which he was president. The opinion is as follows:

JUDGE WADDILL'S OPINION.

The questions in this case arise upon a petition filed by Zora Hill against M. Levy, alleging the bankruptcy of the latter, and asking that he be adjudicated a bankrupt in the involuntary proceedings thus inaugurated.

The petitioner avers that the creditors of the alleged bankrupt are less than twelve in number and that therefore one creditor, whose debt exceeds $500, has the right to institute proceedings. The alleged ground of bankruptcy is that the said Levy, while totally insolvent, and within four months of the time of filing the said petition, executed a general deed of assignment, conveying all of his property and estate to trustees for the payment of his debts, making preference among them in contravention of the bankruptcy law and excluding petitioner, who held his note for the sum of $2,855.50.

To this petition, the defendant, Levy, filed his plea and answer, admitting insolvency and the existence of the assignment with preference, but denied that he owed petitioner anything and averred that his alleged debt was based upon a gaming consideration, which was void under the Virginia statute, whether in the hands of the original payee, or an innocent holder thereof, and was not, therefore, a debt provable under the bankruptcy law. Said Levy further alleged that his creditors were more than twelve in number and hence that petitioner could not, without other creditors joining with him, inaugurate involuntary proceedings in bankruptcy against him.

MUCH EVIDENCE.

Upon this condition of the pleadings, considerable evidence was introduced, petitioner attempting to show that the bona fide creditors of the defendant were less than twelve in number, and that the debts, sought to be set up by the defendant, were either due to persons within the inhibited degree of relationship, specified in the bankruptcy law, or of debts secured in the deed of assignment, mentioned in the petition as an act of bankruptcy, and therefore should not be reckoned in the number of creditors in determining petitioner's right to file a petition against the said defendant.

Before the question of the right of the petitioner, a single creditor, to inaugurate the proceedings was determined, or indeed finally submitted to the court for its consideration, two other persons, to-wit, J. S. DeShazor and Bartlett Roper, trustees of Edwin P. Goodwin, bankrupt, filed their joint petition and asked to join in the original petition against the defendant for involuntary bankruptcy.

To these petitions Levy answered, denying the existence of any indebtedness due to either DeShazor or Goodwin, and averring that if any indebtedness existed said petitioners were so connected with the original petitioner that their debts were tainted with the gaming consideration aforesaid, and that therefore they could not recover.

Considerable evidence was taken on the question of the existence of the indebtedness and whether the same was based upon a gaming consideration. And the case is now finally submitted to the court for its determination upon the issues thus raised and whether the defendant, Levy, should be adjudicated an involuntary bankrupt.

MATERIAL QUESTION.

The first and most material question to be determined is whether, in point of fact, the original and intervening petitioners have provable debts against the bankrupt. If so, and said claims are not void by reason of the gaming consideration alleged to be incident to their inception, then the various other questions presented are unnecessary to be decided, as the creditors are sufficient in number and amount to institute the proceedings.

The original petitioner claims to be a holder for value of a note of $2,875.50, drawn by M. Levy on the 13th of October, 1898, to the order of W. A. Porterfield & Co., and by them endorsed without recourse to the petitioner, said note being a renewal of two other notes, one for $2,184, dated in June, 1898, and another for $691, dated September 12, 1898, drawn by said Levy in favor of W. A. Porterfield & Co., and by them endorsed to the petitioner, Zora Hill. The intervening petitioner, J. S. DeShazor, is the holder of a due bill for $16 of the defendant Levy and said Edwin P. Goodwin's trustee sets up an open account of $40 due him from said Levy.

GRAIN BROKERS.

W. A. Porterfield & Co., it seems, were grain brokers doing business in the city of Washington and various other places throughout the country, including the city of Petersburg, and the indebtedness with said Levy arose by reason of transactions between them in reference to the purchase of wheat by them during the year 1898. The defendant, Levy, insists that his transactions with said firm were mere speculations in grain; that he gave orders through an agent of W. A. Porterfield & Co.; that he had no dealings directly with said firm so far as giving the orders were concerned; that his entire transactions contemplated dealing in futures in wheat, and the payment of the difference, according to the fluctuations of the market, between the contract price of purchase and the price for which the same were sold, and that no actual purchase or delivery of wheat was ever contemplated or intended. Said Porterfield & Co., on the other hand, insist that they do a legitimate brokerage business; that they acted solely as brokers in their dealings with Levy, that they were members of the Chicago Board of Trade, making purchases for said Levy and selling for him whenever requested so to do; that they had no manner of interest in what they did, further than to secure their commissions, and that each and every purchase of wheat they made contemplated an actual delivery, which could have been had whenever said Levy requested it; that the transactions thus had were bona fide, and that upon no other terms could purchases have been made on the Chicago Board of Trade; that the indebtedness in question arose from payments made by them to their agents in Chicago to make good the purchases made on account of said Levy, which he recognized, fully acquiesced in, gave his negotiable notes for the amount thereof and subsequently caused them to be renewed, and that the notes in question, as well as the renewals, were for value transferred to the petitioner, Zora Hill.

LAW ON THE SUBJECT.

The law applicable to this case, assuming that the Virginia statute, section 2838, Code of 1887, in reference to gaming, applies to transactions of the kind in question, seems to be well settled. As stated by Mr. Benjamin, it is:

"That a contract for the sale of goods to be delivered at a future day is valid, even though the seller has not the goods, or any other means of getting them then to go into the market and buy them. But such a contract is only valid when the parties really intend and agree that the goods are to be delivered by the seller and the price to be paid by the buyer. If under guise of such contract, the real intent be merely to speculate in the rise and fall of prices, and the goods are not to be delivered, but one party is to pay to the other the differences between the contract price and the market price of the goods at the date fixed for executing the contract, then the whole contract constitutes nothing more than a wager and is null and void."—Benjamin on Sales, vol. II., p. 717, 6 Am. Ed. by Corbin, sec. 825; Rountree vs. Smith, 108 U. S., 269; Irwin vs. Williar, 110 U. S., 499, 508-10; Embrey vs. Jemison, 131 U. S., 336, 342.

Whether or not the petitioners should be defeated in their recovery because of the alleged wagering character of the transactions out of which, it is claimed, their several debts arose, and whether, as a matter of fact, anything is due to them, or either of them, are questions which can alone be determined from a full consideration of all of the facts of the case and the circumstances surrounding the several transactions.

Upon the whole evidence, my conclusion is that the several petitioners are due the amounts respectively claimed by them, and that while it is true as to said debts, and particularly of the debt of the petitioner, Zora Hill, a suspicion or presumption might arise from the circumstances surrounding the transactions out of which they arose, that said debts were tainted with a gaming or wagering consideration, still I do not feel, in the light of the evidence as adduced that I should so hold, or would be justified in so doing. To declare the debts of the petitioners invalid, upon the evidence in this case, would be, in effect, to hold that all brokerage transactions involving the purchase and sale of commodities of the character dealt in, were void. While such a conclusion from a purely moral standpoint, as well, indeed, as from a business view, would be "a consummation devoutly to be wish'd," still, taking into consideration its legal bearing, it cannot be reached in this case. The law authorizes speculations in grain and other products, as well as in stocks, bonds and property of such like character, and places only the inhibition that actual

(Continued on Sixth Page.)

THE SPANISH WAR VETERANS

A Split Has Occurred in Their Organization and a Rival Body Been Formed—Dewey President.

WASHINGTON, Nov. 24.—A split has occurred in the organization of the Spanish war veterans and a rival body was formed to-day to be known as the Spanish American War Veterans.

Last week the original organization held a protracted meeting in this city and perfected its constitution and by-laws, and at that time there were rumors of an impending split, but nothing was made public officially about it.

To-day's meeting was held in response to an urgent call of Adjutant General Liller, who gives the following as the reason for the split:

"General dissatisfaction and an attempt to place the organization in the hands of the Ohio representatives, making it appear as a move for political purposes, and the recent action of the committee who were in the minority assuming the privilege of eliminating and vacating offices created by the national convention; making several appointive offices, and a move to control the association generally and remove the headquarters to Ohio. Those who were present to-day are men who have made national reputations and are here to make the association a success and not use it for selfish motives."

THOSE ELIGIBLE.

The new organization makes all those who served in the regular or volunteer army, navy or marine corps during the Spanish American war and those now serving in the present Philippine war eligible to membership, provided they can show an honorable discharge.

A constitution and by-laws were adopted and the unit of organization are to be local camps, departments, and a national association. A resolution was adopted declaring it to be the sense of the body that Admiral George Dewey be "placed at its head and authorizing the adjutant general to convey to the Admiral the note of his unanimous selection of commander-in-chief, and he be earnestly requested to accept the office."

The names of those present at the meeting are withheld and also the numbers present are withheld by General Liller. The officers chosen are as follows:

Commander-in-Chief, Admiral George Dewey.

Senior Vice-Commander-in-Chief, Colo-

(Continued on Second Page.)

THE BATTLE AT BELMONT

The Engagement Was a Series of Battles.

WOUNDED DOING WELL

Prisoners Say the Attack Was a Surprise to Them.

THE POSITION AT MAFEKING

Is Daily Growing More Difficult, But the Garrison is Cheerful—Reports Continue to Arrive to the Effect that General White Recently Caught Boers in a Trap.

BELMONT, CAPE COLONY, Nov. 24.—10 A. M.—The entire western division moved on the Orange river Tuesday and bivouacked at Wittepats. Two companies of mounted infantry and a detachment of Lancers were sent to hold Thomas' farm. Their pickets prevented the Boers from advancing. The Boers fired cannon and the British artillery arrived on the scene and silenced the Boers' fire. At 2 in the morning the guards' brigade moved steadily forward to a hill a few miles east of Belmont station.

The Scots and Grenadiers advanced to within fifty yards of the base when the Boers poured in a scathing fire, staggering the guards momentarily.

But quickly recovering, they returned a deadly hail into the Boers. The duel was continued for half an hour. When the artillery commenced the Boers evacuated their front position and the Scots guards rushed to the hill with the bayonet and amid lusty cheers.

A CROSS FIRE.

The Ninth brigade then moved forward in extended order and the Boers started a terrible cross fire from the surrounding hills. The Coldstreams, supported by the Scots, Grenadiers, Northumberlands and Northampions stormed the second position in the face of a constant and effective Boer fire. The Ninth brigade then advanced the artillery in the meantime, maintaining excellent practice. The British infantry never wavered and when the Boers fled and succeeded in gaining a range of hills in the rear, in spite of the Lancers' flanking movement. The infantry again gallantly faced the fire and the Naval brigade came into action for the first time, at a range of 1,800 yards. The infantry was well supported by the artillery and the Boers, unable to withstand the death dealing volleys, retired and were again forced to abandon some minor positions. The British cavalry charged the Boers and pursued them for five miles.

Possession was taken of the Boer leager and the Boer stores were destroyed.

The Boers hoisted a white flag over their second position, whereupon Lieutenant Willoughby, of the Coldstream guards, stood up and was immediately shot down. The Boers twice repeated the same tactics.

VICTORY COMPLETE.

LONDON, Nov. 24.—The Daily Mail publishes the following dispatch from Belmont describing the battle:

"The Boers held a position which the British troops would hold against almost any force. The British victory is complete. My estimate of the Boer losses is 500 killed and 150 wounded. Mr. Knight, correspondent of the London Morning Post, was wounded. The Boer prisoners are ignorant, dirty and wretched. They say that half of their commando, tired of the war, will refuse further service. The whole force of the fearful fight was borne by the infantry, who were obliged to climb 500 feet, straight into a terrific stream of missiles. The Ninth Lancer pursued the enemy with great vigor; but the Boers, well mounted and familiar with the hills, melted before them. Possibly, however, our victory would have been even more decisive had we possessed more cavalry."

SHELLED ADVANCE BODY.

CAPE TOWN, Nov. 24.—From the few details which have reached here from General Methuen's fight with the Boers yesterday, it appears that Boers, from Fincham's Farm, shelled an advance body of the British Wednesday, November 22d, and the British artillery was pushed forward and shelled a hill which the British subsequently occupied, capturing two guns. The Boer casualties were thirty men killed and wounded.

LONDON, Nov. 24.—A dispatch from Belmont says that General Methuen's force numbered seven thousand men and that the Boers had five thousand men.

The engagement was really a series of battles, during which the Boers were constantly carrying off their dead and wounded.

FIFTY PRISONERS.

The War Office to-day issued the following advices:

Cape Town, Nov. 24.—Afternoon.—General Methuen further reports this morning that the wounded are doing well. There are over fifty prisoners, including a German commandant and six field cornets. Nineteen of these prisoners are wounded. We are unable to estimate the Boer losses. The prisoners say that yesterday's attack was a surprise, and that it is the only beating they have had. A large amount of correspondence has been secured. The Reservists are doing well. Colonel Pole-Carew replaces Featherstonhaugh in command of the Ninth Brigade.

CAUGHT IN A TRAP.

CAPE TOWN, Nov. 24.—Unconfirmed reports continue to arrive here to the effect that Gen. White recently caught the Boers in a trap at Ladysmith, inducing detachments of the beleaguering force to venture into the open country, when sortie parties from the British camp captured them. It is difficult, however, to believe that news of such importance would not have been officially announced and it is held that the affairs described will probably turn out to be the sortie reported from the Boer headquarters November 22.

Three squadrons of African light horse have gone northward.

Late arrivals from Pretoria estimate the Boer casualties at one thousand men, half of whom were killed. They also say the race course there is being prepared for a lager in the event of a siege and the guns of the fort are trained on it in case the prisoners attempt to escape.

FAVOR FIGHTING.

From President Kruger down, every one is in favor of fighting. They believe they will succeed in annexing all the beleaguered towns. The flag of the United Republic, now ready, bears the Orange Cross. The Boers expect the war to last from four to six months, when they will possess South Africa.

Commandant Albrecht and Lieutenant Eloff have started with a thousand followers to capture Buluwayo.

MAGLAPIE, CAPE COLONY, Sunday, Nov. 19.—A dispatch received here from Mafeking, dated Wednesday, November 15th, says:

"The garrison is cheerful, but the position is daily growing more difficult. The Boers are always drawing their entrenchments closer, and are incessantly plying the British with artillery and musketry fire. The garrison is living almost entirely in underground shelters, and the health of the troops is suffering."

ONLY OCCASIONAL SHELTER.

MOOI RIVER, NATAL, Nov. 24.—The Boers have only sent an occasional shell into the British camp since the morning. The range of the British guns is not sufficient for them to be effective.

An official native runner corroborates the report that heavy firing has occurred northward. The runner, who is from Estcourt, says he was captured by the Boers, who infest the heights northward. He add that they searched him but failed to discover the dispatches.

The Boers are in strong forces under the cover of a hill, on which are two guns. When the British opened fire the runner escaped in the confusion.

The same runner was at Ladysmith last week. He reiterates that heavy firing occurred there. The Boers, he claims, made several attempts to capture the British camp, but were repulsed with heavy loss. The native explained the failure of the assaults by saying that every time the Boers approached the British set the whole country ablaze, killing every one within reach.

WILL EXECUTE THE TRUST.

WASHINGTON, Nov. 24.—Mr. Macrum, the United States Consul at Pretoria, has been instructed by cable to impress upon President Kruger that, in the view of this government the usages of all civilized nations sanction the ministration of a neutral representative in the interest of the citizens and the captives of one of the parties to a war, and he must further insist upon performing the sacred duties imposed by all considerations of humanity. This is practically an announcement of the insistance of our government upon the execution of the trust it assumed to look after the interests of British citizens in the South African republics.

DURBAN, Nov. 24.—An official message from General White at Ladysmith, November 22 says: Situation unchanged. Troops well and cheerful.

"The Natal Advertiser confirms the report of fighting near Willow orange. It says: Five thousand British left Estcourt Wednesday afternoon for a reconnaissance. They surprised the Boers at 3 o'clock Thursday morning and occupied the Boer position, lay meeting 80 of the enemy.

"At daybreak the Boers opened with quick firers. The British artillery was unable to reach the Boers, and the British position, therefore, became untenable and was evacuated, subsequently the artillery was brought into action, and the Boers fell back. Their object having been attained, the British returned to Estcourt."

Treated With Kindness.

PRETORIA, Nov. 24.—Through the courtesy of the Transvaal authorities the correspondent of the Associated Press here, in the company of Mr. P. G. Grobler, under Secretary for Foreign Affairs, and Mr. Desousa, Secretary of the War Department, was enabled to visit Winston Churchill to-day at Model School, where he is confined with the captured officers. Beyond a slight bullet wound in the left hand he seemed well and looked hearty, although naturally chafing under enforced idleness.

In the course of the interview Mr. Churchill said: "The Boers have treated us with much kindness. This was the case from the outset.

"They praised our defense of the armored train, and expressed surprise that the locomotive was saved from becoming a hopeless wreck, under their artillery fire. We were then marched through a pouring rain to Colenso, proceeding the next morning to the Boer camp near Ladysmith, and then going by rail to Modderspruit, finally arriving here on November 18th.

"Outside of a great number of burghers crowded to see us, there was only one who made insulting remarks, the others courteously offering us cigarettes or showing us marks of attention.

"The confinement in the Model School is close and severe, but under the conditions I have no grounds to complain.

"I fear," said Mr. Churchill, "that the struggle will be bloody and protracted."

THE GEORGIA VETERANS.

Adopt Resolutions of Respect on Death of the Vice-President.

SAVANNAH, GA., Nov. 24.—The Georgia Division of United Confederate Veterans in reunion this afternoon adopted the following resolutions respecting the death of Vice-President Hobart:

"Whereas, the Convention of the Georgia Division of United Confederate Veterans has received official notification of the death of Hon. Garret A. Hobart, Vice-President of the United States of America, therefore be it

"Resolved, That the convention tender to the family of Mr. Hobart, and to the nation, the assurances of its condolence upon the death of a patriotic citizen and an eloquent and useful public man."

Copies, signed by General Clement A. Evans, Commander of the Division, were sent to Mr. Hobart's family and to President McKinley.

CROWDS VIEW THE REMAINS

The Scenes at Carroll Hall Yesterday Were Exciting and Pathetic, Many Women Faint.

NEW YORK, Nov. 24.—The funeral of the late Garret A. Hobart, Vice-President of the United States, will take place to-morrow at Paterson, N. J., services being first held at Caroll Hall, the Hobart home, and after that at the Church of the Redeemer.

The services at the house are intended for the family, the President and his Cabinet, members of the Senate and House of Representatives of the United States, and intimate personal friends of the family. They will begin at 2 P. M., who will also deliver an address and prayer at the church service.

The President and Cabinet will also attend the services at the church, being conveyed there in carriages, while the thirty-two pall bearers, of which eight are personal pall bearers, will walk in the procession.

PATHETIC SCENES.

The scenes at Carroll Hall this evening when the remains of Vice-President

(Continued on Second Page.)

THE KENTUCKY'S GREAT TRIAL RUN

She Made a Record of 16.877 Knots an Hour

AGAINST WIND, TIDE

And a Heavy Head Sea, on Her Run Over the Government Course.

A SEVENTEEN KNOT VESSEL.

Her Builders Think that When Tidal Allowances are Made It Will Be Found that the Kentucky Actually Averaged 17 Knots on Her Run — There Was no Mishap.

BOSTON, MASS., Nov. 24.—Against tide, wind and a heavy head sea for at least half of her course, the new battleship Kentucky made a record of 16.877 knots an hour to-day on her official speed trial over the government course from Cape Ann to Boone Island, and by her work showed that she is a little faster than her sister ship, the Kearsarge, which recently was sent over the same course.

The trial satisfied her builders, the Newport News Shipbuilding and Dry Dock Company, that she can justly be rated as a 16-knot vessel, although her contract calls for only 16 knots. They expect that when the figures of to-day's trial are revised and the tidal allowances made, it will be found that she actually averaged 17 knots on her run.

The trial was in charge of the United States Naval Board of Inspection and Survey, of which Rear-Admiral Frederick E. Rodgers is president, and the members of which included Captain Robley D. Evans and Chief Engineer Charles R. Roelker, Commander Seaton Schroeder and Lieutenant-Commander A. V. Scane.

The testing of the battleship was accomplished without mishap of any sort, and at its conclusion was declared to be satisfactory by members of the naval board, Mr. C. B. Orcutt, of the Newport News Company, and by Captain C. M. Chester, who is to command the vessel.

A STRONG WIND.

The wind was strong from the northeast and it threw up rather heavy sea, into which the vessel repeatedly plunged her bow, dipping up quantities of water, which rolled along the forward deck until it found outlet through the scuppers.

This headwind and sea, President Orcutt said, doubtless had some retarding influence on the battleship on her outward run and on the way back, striking her heavily at the stern, had a tendency to throw her off the direct course, but due consideration was given all these conditions before a start was made.

The battleship took an hour and a half to run down to the starting point of her course. During this time she had been increasing her speed steadily. She was not ready to cross the line when she reached the United States tug-boat Piscataqua, which was the first mark boat. Consequently she made a wide sweep eastward, swerving first to starboard and then to port, to give time for the steam to reach the desired point and the revolutions of the propellers to increase their force. By this proceeding more than an hour was taken up, and it was 10:27:37 1-2 when the Kentucky crossed the line, at first leaping over the waves which raised themselves before her, then diving into them at top speed.

THE COURSE.

The course was sixty-six miles, the vessel covering the 33 knots outward, making the same distance back. The Kentucky covered the first leg of the course in 23 minutes and 46 seconds, showing a speed on 16.658 knots. On the second leg she made the slowest time during the trial, covering the distance in 23 minutes, 55 1-2 seconds, or at a speed of 16.551 knots. On the next three legs she increased steadily until she reached 17.018 knots on the fifth leg, which she made in 23 minutes, 13 1-2 seconds. She took 26 minutes, 17 1-2 seconds for the turn at the end of the outward run.

On the return she averaged 16.902 knots, exceeding 17 knots on the first and last legs. The final division of the course was covered in the fastest time made during the day, 22 minutes, 57 seconds, or at a speed of 17.254 knots.

IN A CIRCLE.

After passing the Piscataqua on her return, the Kentucky was thrown around in a circle. She completed the turn in about three times, her length and her list in performing the manoeuvre was about 3 degrees.

When she had completed the circle she laid her course for Boston. She dropped anchor in President Roads just after 5 o'clock.

Following is the summary of the trial:

Average, 23.153; 16.932.

Total averages, 23.238; 16.877.

Start 10:27:37; Finish first leg 12:24:29. Time of turn 20.175. Return start 12:44:56.

Finish 2:41:33. Elapsed time outward 1:27:01; Elapsed time return 1:56:16. Average revolutions of engines 112:65; steam-pressure 163 to 172 pounds, horse power developed approximately 11,500. The Kentucky will immediately return to Newport News, where the finishing touches will be given her.

AGUINALDO IN HIDING.

The Other Insurgent Officers Either Captured or Fleeing.

WASHINGTON, Nov. 24.—General Otis summarizes the situation in Luzon in a dispatch to the War Department to-day, in which he says the insurgent government cannot longer claim to exist, its troops and officials are scattered, and Aguinaldo is in hiding. The dispatch follows:

"Manila, Nov. 24, 1899.

"Claim to government by insurgents can be made no longer under any notion. Its Treasurer, Secretary Interior and President of Congress in our hands, its President and remaining cabinet officers in hiding and evidently in different central Luzon provinces, its generals and troops in small bands scattered through these provinces acting as banditti or dispersed playing the role of "Amigos," with arms concealed.

Indications are that Aguinaldo did not escape through Lawton or Wheaton, but fled westward from Bayambang railway station.

Telegraphic communication to Dagupan established, probably to San Fabian, to-day by relaying nine miles of track with material at hand; railway communication to that point re-established. Labor of troops must attend maintenance."

Fuller details of the sharp engagements between Carpenter's columns and the insurgents in Iloilo reached the war department to-day in the following despatch from General Otis, dated Manila to-day.

"Hughes, Iloilo, reports enemy driven back into mountains, insurgent capital, Cobatuan, captured. Only serious action that of Carpenter at Pavia; total casualties, five killed or since dead of wounds; twenty-seven wounded, captured ten prisoners, eighteen cannon, six rifles, quantities of ammunition. Enemy's casualties not stated."

MANILA, Nov. 24.—5:59 P. M.—Pautista, president of the Filipino Congress, presented himself to General MacArthur today and formally renounced all further connection with the insurrection. He was one of the influential Filipinos who hesitated at the beginning of the war as to which side on which to cast his lot.

He was offered a judgeship in the Supreme Court, but declined. He now announces that he desires to accept the position, and says the Filipino Congress and Cabinet are scattered, never to reassemble. Some of the members, he adds, have returned to their homes, while others are flying for safety. Many of the Congressmen have resigned, and he believes the Filipino soldiers will lay down their arms everywhere as soon as they learn the truth.

ASKED AGUINALDO'S ASSISTANCE

General Anderson Also Addressed Him as Commanding General.

CHICAGO, Nov. 24.—Thomas M. Anderson, commander of the Division of the Lakes, speaking of the address issued by the Filipino Junta at Hongkong, admitted that he had addressed Aguinaldo as "commanding general, Philippine forces," and asked the assistance of Aguinaldo against "the common enemy."

General Anderson said:

"It was a common form of salutation used by all generals commanding United States troops during correspondence with the Philippine leader. All this correspondence is on record. I praised Aguinaldo for his bravery in fighting the common enemy in the same letter in which I stated my inability to recognize his civil authority."

The entire correspondence of General Anderson, as well as the correspondence of Gen. Merritt with Aguinaldo's is printed in the message of the President to the Senate, giving details of the treaty with Spain.

NELSON COUNTY, KY., VOTE.

Court of Appeals Will Render a Decision on the Matter To-Day.

FRANKFORT, KY., Nov. 24.—The Court of Appeals will render a decision to-morrow in the Nelson county contested election case, in which 1,804 votes, erroneously certified for W. P. Taylor instead of W. S. Taylor, are involved.

The lower court granted a mandatory order for the election officers to dissolve the injunction, and the case was appealed and argued before the whole court to-day. Goebel's attorneys moved to dissolve the injunction on the ground that the court had no jurisdiction.

The decision will have an important bearing on the final settlement of the Gubernatorial muddle, as it is likely to embrace a full review, not only of the scope of jurisdiction of the courts, but also as to the powers of the State Election Commission. The latter body has set no time for its meeting to officially canvass the returns, but it is understood that a meeting will be held for that purpose either Tuesday or Wednesday.

ATTEMPTED BRIBERY.

Emery P. Ingham and His Law Partner Get Two and a Half Years.

PHILADELPHIA, PA., Nov. 24.—Emery P. Ingham, Ex-United States District Attorney, and his law partner and former assistant, Harvey K. Newitt, were today sentenced by Judge McPherson to imprisonment for two years and six months and to pay a fine of $1 and the costs of their trial, for conspiracy in attempting to bribe a secret service operative in connection with the recent big revenue stamp counterfeiting conspiracy.

THOUSANDS DEFRAUDED

Franklin Syndicate Has Been Receiving Deposits Under Promise to Pay 520 Per Cent.

NEW YORK, Nov. 24.—William F. Miller, head of the Franklin Syndicate which has accepted the deposits of thousands of persons in Brooklyn under promise of paying dividends of 10 per cent. a week or 520 per cent. per annum, and Cecil Leslie, his secretary, were indicted by the Kings county grand jury to-day.

Bench warrants were issued for the arrest of these two men, but up to quite a late hour to-night neither had been found, the police saying that they had disappeared in the afternoon. To-night the police raided the premises occupied by the Franklin Syndicate on Floyd street. There was a great crowd of people around the building and the police surrounded it. Inspector Brennan arrested Louis Miller, brother of the head of the syndicate and cashier of the concern, and took possession of $15,000 in cash. There were forty employes engaged at work in the offices and these were allowed to go.

MANY DEPOSITORS.

It was stated by Louis Miller to the police that the offices were then in the hands of ex-Sheriff Daily, of Richmond, to whom, he said, the concern had assigned. The charge upon which Miller was indicted was that of conspiring to defraud.

The district attorney's office in Brooklyn has been at work on the case for some weeks, so prominent have Miller's operations become in that time, Miller has been engaged for the past two years in offering his glittering inducements to the people to invest their money for him to make use of, but it has been only within the last month that by extensive advertising one way or another, he has managed to attract to his office hundreds of people daily who gathered in a long line or fought with each other for the opportunity to hand out their savings. Even when the place was raided to-night by the police, a number of those around the offices were waiting to deposit money with the Franklin Syndicate. The presence of the police caused great excitement. When they entered the office they were informed that at six o'clock to-night the concern had made an assignment in the borough of Manhattan to James Daily, ex-sheriff of Richmond.

Chief of Detectives Reynolds said that the police were the assignees now and put Daily off the premises. Daily has

(Continued on Second Page.)

TAX IMPOSED ON THE COMPANIES

Five Per Cent. on Receipts; $1.40 on Realty.

IT MAY BE INCREASED

The City Reserves the Right to do so Every Ten Years.

THE COMMITTEE'S WORK DONE.

The Ordinance Granting a Franchise to the Richmond Passenger and Power Company is Recommended to the Council. Doubt Whether It Will Be Accepted.

Consideration of the ordinance granting a franchise to the proposed Richmond Passenger and Power Company was concluded at last evening's meeting of the general Committee on Streets, which went over the ordinance as prepared by the sub-committee. Several amendments were made, but in the main the measure as framed in sub-committee was approved and recommended to the Council.

The taxation question was settled, practically, in an ordinance with the terms of the recommendation of the Finance Committee. The substitute for section 4, offered by Mr. Ebel, was unanimously adopted. This fixed the tax at $1.40 per centum on all property owned by the company, with five per cent. of the gross receipts for the first ten years of the term for which the franchise is granted. The tax to be paid during the second and third terms is left to the Councils of 1909 and 1919.

MULE CAR LINE.

The new ordinance provides for the electrifying of the mule car line, and does away with the Franklin street tracks from Twenty-second to Seventh streets.

Every member was present at the meeting. Messrs. Allen (chairman), Ebel, Pollock, Peters, Gibson, Burton, Whittet, King, Bahen, Woody, and Lawder.

The Committee struck out from the ordinance the clauses in section 1 which recognize the agreement between the Richmond Traction Company and the Union Passenger Railway Company, whereby the two companies run over the same tracks from 24th and Broad streets to 29th and Broad streets, and from Hancock to Harrison on Broad street.

Mr. Meredith gave notice that he would file a protest against this action on behalf of the Traction Company.

THE TRACKS.

Under the new ordinance the tracks of the old company will remain the same with the exception of the following provision which abolishes the Franklin street line:

"(d) A single track, beginning at Twenty-ninth and P streets, westwardly on P street to Twenty-fifth street; thence southwardly on Twenty-fifth street to Church Hill avenue; thence southwestwardly on Church Hill avenue to Twenty-first street; thence a double track southwardly on Twenty-first street to, and connecting with, the north and south tracks at Main street. A single track, from the eastern track at Twenty-first and Marshall streets, eastwardly on Marshall street to Twenty-fourth street; thence southwardly on Twenty-fourth street to Broad street; thence eastwardly on Broad street to Twenty-ninth street; thence northwardly on Twenty-ninth street to, and connecting with, the track at P street."

WILL COMPANY ACCEPT?

In view of the statement made by Mr. Virginius Newton before the committee on Thursday night, touching the question of taxation, there seems to be some doubt whether the syndicate will accept the ordinance with clause 4 as amended last night. Mr. Miles Martin, leading counsel for the Richmond Passenger and Power Company, when asked what his company would probably do, gave a non-committal answer.

CHARLESTON DISAPPEARED.

This Dissipates the Last Hope of Saving the Ship.

WASHINGTON, Nov. 24.—The Navy Department has received the following cablegram from Captain Leutze, commanding the Naval Station at Cavite, dated Manila, to-day:

"Culgoa reports Charleston disappeared."

The Culgoa was the relief ship sent out from Hong Kong. It is believed at the Navy Department that the Charleston has slipped down into deep water from the steep bank on which she was resting at the bow.

This report has dissipated the last hope of saving the ship.

SUMMARY OF TO-DAY'S NEWS.

Local.

—A decision regarding gaming debts.
—A new theory about Mr. Alvey's disappearance.
—Death of Mr. John G. Skelton.
—An open switch causes a wreck.
—Schedule of taxation of street car companies adopted by the Street Committee.
—The Richmond Passenger and Power Company's ordinance recommended to the Council.

State.

—A man accidentally shot and bleeds to death.
—Negro woman in Portsmouth makes supreme effort to exonerate a boy who accidentally gave her a fatal wound.
—The Buffalo Ridge Springs change hands.
—Lynchburg to have a new gas plant in competition.
—Woman sentenced for thirteen years in the penitentiary for throwing vitriol on her rival.
—Evangelist Fife stirs the city of Charlottesville. Merchants close their stores.
—Two ordinations Sunday in Petersburg.

General.

—Kentucky makes a fine run on her official trial over Government course.
—Crowds view the remains of the Vice-President.
—A smallpox epidemic in Kentucky.
—A split in organization of Spanish war veterans.
—Bob Fitzsimmons' hand badly mashed in a hotel door.
—Thousands defrauded by the Franklin syndicate.

Foreign.

—Further particulars of British victory at Belmont.
—Ladysmith is cheerful.
—Officers of insurgent government prisoners or fugitives.