

VENGEANCE ON FONDESVELA. MRS. RUIZ NOW HOPES FOR

Money Indemnity for Her Children, but the Assassin's Life for Her.

She Says General Lee's Report Has Indorsed Her Every Claim.

WAITING FOR CALHOUN.

She Has Faith That He Will Be Even More Emphatic Than Lee.

THE STORY OF HER AGONY.

Full of Gratitude for What Has Been Done for Her, but Hoping Constantly to Be Avenged.

"I live only for vengeance. Life has nothing for me but to see my children and his provided for and to make his murderer suffer as my husband suffered."

Mrs. Ricardo Ruiz, widow of the American citizen who was murdered by the Spaniards in Guanabacoa prison four months ago, had this to say concerning her future. She was pleased beyond all measure by Consul-General Lee's report to the Secretary of State, and she is confident that William J. Calhoun, the special commissioner of President McKinley, has reported to the President as strongly as the Consul-General.

She believes that with these reports before the United States Government her claim must be pressed and Spain forced to pay indemnity for her husband's death; but more than money, even though it be needed to keep her children from starving in the streets, the dark little widow, who is so alone in this country, wants to see the man responsible for her husband's murder punished.

"Were I a man," said Mrs. Ruiz yesterday, "Fondeviela would not live to laugh at the widows his cruelty has made. If it were not that my first duty is to my children, that he who is dead would want me to make them my first care, woman that I am, Ricardo's death would be avenged, and that promptly.

For Her Children.

"I want my claim collected for my children. All the money in Spain would not give me back my husband, but Spain took him from me, and took their father from these young children, leaving them and me dependent almost on the charity of strangers—his family, who were never beholden to anybody while he was alive to win them their bread. That is why I want my claim pressed and want this money, not for myself, but for my children. That is why I glory in the courage of General Lee.

"Thank he is among those tigers, he has made a true report, and they cannot escape the responsibility for the crime. Before he made his report it rested on my word. He has vindicated me and my husband's memory in every particular.

"Do you wonder that I am fierce? Do you wonder that I cannot be at peace while Fondeviela walks the earth and spits on the graves of these he has murdered? Look what he has done to me!

February 4 the Fatal Day.

"Such was my happiness until February 4 of this year. There had been dring on the outskirts of the town and we were gossiping about it as we might about any subject that did not concern us; but on February 4 a police officer arrested my husband in his office and took him to jail. Neither I nor any friend ever saw him alive again. From the moment of his imprisonment he was placed incommunicado, that is, he was cut off entirely from the outside world. He could neither send nor receive the slightest communication. They would not



Principal Characters in the Ruiz Case.

even permit me to send him a quilt to lie on or food that I prepared. I know that he was put into a dark hole, such as you Americans would not even kennel a dog in. There was not even a window through which he could see the light of heaven. In the solid door there was a small round hole, like the hole cut in a wall for a stovepipe. No light came through this, but it admitted enough air to keep him from actual asphyxiation.

"He was in there for days and days before they murdered him. Toward the last of his misery, through the kindness of one of the wardens of the jail, who was a patient of my husband's, I was permitted to send him a steamer chair on which he could rest. Until he received this he could only lie on the rough, uneven stone floor of that foul cell.

Fate Writ on a Chair.

"This chair did more for him and us even than we anticipated. It was the means of his sending a last loving message to his wife and children, and it enables us to bring proof that he was murdered before the Government to which he swore allegiance and from which he expected protection.

"These were the words he scratched with his poor finger nails in the varnish of the steamer chair, and the butchers did not see them and returned the chair to me!" Mercedes, Rene, Evangelina, Ricardito—Good-by, children of my life, I give you my blessing. Be obedient to your mother. They will kill me. If I am taken to Havana tell everything. Good-by, Rita of my soul!

"Now, the jailers would have it that my husband went mad in his cell and beat his own brains out against the wall. Is that a crazy man's message? No, no! My Ricardo did not lose his senses until he was dealt that foul blow with club or gun stock. You see what General Lee says: 'Another theory is that he was struck over the head with one of the clubs carried by the jailers—by his immediate watchman—who had probably ordered him to cease his cries for relief and for his children, and upon his not doing so struck him with more force than he intended; or it is possible the blow was delivered to make him confess or give evidence against others.'

What the Hat Tells.

"Here is his hat. It is a stiff hat, and these dents were in it when I received it from the prison. It is not crushed that, as it would be had he dashed his head against the wall. It is broken and battered as if

repeated blows with a club had been dealt.

"If you had known my husband you would see how absurd was the story that he had gone insane. God knows the horrors of that black hole were enough, but other men have kept their sanity, and if any man could, my Ricardo could. He was in perfect health when they took him from me. His age was forty-six, and he was a giant in strength. Such a chest! Such arms! Few men had such physical development as my husband.

"Under the treaty between this country and Spain an American citizen who is not taken with arms in his hands, must be allowed a civil trial. Under the law he cannot be kept 'incommunicado' more than seventy-two hours. On the very day of his arrest I told the Consul-General about it. You see in his report that he advised Captain General Weyler the very next day that Ricardo was an American citizen, but for all that he was for ten days thereafter a military prisoner. They should have released him from 'incommunicado' in three days. They kept him in this awful condition for thirteen, and then they brought him from his cell a corpse.

Heard of His Death Accidentally.

"Neither to me nor to the Consul did they send word that Ricardo was dead. I learned of my terrible loss accidentally. The undertaker happened to mention to a friend of mine that he was making the coffin for Dr. Ricardo Ruiz. Even then they tried to prevent me from seeing my husband's body. It was only when General Lee came to my assistance that they let me see it.

"Do you think any fortune, however great, can indemnify me for my terrible loss? Will all the money in the world comfort me when I wake up at night and think of him, unburied and alone, fighting desperately for his life in that tomb of a cell?" "Maybe your women here in the North can rest under such an affliction. It is not so with me. Time was never dull my agony nor make my determination to be revenged on the brute who ordered his murder less."

Grateful for Kindness.

"I have been the recipient of great kindnesses since my misfortune. The protecting arm of the Government of the United States was placed around me, though it was not strong enough to save my husband from cruelty and death. The Journal took me from the scene of my misery and brought me here, and made it possible for

SPAIN'S STORY OF DR. RUIZ'S DEATH.

The Journal Gives the Principal Points of Commissioner Congosto's Report.

Washington, June 11.—It is the opinion of the few experts on Spanish law in Washington that the Government has bungled the Ruiz case. General Lee, it is understood, was opposed to go into an investigation, in which the Spanish authorities, with their power of coercion, concealment and corruption, had so vast an advantage. In conducting the investigation the almost self-evident fact that Dr. Ruiz came to a violent death not by his own act, was, perhaps, ignored by the American Commissioner, because of absolute impossibility of getting the jail officials to confess their own criminality or Dr. Ruiz's fellow prisoners to endanger their own lives by telling what they knew.

As to the question of the violation of the treaty rights by the confinement of Dr. Ruiz, incommunicado, the Spanish Government, it is claimed, has established a complete technical defense, however much the blood guiltiness of Dr. Ruiz's murder lies on the souls of Dutch Weyler, General Fondeviela, and their prison satellites.

Senator Morgan says that the Ruiz case was the weakest one the Government had. Dr. Jose L. Rodriguez, counsel in the Ruiz case, who represents more than half of all Spanish-American claims filed at the State Department, says that the Government has been inveigled into an untenable position.

Congosto Makes His Report.

Senator Congosto, the Spanish member of the Commission which investigated the Ruiz case, came into the city early this morning, presented to Minister De Lome his findings of fact and law in the matter of the death of Dr. Ruiz, and departed for Philadelphia by an early afternoon train.

An interesting part of his report is the testimony of General Fondeviela, Governor of Guanabacoa during the unfortunate American's imprisonment. General Fondeviela gives a detailed account of the circumstances leading to the arrest of Dr. Ruiz and of his subsequent death in prison. To this is appended signed statements by eye-witnesses to all that the Governor asserts. Numerous prison officials have contributed their autographs to this document.

Minister De Lome regards Senator Congosto's report with evident pride. He says that General Lee has submitted a lot of sentimental pleadings, unsupported by direct evidence; his case is entirely a circumstantial one, while Spain offers in rebuttal the testimony of eye-witnesses, men trustworthy and of the highest standing in Spain. For this reason he is not afraid that Spain will be called upon to pay \$150,000 to the widow of the murdered American. No Judge skilled in weighing evidence, he says, after examining the two reports would find a verdict against Spain.

Quotes Old Spanish Law.

Both Consul-General Lee and Mr. Calhoun, President McKinley's special commissioner, allege that Dr. Ruiz was confined 'incommunicado,' more than seventy-two hours. They are agreed that this is a plain violation of the treaty rights of an American citizen, and their case rests on this contention as its principal basis. Senator Congosto attacks the very foundations of this claim by an exposition of the Spanish law.

The treaty of 1795 with Spain, Article 7, provides that the subjects of citizens of the United States and Spain "shall not be liable to any embargo or detention for any military expedition or other public or private purpose whatsoever; and in all cases of seizure, detention or arrest for debts contracted or offences committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of the law only, and ACCORDING TO THE REGULAR COURSE OF PROCEEDING USEFUL IN SUCH CASES."

The citizens or subjects of both powers shall be permitted to select and employ their own legal advisers, notaries, etc., and have them present at their trials. This treaty provision was modified and explained by the protocol of January 12, 1871, which, however, has no special application to the Ruiz case.

Large Power of the Judge.

As to the seventy-two-hour period of incommunicado, one must understand the Spanish law as Senator Congosto explains it. The Spanish judge, during the preliminary procedure, akin to American Grand Jury methods, acts as counsel for the prisoner. He is the accuser, advocate and friend of the alleged culprit. The judge must satisfy his own conscience and judgment that an offence has been committed; that its offence is punishable by imprisonment, and that there is sufficient motive to believe that the man accused and apprehended is guilty of the crime. Under such circum-

stances the judge has complete jurisdiction and custody of the prisoner. He is limited in this power by two statutes, viz., rule 31 and rule 45, of the criminal laws. Rule 31 is as follows:

"Twenty-four hours after a man has been 'detained' by the police he shall be taken before a competent judge, and that magistrate, after hearing or making a proper investigation, may extend the detention for three days longer; after this period he must either be formally accused and committed to jail or released."

It is alleged to be a misconception of this statute that has led General Lee and others into error. It is upon this statute that their contention concerning a seventy-two-hour period of incommunicado has been grafted. This provision, it is claimed, refers merely to such detention as is usual in American police station houses.

Proceedings Against Prisoner.

If the judge is satisfied that the prisoner stands in such jeopardy of the law as an American Grand Jury would consider indictable, he commits him to jail. If all his witnesses have not been found and examined he is held as yet incommunicado.

Rule 45 is as follows:

"The incommunicado of a prisoner shall be ordered by the judge whenever there is just cause for it, which will be expressed in a decree and shall not exceed ten days under said decree; but this decree shall be renewed for the same period, successively, whenever necessary."

These are the laws of Spain, applicable to Spanish, Cuban or American within her jurisdiction. The treaty of 1795 only guarantees persons accused and arrested in Spanish jurisdiction trial "according to the regular proceeding in such cases." The full proceeding is as given above.

Does Not Fear M'Kinley

Premier Canovas Doubts that the President Will Go to Extremes Over the Ruiz Case.

By Don Fernando Rodriguez. (Copyright, 1897, by W. R. Hearst.) Madrid, June 11.—There is much comment here over the published statement that President McKinley will send a note to Spain, in which he will not only demand money indemnity, but "international satisfaction" for the treatment accorded Americans in Cuba, the object being to frighten Spain into accepting intervention. The Ministers say they know nothing about it, that the Washington Government has made no formal claim, but has merely presented and recommended claims of self-called American citizens.

Spain has replied to each claim, declaring that all were unfounded. The American Government has always answered, holding the affair in suspense, until it suited it.

Perhaps President McKinley now contemplates making a general claim, but wants a solid basis for demanding international satisfaction since Spain has not admitted the legality of those claims.

Mr. Liberal says: "Everything may be feared from McKinley's adventurous character. Days of trial are approaching for Spain; let them find all Spaniards prepared to defend their honor and interests."

All Spanish parties declare that Spain cannot admit foreign intervention nor negotiations dealing even hypothetically with the independence of Cuba.

El Tiempo and the Imparcial say the weakness of the Spanish Government toward the United States has brought about a state of affairs which would place Spain on the same footing as Egypt or Morocco.

Premier Canovas said to-day: "The alleged McKinley note is probably a canard invented by the filibusters. The gravity of the international situation forces President McKinley to maintain great reserve. He cannot have announced his resolution to adopt violent measures. Even if it were proved that insufficient ground existed for arresting Ruiz, the affair will be reduced to the payment of indemnity to the widow. My Government will never admit claims pretended to be based on a violation of treaties, but I consider it untrue that the American Government proposes to make claims of that sort."

LEE READY TO RETURN.

The Consul-General May Come to America Before His Successor is Appointed. (Copyright, 1897, by W. R. Hearst.) Havana, June 11.—General Lee, when shown a Washington dispatch to the effect that J. Frank Aldrich, of Illinois, would shortly be appointed successor as Consul-General here, expressed no surprise.

General Lee's resignation has been in President McKinley's hands since the new Administration first came into power. He has continued at his post at the request of Secretary Sherman in order to give President McKinley time to carefully consider the question of the appointment of his successor. Unless previously relieved, General Lee will probably return to Virginia upon leave next month. Vice-Consul Springer remaining in charge.

A FEW WORDS ABOUT SOME OF THE STORIES IN TO-MORROW'S JOURNAL.

BOYS ELECT A PRESIDENT.

Winifred Black Describes the Exciting Campaign in the Junior Republic.

"Whereas, We, a number of boys who want a chance to live free and independent and earn a living as free men do, have taken courage to copy the example of the men who started the American Republic, and



NAT GOODWIN WRITES A BOOK.

The Actor Tells All About Himself and Describes His Triumphs on the Stage.

"My success and my enormous earning power so gratified me that I determined to swoop down upon New York. Tony Pastor was then running the theatre at No. 385 Broadway as a high-class vaudeville hall. He engaged me for two weeks at \$15 per week. How did I feel when he offered me this kindly ransom to captivate me from the imprisonment of Ireland? Why, I could have kissed him in my exuberant joy. Was I nervous? Rather. Why, for a week, in front of my appearance, I went around telling my gags and stories and giving my imitations to every one with whom I could get acquainted."

WILL SIGNAL TO MARS.

A Great Inventor's Discovery Has Now Put the Planet Within Our Reach.

"A serious attempt at transfer of intelligence to Mars will be made within a short time. Of course, I mean 'short' in the scientific sense. But I would not undertake to say how short or how long that time will probably be.

