

FIFTIETH YEAR.

PROGRESS MADE IN THE BENBROOK CASE

Two More Jurors Secured as a Result of This Morning's Work—Attorneys Have a Spat and Judge Hiles Interferes.

Additional Jurors Likely to be Secured Before Court Adjourns This Evening—Examination Very Rigid and Searching—The Prosecution Exercises Five Peremptory Challenges and the Defense Two—Question Raised Over the Swearing In of Bailiffs to Take Charge of the Jurors—The Impression Prevails that a Full Jury Will be Obtained by Thursday Night—The Attendance Again Large, and a Number of Ladies Were Present at the Session This Afternoon.

The result of the first day's work in securing a jury for the trial of John H. Benbrook on the charge of murder, was two jurors sworn and accepted. They are Enos L. Jacklin, a native of England, 37 years of age, married and residing at Mill Creek, where he has a farm, and William Gerhart, a sheepman, 40 years of age, married, and residing at Mill Creek.

This result was only achieved by a rather protracted exercise of peremptory challenges, the prosecution taking four out of the box, while the defense secured two.

The morning the sifting process was carried with greater vigor than ever, and when court took a recess at noon, three more men had successfully run the gauntlet. They were Julius Cook, a native of England, 37 years of age, married, and residing at Mill Creek, where he has a farm, and William Gerhart, a sheepman, 40 years of age, married, and residing at Mill Creek.

The prosecution peremptorily challenged Enos L. Jacklin, and the others were accepted. Messrs. Cook and Colton being sworn and joining Messrs. Jacklin and Gerhart. This was the result of the sifting process during the progress of the examination, Mr. Rodgers, of counsel for the defense, and County Attorney Putnam engaged in a little spat, by referring to bailiffs out of the box, and to take charge of the jurors was brought up by Judge Hiles, who said that if the proceeding was irregular and was excepted to, he would dispose of it at once. After the matter was considered, Judge Hiles said there was no objection, and the matter was so disposed of.

COURT ROOM WELL FILLED.

The proceedings were much the same as yesterday, the work of securing a jury being continued with increased vigilance. The attendance of spectators was still large, although it must have been less than the routine work in examining jurors would present little of interest.

At the parties interested arrived early, and the room was well filled before the case was called on.

The attorneys on either side took their seats on opposite sides of the box, and the jury box was filled with the twelve jurors. Mr. Morris, a brother of Burton Morris, and John H. Benbrook, a native of England, 37 years of age, married, and residing at Mill Creek, where he has a farm, and William Gerhart, a sheepman, 40 years of age, married, and residing at Mill Creek.

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guilt or innocence of the accused. He was challenged and excused.

PASSED FOR THE PRESENT.

Walter Colton, a teamster, stated that he was in Deep Creek when the shooting occurred, and had heard very little about the case. He had no opinion as to defendant's guilt or innocence, and was confident he could give him a fair and impartial trial.

"Do you belong to any secret society?" asked Mr. Rogers.

"Yes, the Home Forum."

"Belong to any church?"

"Yes, the Mormon Church."

Mr. Colton was passed for the present.

HAD A FIRM CONVICTION.

Winthrop Buck, formerly a railroad man, said that he was on the opposite side of the street from the Merchants' Cafe when the shooting occurred. He heard all about the case at the time, talked with several people, and formed and expressed a strong opinion, which he still had. He was excused.

ANOTHER DISQUALIFIED.

Ralph Sharkey, a teller at the Bank of Commerce, had formed and expressed an opinion, had it still, and it would affect his verdict, he thought. Mr. Sharkey was allowed to go.

HAD NO OPINION.

Calvin E. Stokes, a drug packer for the Nelder-Judson company, was ill at the time of the shooting and did not see it or hear it talked about until some time afterwards. He had no opinion in regard to the guilt or innocence of the accused and was passed for the present.

HAD A STRONG OPINION.

Ernest H. Rich, a retail butcher, had read all about the case, talked of it with many people and formed and expressed an opinion. This opinion, said Mr. Rich, was unqualified and would require very strong evidence to remove. He did not think he was in a fit frame of mind to sit in the case. Neither did the court and he was excused.

AN EPISCOPALIAN.

Julius Cook, a native of Germany, had not heard anything about this case until he came into court. He had lived in Missouri, California and Utah, and was a decorative painter, although at present he was following mining. "Are you a member of any secret society?" asked Mr. Rogers.

"None."

"Belong to any church?"

"I am a member of the Episcopal church."

"The same church that Mr. Putnam here is a member of?"

"Yes."

"Have you met him there?"

"I have."

"Would the fact that this defendant was a gambler in this western country affect you?"

"Well, if the profession, as you call it, of a gambler is as high as that of jurisprudence, I suppose it would not."

This answer created considerable amusement.

On Mr. Cook's statement that he was entirely unprejudiced he was passed for the present.

WOULD NOT DO.

Thomas Mulholland, a law student, had heard of the case, discussed it frequently and had an unqualified opinion which it would require evidence to remove. The challenge to this juror was allowed.

ALLOWED TO GO.

Joseph Evans, employed at the Barnes-Hardy company's store, had a fixed and settled opinion, going to the extent that Morris was killed by the defendant and also as to the reason for the killing or the cause. All of this would enter into and affect his verdict. The juror, however, had no fixed opinion as to the actual guilt or innocence of the defendant of the offense charged. He was challenged for implied bias by Mr. Rogers.

Mr. Putnam, in further examining the juror, brought out the fact that he had talked with Albert Morris about the case. His opinion would affect his verdict.

The prosecution then withdrew the objection and Mr. Evans was excused.

IN THE AFTERNOON.

In the afternoon, Mr. Putnam again examined the three new jurors left in the box, Messrs. Julius Cook, Calvin E. Stokes and Walter Colton. All passed satisfactorily, and the court called for peremptory challenges, it being with the defense, Judge Powers passed it up, and Mr. Putnam excused Calvin E. Stokes.

Cook and Colton were sworn and these gentlemen were called to fill up the box: Joseph Knight, W. F. Hiles, Reynolds Cahoon, A. H. Parsons, Joseph C. Lyne, Thomas Jones, P. Van Houghten and Francis N. Shelton.

Judge Powers examined these gentlemen and Mr. Knight was soon excused, as he stated he had formed a strong opinion as to the guilt or innocence of the accused.

HAD TALKED WITH RALEIGH.

W. F. Hiles, former jailer at the county jail, stated that he had heard of the case and read of it, but had formed no fixed opinion.

"Have you talked about the case?" asked Judge Powers.

"Here, in various times," was the reply.

"When did you last talk of it or hear it discussed?"

"Well, George Raleigh mentioned it to me this morning."

"Here in court?"

"Yes."

"What did he say?"

"What he didn't see how any man with any sense could help forming an opinion about the case."

"What did you reply to him?"

"Nothing."

"Did he tell you that he was a detective employed exclusively by the prosecution in this case?"

"No."

Mr. Hill, in conclusion, insisted that he had no fixed opinion as to defendant's guilt or innocence. Like all the others, he would not permit the fact that defendant was a gambler, of itself, prejudice him, nor would he discredit defendant's testimony on that account. The line of questioning pursued by the defense with reference to the weight that would be given defendant's testimony discloses the fact that Benbrook is going to testify in his own behalf.

Reynolds Cahoon was defining his position on about the same lines at the time this report closed.

DOCTORS FOR INDIANS.

Job Given to Physicians from Tennessee and Illinois.

[SPECIAL TO THE "NEWS."]

Washington, D. C., Feb. 20.—Henry B. Lloyd, of Knoxville, Tenn., and Samuel A. Tate, of Henderson, Ill., have been appointed physicians at the Uintah and Ouray Indian agencies, Utah.

CITY PAY DAY.

Amount Paid Out by Treasurer Morris Was \$4,591.49.

The city employees were paid by Treasurer Morris today. The total amount handed out over the counter was \$4,591.49, divided among the various departments as follows:

Crematory \$90.00

Liberty Park 118.00

Cemetery 188.75

Joint building department 173.00

Land and water commission department 329.25

Health department 329.25

Engineers department 302.15

Waterworks department 1,117.50

Streets and irrigation department 973.05

Jordan River Channel department 299.55

Total \$4,591.49

GUERRILLA GOES ON TRIAL.

Filipino Bushwhackers to be Treated as Bandits.

Prisoner Charged with Murder and Assault on Kill—Inaugurating New Policy.

Manila, Feb. 20, 5:55 p. m.—A military commission meets at Calamba tomorrow to try a Filipino member of the guerrilla band which attacked a squad of Americans Feb. 2nd, killing a corporal. The charges are murder and assault with intent to kill. The case is important as foreshadowing the policy of treating guerrillas as bandits. It is supposed that one reason which has hitherto deterred the American authorities from adopting this policy is that the insurgents have more than fifty American prisoners and may retaliate, although a few of them were captured while fighting.

IN THE SENATE TODAY.

Mr. Bard Sworn In—Agricultural Year Book—Speech on Philippines.

Washington, Feb. 20.—Mr. Perkins at the opening of the Senate today presented the credentials of Thomas R. Bard as senator from California for the term of six years beginning March 4, 1899. The credentials were filed.

A resolution was adopted authorizing the printing of a special edition of 5,000 copies of the year book of the department of agriculture for distribution at the Paris exposition.

At the conclusion of the morning business Mr. Kenny (Del.) was recognized to deliver a speech on the Philippine question. He took strong ground against the retention of the Philippines and argued that the Filipinos should be given their independence under the protection of the United States.

Populist Convention May 9.

Lincoln, Neb., Feb. 20.—The Populist national committee of the fusion faction has named May 9, as the date for their national convention to be held at Sioux Falls, South Dakota.

Presidential Nominations.

Washington, Feb. 20.—The President today sent the following nominations to the Senate:

Navy.—To be assistant paymaster, Ray Spear, of Washington; to be colonel in the marine corps, Lieut. Col. William H. Muse.

To be second lieutenant in the marine corps, Randall Foote, California; Douglas C. McDougal, California; A. N. Brunzell, Idaho; C. T. Westcott, Jr., Maryland; Sydney A. Brewster, Mich.; F. E. Backstrom, Mississippi; Paul E. Chamberlain, Virginia; P. M. Ritzy, Virginia.

War.—United States Volunteers: Maj. J. A. Buchanan, Fifteenth Infantry, to be lieutenant colonel, Puerto Rican regiment.

Nicaragua Canal Bill.

Washington, Feb. 20.—Representative Hepburn of Iowa, chairman of the committee on interstate commerce, after his failure to secure a unanimous agreement in the House today for taking up the Nicaraguan canal bill, introduced a resolution for consideration thereof on Tuesday and Wednesday, March 5th and 6th. The resolution provides that at 5 o'clock on the latter day the previous question shall be considered as ordered. The resolution went to the committee on rules.

More Incendiary Fires.

Port De France, Martinique, via Hay-tien cable, Feb. 20.—There were two more incendiary fires at La Trinite last night. It was announced yesterday that work would be resumed but only a quarter of the number of workmen were present. There are rumors of trouble near St. Pierre, and the French cruiser Troude, which returned from the LeMarr this morning, starts back for St. Pierre immediately.

Gen. Alger's Sawmill.

Seattle, Wash., Feb. 20.—Ex-Secretary of War Alger and Captain Bliss are planning to operate their extensive lumbering interests on Puget Sound, and will erect a large saw mill at Fair Haven. General Alger was in Seattle Saturday arranging the details of the enterprise. A. H. Shook has come from Michigan to be the general superintendent in the Northwest of the corporate interests.

BRITISH TROOPS CAPTURE COLENSO

Important Achievement by the Force Under Gen. Buller.

QUEEN CALLS HOME ARMY

Old Soldiers Besought to Take a Place in the Royal Reserve.

GOOD NEWS FOR LADYSMITH.

Queen's Announcement—Importance of British Strategic Victory—Movements of Boers.

London, Feb. 20, 2:56 p. m.—The war office has issued a dispatch from Lord Roberts, the main importance of which is the fact that it is dated Paardeberg 7:05 p. m., Monday. Paardeberg is thirty miles east of Jacobsdal. The dispatch announces that the railroad to Kimberley is open and that Gen. Methuen will proceed there with reinforcements for them forthwith, and large supplies will be forwarded to the town.

BRITISH CAPTURE COLENSO.

London, Feb. 20, 5:22 p. m.—News has been received here that Gen. Hart has occupied Colenso after a slight engagement.

Durban, Feb. 19, evening.—While Gen. Buller is continuing his movement on the extreme right and has made every disposition for the defense of his position to the left and south of the Tugela by maintaining a force adequate for that purpose, isolated parties of Boers sometimes cross the river. There is much sniping.

QUEEN CALLS RESERVES.

London, Feb. 20.—The queen, through her private secretary, Sir John Bigge, has sent the following letter to the commander-in-chief of the forces, Field Marshal Lord Wolseley:

"Osborne, Feb. 17.—My Dear Lord Wolseley.—As so large a proportion of the army is now in South Africa, the queen fully realizes that necessary measures must be adopted for home defense. Her majesty is advised that it would be possible to devise for a year, an efficient force from her army, who have already served as officers, non-commissioned officers or privates, and confident in their devotion to the country and loyalty to her throne. The queen appeals to them to serve her once more in place of those who for a time, together with the people of her country, are nobly resisting the invasion of her South African possessions. Her majesty has signified her pleasure that these battalions shall be designated the royal reserve battalions."

"ARTHUR BIGGE."

GOOD NEWS FROM LADYSMITH.

The queen, prior to leaving Osborne House this morning on her return to Windsor, inspected the fourth battalion of the Lincolnshire militia. Her majesty announced with a gratified smile, that good news had been received this morning from the seat of war.

Another account says the queen specified that the good news was from Ladysmith.

CAPTURED A BOER GUN AND SUPPLIES.

Kimberley, Feb. 19, by heliograph to Modder river, Feb. 19.—The country is all free around Kimberley. The Boers have evacuated Iffendell, Saltpan, Spiesfontein and Shifts Nek. One of their 12-pounders with ammunition was captured, as was also their laager at Dronfelds, which was abandoned on Friday night. Rails are being laid to Modder river. Several herds of cattle have been captured.

Cecil Rhodes is in excellent spirits.

CASUALTIES AT KIMBERLEY.

London, Feb. 20.—The war office announces the following casualties among officers during the relief of Kimberley:

Killed.—Lieut. A. B. Hesketh, 16th lancers; Lieut. The Hon. W. McLintock, Bunbury, second dragoons.

Wounded.—Capt. E. R. Gordon and Lieut. D. F. Brassey, ninth lancers; Captain G. B. Tison, sixteenth lancers; Lieutenants R. I. Fordyce and W. Long, second dragoons; Lieut. H. M. Durand, ninth lancers.

The list of casualties again demonstrates the fact that a number of mere boys are serving in South Africa. Lieut. The Hon. W. McLintock-Bunbury was the eldest son and heir of Lord Rathdown. He was born in 1875. Lieut. H. M. Durand was born in 1876. He is the heir of Sir Henry Mortimer Durand, British minister at Teheran, Persia. Lieut. W. Long was born in 1873. He is the heir of Right Hon. Walter Long, president of the board of agriculture.

JOY AT RELIEF.

Modder River, Monday, Feb. 12.—Although the rapid march of Gen. French's division was a fact, and that the fresh facts adduced in the correspondence published by the Independent Boer were strong grounds for a fresh inquiry.

Mr. Samuel Thomas Evans, liberal, seconded the motion. In so doing he agreed that there were strong grounds for suspecting that the colonial office and Mr. Chamberlain had prior knowledge of the events leading to the raid.

Mr. Chamberlain, amid profound attention, said there was absolutely nothing in what had happened since 1897, which could be raised as ground for a second inquiry. He then proceeded to review the whole history of the committee, and repeated his previous declaration, especially referring to the Hawkesley telegrams. Mr. Chamberlain ridiculed the grounds advanced for a new inquiry and said the "precious collection of documents," published by the Independent Boer, had been offered for sale to various London papers "which would not touch them with tongs," and he added they "found a customer in a friend of the Boers."

Shells for Boers.

Paris, Feb. 20.—According to a dispatch from Rennes a factory there has received an order from the Transvaal government for 150,000 artillery shells.

square whenever the inhabitants assembled. No horse food was left. Throughout the siege, Cecil Rhodes provided the natives with work and food, and thus kept them quiet. The miles of convey bearing provisions for the relief of the column and the town slowly winding its way across the plain in the direction of Kimberley, was the gladdest sight which greeted the eyes of the besieged for four months.

FRENCH'S VICTORY.

Gen. French's march was so rapid and the heat so intense that many of his horses died of exhaustion. At the crossing of the Modder river the Boers bolted, leaving their tents, guns, wagons, and large quantities of ammunition in the hands of the British. Moving northward, the Boers again attempted to stem the advance, but Gen. French turned their flank and reached his goal with insignificant losses—seven men killed and thirty-five wounded during three days from Wednesday, Feb. 14th, to Friday, Feb. 16.

After a night's rest at Kimberley, Gen. French's column pursued the Boers to Iffendell, surrounded the kopjes on which they were camped and shelled them all night long, when the Boers fled, leaving many dead. Gen. Cronje left his tents, food and clothes at Magerfontein.

NO DEFINITE NEWS.

In spite of the queen's announcement to the fourth battalion of the Lincolnshire militia this morning prior to her departure from Osborne House to Windsor, that good news had been received from the seat of war, the war office officials solemnly averred that they had received no news up to 1:30 this afternoon. Unofficially it is rumored that Gen. Kitchener has brought Gen. Cronje to a standstill, and has engaged him, and it is said the war office now is only awaiting the result of the battle. This, however, though plausible, may be premature. In any case the confident hope that Gen. Cronje has been cut off from Bitterfontein continues to prevail in London, especially in view of delayed dispatches saying the Free Staters, when they save the ends of the British forces, were in favor of surrendering.

The first train to Kimberley left Cape Town last night, and the neighborhood of the famous scene seems thoroughly cleared of the Boers.

Gen. Buller apparently is contenting himself with shelling the Boers from his newly gained position at Monte Cristo, which, according to good opinion, is likely to form his base for another attempt to relieve Ladysmith.

BOERS MAY LEAVE NATAL.

The Westminster Gazette's military critic says he believes the Boers have started northward in Natal, and will raise the siege of Ladysmith and reinforce Gen. Cronje.

But this note is regarded as rather optimistic, at any rate, until Gen. Buller has developed the Boers' second line of defense, which, on every attempt to reach Ladysmith, has proved impregnable.

A dispatch from Pietermaritzburg, dated Monday, Feb. 19, says all is quiet in Zululand and the Boers' main bodies are reported to be retiring upon Dundee and Helpmakaar, leaving small forces and two pieces of artillery at each main position.

According to a special dispatch from Tarkastad a refugee who has arrived there says the Boers are six thousand strong at Stormberg, but that at Burgersdorp they have only a small town guard.

BOERS IN FULL RETREAT.

London, Feb. 20.—The following dispatch has been received at the war office from Gen. Buller:

"How's Farm, Tuesday, Feb. 20, 4:10 p. m.—The fourth brigade yesterday took Hlangwana Hill, the right of the enemy's position, and commanding Colenso, the rest of the force advancing towards the Tugela. This morning the enemy has withdrawn all the troops north of the Tugela and had practically evacuated Colenso. Today Gen. Hart occupied Colenso after a very slight resistance by a weak rear guard, and we hold the Tugela on the south side from Colenso to Bagie's Nest. The enemy seem to be in full retreat and apparently are only holding the position they occupy across the Colenso-Ladysmith railway where it is close to the angle of the Tugela, with a weak rear guard. Hart's advance guard is crossing at Colenso.

"Our casualties yesterday and today have, I hope, been few."

JAMESON RAID INQUIRY.

Member of British Parliament Says it Was a Farce.

Wants a New Inquiry, When the Truth Shall be Made Known—Chamberlain's Denial.

London, Feb. 20.—The house of commons today was crowded when Mr. David Alfred Thomas, liberal, moved the reopening of the inquiry into the Jameson raid. Among those in the diplomatic gallery was the United States ambassador, Mr. Joseph H. Choate.

Mr. Thomas disclaimed any personal animosity against Mr. Chamberlain, the secretary of state for the colonies, but said the inconclusive nature of the first inquiry had created wide-spread dissatisfaction, which had deepened the indignation at the disclosures of the continental newspapers impugning the impartiality of the committee. He said it was in the interests of the nation and character and reputation of the house of commons and Mr. Chamberlain that there should be a full and searching inquiry.

Mr. Thomas further asserted that the previous inquiry was a farce, and that the fresh facts adduced in the correspondence published by the Independent Boer were strong grounds for a fresh inquiry.

Mr. Samuel Thomas Evans, liberal, seconded the motion. In so doing he agreed that there were strong grounds for suspecting that the colonial office and Mr. Chamberlain had prior knowledge of the events leading to the raid.

Mr. Chamberlain, amid profound attention, said there was absolutely nothing in what had happened since 1897, which could be raised as ground for a second inquiry. He then proceeded to review the whole history of the committee, and repeated his previous declaration, especially referring to the Hawkesley telegrams. Mr. Chamberlain ridiculed the grounds advanced for a new inquiry and said the "precious collection of documents," published by the Independent Boer, had been offered for sale to various London papers "which would not touch them with tongs," and he added they "found a customer in a friend of the Boers."

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WESTERN UNION GETS DESERET TELEGRAPH

The Old Utah System, So Potent in the Civilization of the West, Loses Its Identity.

Absorption Decided Upon After Negotiations Extending Over a Very Short Period of Time—Construction of the Old System was Commenced in 1865—First Message Sent to Ogden by President Brigham Young of the Company on December 1st, 1866—Incorporated January 18, 1867—List of Names of Officers—Names of Operators at the Stations First Established in Utah—Col. Dickey Left Omaha Today to Complete the Arrangements for the Transfer.

One of Utah's greatest and most potent agencies in the promotion of civilization in this part of the country is about to lose its identity and to be absorbed as an integral part of one of the biggest systems in the world. The foundation for this statement is the fact that the Deseret Telegraph company's system of telegraph lines has been sold to the Western Union Telegraph company. For a short time negotiations for the transfer have been in progress, and today a dispatch from Chicago to the "News" makes the announcement that the deal has been consummated, as follows:

"Col. R. C. Clowry, vice president and general superintendent of the Western Union Telegraph company, today completed the purchase of all the lines of the Deseret Telegraph company which have heretofore belonged to and been operated by the Mormon Church. To all the Mormon settlements in the States of Idaho and Nevada, and their construction by Brigham Young was in advance of the building of railroads and for many years they were the principal means of immediate communication for the Mormon Church and its business connections.

"Col. J. J. Dickey, superintendent of the Third District of the Western Union Telegraph company, with headquarters at Omaha, goes to Salt Lake this afternoon to complete the transfer of the property."

Beginning of necessity and reared in hardship and bloodshed—for the Black Hawk war raged around some of its poleless holes and wireless poles during the early days of its construction—the old Deseret Telegraph came to be a great factor in the development of the western country and was the means of facilitating the advance of civilization into the wilds and deserts occupied by Indians and wild beasts and feral men.

The construction of the lines of the Deseret Telegraph company was commenced in 1865, under a plan which had been previously formed by President Brigham Young, and on Dec. 1, 1866, the line between Salt Lake and Ogden was opened. The first message was sent at 5 o'clock on the afternoon of that day by President Young to President Lorin Farr and Bishop Chancey W. West, of Ogden, and the people generally, and was in the nature of a dedication of the system and congratulation of the people upon its completion. On Dec. 8th of the same year communication with Logan was opened and on the 25th, Mantle was connected up. By January, 1867, 500 miles of wire had been strung, and the cost was \$150 per mile. At this time the circuit connected Logan in the north with "Dixie" in the south, St. George having the southernmost station.