THE DESERET EVENING NEWS.

TRUTH AND LIBERTY.

FORTY-NINTH YEAR. WEDNESDAY, FEBRUARY 22, 1899. SALT LAKE CITY, UTAH. NUMBER 78.

LAW WAS NOT PRESENT TODAY

Certificate From a Physician Says That He Was Too Ill to Attend.

NEBEKER AND JACKSON TESTIFY

Lannan, Ivins, Hughes, Lien and Others Called This Afternoon—Testimony Will Probably Conclude Tomorrow—Powers Will Not be Subpenaed.

The principal witness in the Law-McCune bribery case—Mr. Law himself—was not present at the investigation today. He was, according to a certificate from Dr. Witcher, too ill to attend the inquiry. As a result the one "important question" that Judge Jackson proposed to propound to him remains unanswered. Mr. F. H. Lannan, who expressed a desire yesterday to be called as a witness and who was subpoenaed for that purpose, was not present, but will again be called. Representative Jackson was absent at the morning session but was on hand this afternoon as were also Messrs. E. G. Ivins, John W. Hughes and Newman Lien of the Herald. According to the attorneys on either side the investigation will probably conclude to-morrow evening, after which there will be one day for arguments. It is also thought one day will be all that the committee will require to make its report. Should that be true, that finding should be in readiness to the Legislature not later than Saturday. Judge Powers, it is stated, will not be asked to appear before the committee.

There was an air of peaceful quiet throughout the city and county building the morning when the committee assembled to resume its investigation of the charges. The tranquil condition of affairs was caused by the fact that all business was suspended in the various offices on account of this being a holiday. Most of the members of the committee, and all of the attorneys, were on hand promptly at 9 o'clock though it was twenty minutes when Chairman Shurtliff announced that the committee was ready to begin work. But a further delay occurred by reason of the absence of the principal witness—Mr. Law. Mr. Evans, his attorney, inquired of the sergeant-at-arms if he had seen Mr. Law this morning.

Gus King, who is the Senate sergeant-at-arms, and who is filling a similar role for the committee, replied in the affirmative. He had seen Mr. Law at his home profundo for which he is solely.

"I have not, sir."

"Did you tell him to be here?"

"I did, and he said he would."

Attorney Evans—Well, I told him to be here at 9 o'clock and I cannot understand why he is not.

Attorney Brown—Have you no other witnesses who can be examined in the meantime?

Attorney Evans—Not now, Mr. Brown. They will be here after a while.

The committee then adjourned to take an informal recess, or rather lay wandered about the Senate chamber and talked in groups, read the newspapers and chatted on various topics. Gus King was in fine fettle, for he had to keep the window searching for the lady witness. But he was unable to see the towering form of the Cache county sinner and came back to the room of legislation.

"Have you found him?" inquired Mr. Brown.

"Not yet," responded Gus King as he again looked out of the window with a tender-if-I'd-have-to-go-after-him look.

Then Gus went away. Just where the committee did not know, beyond the fact that he had promised to find some of the witnesses. He was gone a long time and while absent the committee debated the importance of the delay. At 9:45 Senator W. G. Nebeker wandered into the room, having been previously subpoenaed. He was informed that he was wanted to be one of the witnesses and testify, which he did.

W. G. NEBEKER'S TESTIMONY.

Said Senator W. G. Nebeker: I was born in a mud-cover house from the east district; is 35 years old; born here; occupation, mining; knows A. W. McCune quite intimately; knew him 10 years; knew him well; thinks the latter to be one of the foremost practical managers; thinks that crisis about first part of January that he was supporting McCune with one open vote; was present when Mr. Law, the Austin Nebeker, W. G. Nebeker, H. Beckstead, Mr. Perry, and Mr. Jackson to talk for Mr. McCune. If he could not do this, he would not work against.

Did he ever offer any inducements for your vote? I think he did.

Who was that? About Feb. 7, on the floor of the Senate hall in session, at 2:30 p. m.

Man tapped me on the shoulder, and asked for an interview in a private place. Went out in the hallway and there Law made remarks on behalf of McCune, he asked me to promise not to get mad at what he would say. Asked if I thought McCune could be elected? I told anyone can be elected if he can get a thirty-thousand vote and the campaign was costing a good deal of money, and desired that some of the church friends to get some of it. This Ivins said.

Mr. Law said: I am going to put it to you straight. "Will you take money for your support?" or else he said, "Is it true that you will take money for your support?" I told him that I would not talk with him about it. I walked away; I was getting angry.

Only once before he had tried to bluff me about the contest seriously, but the conversation was interrupted. This was in Perry's office.

CROSS-EXAMINED.

Made no reply to Ivins in Perry's office; witness gave McCune to understand that he would not vote for him; had opposed McCune by voting against him and by talking about him outside of legislative halls; had been in consultation with parties opposed to McCune; had free talked of conversation with Ivins to G. W. Powers in his office about two days prior to Saturday night, and to David Evans Thursday.

Mr. Johnson and Culburn were present when witness had been accused of being open to purchase over since closing of session; witness thinks another of these rumors; witness said he did not give a d—n what was said; Sloan did not say, "Nebeker, don't get angry, at what I shall say, but it is said you will take money for your support; is this true?" witness did not get angry with Sloan; intended to smash anyone on the nose that made such a proposition, and did not want to smash Sloan. Had been friendly with Sloan since; did not get angry at the time; did not want to hit Sloan; considered Sloan's proposal an improper inducement for his vote; did not remember what brought out his statement to Evans; some one had mentioned that Sloan had made this proposal to witness, and witness admitted that this was true; Culburn was talking about humorous poetry, it was in the Knutsford hotel, in Frank Cannon's rooms; Law was present; did not talk with Law about Johnson; talked about it; Johnson was there, thought Smith was there; did not denounce Sloan's proposition on the floor of the assembly simply didn't want to; thought Sloan's proposition was an offer; not Nebeker "Marshal" McCune had denied to witness that he, McCune, had said before the Legislature not that witness was a bribe-taker.

GEO. E. CARPENTER'S TESTIMONY.

Geo. E. Carpenter was sworn; lives in this city; telegraph editor of the Deseret News; interviewed McCune last Saturday afternoon; McCune was pacing up and down, agitated; did not want to talk for publication, said, "You may say it's a dead lie. I never was alone with the man in my life."

END OF MORNING INQUIRY.

The morning's inquiry ended at 11:29, when Mr. Carpenter had concluded his testimony. The committee then unceremoniously declared at the absence of the Senate sergeant-at-arms, who was supposed for the 9 o'clock session and so expressed itself. As the committee left the room Chairman Shurtliff said:

"Witnesses must understand hereafter that they cannot absent themselves in this manner without just excuse. This investigation must be proceeded with whether it suits their convenience or not."

Attorney Evans—I think that is true. I cannot understand why they should not be here. My case perhaps is also about exhausted.

Attorney Brown—Mr. McCune is very desirous that the investigation should be continued without further delay. It is of supreme importance to him that it should be and he asks that it go on.

Attorney Evans—I agree entirely with counsel in what he says. At the same time I must state that I have done everything in my power to have the witnesses here. Their absence cannot be in any way attributed to any lack of effort on my part.

LAW IS SICK.

After the committee had taken its recess until 2:30 this afternoon, Attorney Evans produced a certificate from Dr. Witcher stating that Mr. Law is too sick to attend the investigation of the committee today.

LANNAN AND JACKSON ABSENT.

The other witnesses who were expected to arrive and who had been subpoenaed to be present this morning were F. H. Lannan, manager of the Tribune, and Representative Jackson. The sergeant-at-arms went out in search of them and promised to bring them in in time for the afternoon session. Subpoenas were also issued for Mr. E. G. Ivins, city editor, and John W. Hughes and Newman Lien, reporters of the Herald.

C. M. JACKSON ON THE STAND.

Representative Jackson was sworn. Witness has lived in Salt Lake City since 1890; is a lawyer; lives and his office is in Ogden; has a wife and two children; is 38 years of age; a newspaper man for eighteen years; knew Mr. McCune.

"During the senatorial contest have you been improperly approached by any person in relation to your vote? According to my judgment I have. Give what led up to this attempt?

Objected, objected, saying that Jackson's testimony should be confined to matters as to what he knew not to what he could say. Mr. Ivins said that Mr. Harris and the latter being supposed to represent Mr. McCune.

Brown answered that it was merely a matter of order of procedure, he had no objection to hearing Mr. Ivins, but the latter had not yet been found.

NICARAGUA IS VERY SAUCY.

Once More She Gives Uncle Sam Cause for Offense.

CENSORS ALL CABLEGRAMS.

Warships to be Sent from New Orleans to Investigate the Inexplicable Action of the Republic.

New York, Feb. 22.—A dispatch to the Herald from Washington says:

Nicaragua has again and again offended the United States and is to be called to account for her impolite action.

Apparently at the instance of the Nicaraguan government such censorship has been applied to all cable and telegraph lines connected by Nicaraguan Kilovs that it has been absolutely impossible for the State or Navy Departments to communicate with their agents. Protests made to Senor Corea, the Nicaraguan minister here, are of no avail. Protests to the cable companies have produced no result. The administration has finally determined to take the matter into its own hands and has ordered a naval investigation preparatory to such action as may seem proper.

The cruiser Detroit will make the investigation. Her commanding officer, Commander J. H. Dayton, has been ordered to proceed to Bluefields from New Orleans to Bluefields, Nicaragua, where he will consult with Commander Miller, of the gunboat Marietta, now at Marietta, now there, and deliver to him the instructions that the navy department has been vainly trying to send by cable.

The Detroit will then proceed to Greytown, Nicaragua, where she will make an investigation into Nicaragua's peculiar action. He will be accompanied in his inquiry by Commander Symonds, who will remain at Bluefields, the center of the revolution, to provide protection for American citizens and interests.

"What is especially peculiar in connection with Nicaragua's refusal to accept passenger or for the American agent within its boundaries is that its lines are maintaining connection there the British warship and British agents in Nicaragua and British officers outside that country. In some cases there is a belief that the Nicaraguan government is endeavoring to carry favor with Great Britain, just for what reason, however, is not apparent, in view of the long-standing of the London government to abrogate the Clayton-Bulwer treaty so as to give the United States a free hand in the construction of the Nicaragua canal. Dispatches sent to the Marietta have been addressed "Marietta, McCune Island," but they went no further than the lines controlled by foreign corporations.

Nicaragua's action is very annoying and as soon as the authorities were convinced that subcontrabe sent to American agents were deliberately held up, Senor Corea was summoned and through him a protest was made to President Zelaya. A satisfactory explanation has not been made nor have the authorities been able to get any communication with the last few days.

It is said there is no excuse for the refusal to transmit messages to Greytown is in possession of President Zelaya's government, and operations of the insurgents are confined to Bluefields and vicinity. Moreover, the American naval vessel at Bluefields is simply to afford protection for American interests, and it is said that President Zelaya might fully understand that. It may be, however, that he does not desire the true condition of affairs to be known to the outside world, and this may be the reason for the censorship. Should the abuse continue, the cruiser will go far as to direct the Detroit to take temporary possession of the cable station at Greytown in order to get a message through.

Search for Remains of Cremated Family.

Chicago, Feb. 22.—While friends and relatives are anxiously awaiting news of the charred remains of Postman Frederick H. Marty, who perished with his wife and baby in the Arlington flats fire, Feb. 11, a point has come to the surface in connection with the fire that has caused considerable comment. Only three months ago Marty joined Gertie B. McClellan Council No. 400, Royal Arcanum. He took out $2,000 policy, making his wife, Agnes Marty, the beneficiary. In case it is proved that the Marty family perished in the fire, the question of survivorship has arisen and before the face of the policy can be paid, proofs of existence must be furnished either Marty or his wife died first.

The decision on this question will determine whether the money shall be paid to Mr. or Mrs. Marty's heirs.

Mrs. Marty's relatives claim to have parents living, and Captain John J. Healy, Marty's superintendent at the postoffice, says he was a blood mother in New York, to whose support he contributed.

Men from the department of public works will today inaugurate a systematic search through the Arlington ruins. The opinions prevails that the Marty bodies will be found.

School Teachers' Authority.

St. Louis, Feb. 22.—The St. Louis court of appeals has handed down a decision in the case of the State to the use of S. Beatty against John Barry et al. from Barry county, sustaining the lower court's decision that teachers are empowered to preserve discipline outside of the school room only while the pupils are on their way going from their homes to school and in returning to their homes. The court of Beatty refused to obey the school teacher who told him to accompany a pupil home and was expelled from school. The school board sustained the teacher and the court sustained the school board.

Well Known Western Journalist Dead.

New York, Feb. 22.—Newton Dexter, the well-known newspaper man, died in this city last night of dropsy, aged about 50 years. He was formerly editor of the Rocky Mountain News of Denver.

Civilians Sigh for Military Honors.

Washington, Feb. 22.—In anticipation of the passage of a general army reorganization bill, a great number of civilian applications are being filed in the war department for appointments as second lieutenants in the army. The bill will make 265 second lieutenants to the regular army and it is semi-officially announced that if it passes the appointments are to be made from civil life on the basis of about two applicants to each congressional district. Eight examinations will be held before appointments are made, but only persons having the endorsements of the war department will be permitted to compete.

Passengers' Privileges on Transports.

Washington, Feb. 22.—In view of the fact that the passenger accommodations of army transports are now called to the attention to meet the needs of persons going to Cuba, Porto Rico and the Philippines in the service of the United States, Acting Secretary Meiklejohn has issued an order that hereafter no further transportation privileges shall be granted on vessels of the war department going to those islands to any one not connected in some manner with the public service.

Three Big Failures in New York.

New York, Feb. 22.—Louis Wendel, well known as a manager of hotels and places of entertainment, has filed a petition in bankruptcy. Liabilities, $6,000; assets, none.

Simon Dennis, once known as "The Carbon King" and who has lately been a Bowling manager, has filed a petition in bankruptcy. Liabilities, $25,000; assets, none.

Joseph Kraus, a partner in the cigar manufacturing firm of Oscar C. Hoge & Company, has filed a petition in bankruptcy. Liabilities, $15,000.

Frozen to Death in Bed.

Newark, N. J., Feb. 22.—The dead body of Mrs. Nancy L. Farrant, who was frozen to death during the recent cold snap, has been found near her home, over this county. Mrs. Farrant was a widow nearly eighty years of age and lived alone.

She had been in the habit obviating the necessities and not being seen for somedays. Her death was discovered from her being in a bed frozen stiff.

COMEZ ON THE SITUATION

General Says that the Cuban Birthright is Not for Sale by Patriots.

Will Arrive in Havana Tomorrow—After a Few Days He Will Confer with Officials.

New York, Feb. 22.—A dispatch to the Herald from Havana says:

General Gomez, in an interview, said: "Cuba must decide its own future, and I realize that the present problems are quite as serious as those solved by force of arms at Santiago. The blood for which blood has been so freely spilled may be thrown away by a free exercise of folly. But the conduct of the real Cubans since the protocol was signed by Spain and the United States must challenge the admiration of the world. Our forces, half of them, without authorized commissions, have kept the peace and complied in every respect, when they flocked to us when victory was assured, to the letter of the agreement.

"Brigandage might have been expected, but there has been none. Some Spanish agents have recently been discovered in the act of stirring up disturbances and the Cubans have apprehended him. No reprisals have been visited on those who had favor our cause during the insurrection.

"We now invite all classes to join us in forgetting that we are Cubans and in the people of the island. My greatest ambition is to see Cuba free and independent, and its people united in a strong government, peace and prosperity. This can be accomplished more easily than many think. The Spaniards in Cuba are displaying a willingness to meet the Cubans half way. They are beginning to earn their no doubt welcome and protection for all.

"Since January the sentiment throughout Cuba has changed materially. Another two months will see all classes fraternizing. One cause of delay has been to find out the feelings expended by the insurrection back ten did it reason to the people of the United States glad the civil war in the United States."

It was with the greatest difficulty that Gen. Gomez was persuaded to discuss the relations existing between Cuba and the United States. He said: "Let me be frank. I am tired of being asked for an understanding with the representatives of the American government. At last he said: "There has been so much misrepresentation of Cuba that the American people, perhaps, not blameworthy, if they have relegated the Cubans, but of one thing I am sure, the American people will judge their deep sense of gratitude to the Americans. On where you will on this island and you will find Cubans and American flags floating together. But that does not mean that the people of Cuba are not ready to defend their rights.

"If good judgment and forbearance be used, Cuba will ever acknowledge a commercial and sentimental debt to the United States, but that these who have risked their lives and those who have sacrificed their homes, and all of patriotism, cannot be expected to relinquish their fondest hopes, even at the intuition of the United States, and I will ever be ready to defend the birthright of almost said terrible—a begging, blind in the heart of Cuba.

"Patriotism and love of country can never be properly weighed in the balance against any material advantage. Cuba may be rich, but it is not because they cannot see the financial advantage of a free Cuba, but because the Cuban birthright is not for sale.

"Now, let me say that unless I greatly misjudge the people of the United States, the majority of them will defend the rights of Cuba as outlined by the resolution of the Congress, made by Congress.

"The selfish politicians in the United States form a dangerous element, as they do in all other countries, but they cannot control the people, the people, in whose hands the future of Cuba is safe.

"You ask what proportion of the immediate troops will return to their ordinary occupations when the forces are disbanded. The answer is simple. Cuba has kept the peace since the war ended—all of them. They want money to give them a respectable start and I know some means will be discovered of providing that those who return to the fields should have a poke of open and well. Much can be accomplished with the $3,000,000 provided by President Hobart, but more will be needed. With Cuba's natural resources pledged as security, there will be little difficulty in securing a loan sufficient to pay the army in full. Those who are entitled to pay will have it. Those who are not entitled to it will receive not one cent. There will be no pudded rolls. But this is a matter which will be discussed with better judgment after I have conferred Havana and conferred with the American officials.

"There has been some complaint, I am told, because I have not hurried to Havana. I had a greater duty in performing bringing about a reconciliation between those classes that have been separated for four years. I shall reach Havana on Thursday and after a few days devoted to the people shall proceed with those conferences to which I have been invited."

NEGROS HAS SUBMITTED.

Four Commissioners from the Island Offer Allegiance to Uncle Sam.

STARS AND STRIPES ARE HOISTED

Filipino Insurgents Driven Out of the Island of Negros by Its Inhabitants Who Welcome the Americans and Are Willing to Accept Any Proposition.

Manila, Feb. 22, 12:45 p. m.—While the guns on the city walls and those on board the ships of the Admiral Dewey's fleet in the bay fired a salute in honor of Washington's Birthday, four commissioners from the Island of Negros had an interview with Maj. Gen. Otis and informed him that the American flag had already been raised over that island and that its inhabitants were ready, anxious and willing to accept any proposition the Americans might offer. The insurgents have been driven from the island entirely.

Although the Indio rebels have given the people of Negros much trouble especially in the matter of financial assistance made by the rebel leaders, the inhabitants of Negros have persistently held aloof, and now, through the commissioners, announced that they wanted the advice and help of Gen. Otis. The latter assured them that the Americans would provide an acceptable government and in the meantime he instructed them not to pay the rebels anything. The Negros commissioners were delighted with their reception.

The United States cruiser Charleston is cooling here preparatory to starting on a cruise.

The United States gunboat Bennington arrived here today from the island of Guam. The United States transport St. Paul has arrived here from Iloilo, but she did not bring any news of importance.

SECRETARY ALGER RECEIVES THE NEWS.

Detroit, Feb. 22.—Secretary Alger was surprised and gratified today on being shown the Associated Press dispatch announcing voluntary raising of the United States flag by the inhabitants of the island of Negros. Asked his opinion as to the effect upon the Philippine campaign of the attitude of the Negros, the secretary replied:

"We cannot judge the nature of those far away people as well as we do that of the Cubans and Porto Ricans. It seems to me, however, that this act on the part of a representative tribe will have a tendency to dishearten the more hostile of the Filipinos. It is gratifying news at any rate."

CLASH IN FRENCH GUIANA.

Another Sensational Boundary Dispute is in Progress Between France and Brazil.

Commissioners are Escorted by Armed Forces—Harsh Orders Regarding Customs are Issued.

Kingston, Jamaica, Feb. 22.—Advices received here from Cayenne, French Guiana, say that the joint commission appointed to inquire into the boundary question between France and Brazil, has just been heard from on the Cunani river. The news was more sensational than satisfactory, and for some reason the colonial government was doing its utmost to suppress the facts.

The correspondent says that both commissions went out, escorted by heavy escorts equally armed. The Frenchmen had the gunboat Jouffroy and fifty Senegalese soldiers, and the Brazilians had the gunboat Guarany and an equal number of troops. A collision occurred between these two forces in the interior. There were no details, and it was not publicly known whether there had been any bloodshed. The fact that the governor immediately issued a proclamation ordering all troops to the front without waiting to communicate with Paris was thought to indicate that the skirmish was serious.

The French government has issued an order that all liberated convicts be sent to Inrae in the colony shall be conveyed thither in March. This information and rumors of the arrival of the convicts only on many non respectable citizens in Cayenne, who are now trying to make any distinction between the reformed and the incorrigible cut-throat element, and the consequent protests have been and becoming a menace to the colony, all have been published in detail in the local newspapers.

According to the Guiana newspapers the authorities there are on the outlook for trouble between the French and the border, and this is perhaps the greatest aspect of the affair. If the French government should succeed in establishing a monopoly of the rubber trade, it will