

THE DESERT EVENING NEWS.

FIFTY-SECOND YEAR

TUESDAY, OCTOBER 8, 1901. SALT LAKE CITY, UTAH.

NUMBER 275.

MEANS MUCH FOR SALT LAKE CITY.

Victory at San Francisco, Says Judge Powers, Will Hasten Coming of the Postal Telegraph.

According to Judge Powers, counsel for the Postal Telegraph company in Utah, that great transmitter of intelligence will surely reach Salt Lake next year, as early as the spring time, he thinks. His conclusion is based upon information received by him today in a dispatch from the company's attorneys at San Francisco and from the following Associated Press telegram under date of last night:

"The United States circuit court of Appeals for the Ninth district today affirmed judgment in the case of the Oregon Short Line Railroad vs. the Postal Telegraph Cable company. This was a suit for condemnation of land held by the railroad company. The court decided that the purpose for which the telegraph company would use it was more important than that of the railroad company."

According to Judge Powers, this ruling is practically the beginning of the end of the long and expensive legal battle between the Postal Telegraph and Cable company and its opponents. The Postal, he declares, is already to build existing gaps and put Salt Lake in communication with all points over its wires. The saving that will accrue to Salt Lake will amount to many thousands of dollars annually in telegraph tolls. It will also insure a much better service as each company will doubtless vie with the other in the prompt dispatch and delivery of messages. It is estimated that the reduction to Salt Lake, in tolls, will be at least one-third over the present cost. Judge Powers, in speaking of the case today, said:

"The decision of the United States circuit court of appeals at San Francisco yesterday, in favor of the Postal Telegraph and Cable company of Idaho and against the Oregon Short Line railroad, is one of great importance to Salt Lake, as well as to the Postal Telegraph. As a result of this decision the

right of the Postal company to build its telegraph line along the Oregon Short Line railroad and the Utah state line to the Montana state line is confirmed. But the decision accomplishes more. There is a suit pending in the United States circuit court for Montana, between the Postal Telegraph and Cable company of Montana and the Oregon Short Line involving the right of way from the Idaho state line to Butte. As Montana is in the same judicial jurisdiction as Idaho, and as the same questions are involved in the Montana case as were involved in the Idaho case, the decision at San Francisco virtually determines the Montana case in favor of the Postal company.

"In May last the Supreme Court of Utah in a case between the Postal Telegraph-Cable company of Utah and the Oregon Short Line, rendered a decision giving the Postal company the right of way from Salt Lake City to the Utah state line. It will, therefore, be observed that at last, and after our two years of litigation, the Postal company will soon be able to build north from Salt Lake City to Butte, there connecting with through lines of the Postal east and west, and giving to the people of this section additional telegraph facilities and a competing line. The main fight has been fought out, and just as soon as the remittitur comes down from the court of appeals, and the Montana case disposed of, the Postal company is ready to proceed with the work of construction."

"There is a case pending at Ogden involving the right of way between Ogden and the Wyoming state line along the Union Pacific. That case will soon be disposed of as our Supreme Court has decided all the questions involved in favor of the Postal company. Proceedings are about to be commenced for the right to build through Wyoming and thence on through Nebraska to Omaha. A connecting line from Cheyenne to Denver, and it is the purpose to build west from this city to the Pacific coast. I think that in the early spring the line will be opened to Butte and thus connecting Salt Lake with the rest of the world and the many thousand offices of the Postal Telegraph-Cable company."

LIFE IMPRISONMENT FOR MAJORS

Judge Hart Tells Murderer of Captain Brown That the Best Interests of Society Demand the Imposition of Such a Penalty.

(Special to the "News.")

Logan, Oct. 8.—Abe Majors, the slayer of Captain Brown, appeared in the First district court at 11:30 this morning to receive his sentence, which Judge Hart made a life imprisonment.

Attorney A. J. Weber made a motion for a new trial, based on seven errors alleged to have been made by the court. These were mainly what the court said and decisions on questions of law and that the verdict was contrary to the evidence. The motion was denied. Then the attorney moved an arrest of judgment, and that also was denied.

District Attorney Nebeker asked the privilege to make a brief statement, but the court said that unless it was a plea for leniency the court could not hear it. Judge Hart then turned up Majors and ordered him to stand up. The latter arose and stood in that nonchalant attitude that has characterized him ever since he was arrested. Judge Hart asked him if he could state any reason why sentence should not be passed upon him and he replied, "None whatever."

The court then said: "All the interests of society demand that you be given the full sentence provided by law. Your action after you were paroled proved that you are not safe when entrusted with your freedom. The sentence of the court is that you be taken hence to the Utah State prison for the term of your natural life."

While the sentence was being passed upon him the face of Majors remained as immoveable as stone.

He will be sent to Salt Lake this evening in charge of Sheriff Rigby of Cache county.

FUTURE IS FULL OF GLOOM.

When Majors Enters Prison It Will be to Remain There Until Death.

"He who enters here leaves hope behind," applies with peculiar force to Abe Majors just now, as he is about to become an inmate of the state prison again; for it is not likely that he will ever get another trial, and it is by no means certain that he would even be acquitted by another jury.

The general public which has followed the devious windings of his case will be interested in knowing something of the treatment that the officials accord to life prisoners. It is thought that a different discipline is a part of their experience, but such is not the case. The treatment of a life and one year prisoner is identically the same regardless of time or offense, except that the life prisoner is never permitted to pass outside the walls when once within. When he enters and is under parole until death or until some operation of law gives him his liberty. Majors may possibly get the benefit of the latter, but it is safe to say that it will be a long time in the future.

When Majors was in prison before, he was under condemnation, and a county charge, and, therefore, not compelled to work. Hereafter, he will be obliged to take his place at the prison rock pile as other prisoners. This, it is said, is about the only work he ever did. That he was at Potosi prison, California, where he was serving a ten years' sentence for burglary. He had served about two years of that and was under parole when he fled from the state and came to Utah only to get into the trouble, that resulted in the killing of Captain Brown and his own brother.

TWO BULLETS IN THE FOREHEAD.

Peter Francis Shot and Killed by Dave Russell—Mystery Surrounds Immediate Details of Shooting—Bad Blood of Long Standing.

(Special to the "News.")

Price, Utah, Oct. 8.—Peter Francis was killed last night at his ranch, forty miles from here on the Vernal road, by Dave Russell, a stage driver. Bad feeling has existed between the two for some time. Francis' road ranch is the first station out and it is here the stop is made for the night. There is a bar-room at the place and it was here that

the killing occurred. It cannot be ascertained what led up to it, as Russell, who has just come in and gave himself up, refuses to talk. Those present have no reliable story to tell, as the lights went out when the trouble began and all was confusion. The two bullets fired took effect in the forehead and were as accurately sent, it is said, as though made at target practice.

D. Krause Arraigned for Treason. London, Oct. 8.—Dr. Krause, the former governor of Johannesburg, who was arrested September 2 on the charge of high treason, was arraigned in the extradition court at New Street today, and charged with high treason and incitement to murder. The former charge is connected with the surrender of Johannesburg, when, according to the public prosecutor, Dr. Krause obtained from Lord Roberts 24 hours' armistice on the plea that street fight-

ing would thereby be obviated, and utilized the period in getting all the Boer fighters out of town and in sending £150,000 to Pretoria. After Dr. Krause had been paroled he went to Europe and applied to Dr. Leyds, the agent of the Transvaal for money on account of these services.

The prosecution introduced evidence to show that Dr. Krause was in communication with Dr. Cornelius Boreckman, the public prosecutor of Johannesburg, who was executed September 4

for treason and that he urged the necessity for shooting or otherwise disposing of Douglas Easton, English lawyer attached to Lord Roberts' staff, who was very active against the Boers.

The prosecution introduced letters in which Dr. Krause described Lord Milner as "an arch snake and a cowardly Boer" and expressed a willingness to break the backs of the Boers to break their oaths and shoot traitors.

The letters indicated that Dr. Krause acted as a channel of communication between the Transvaal and the Boer government in Holland.

The prisoner was remanded.

Delano Mill, Founder, Burned. Boulder, Colo., Oct. 8.—The Delano mill for the treatment of gold and silver ores, with offices, ore houses and other buildings, occupying about five acres of ground, was destroyed by fire this morning, involving a loss of \$100,000, partially insured. The mill was owned by Rhode Island capitalists.

Don Carlos Favors Peace. Paris, Oct. 8.—Baron Sainarere, the Carlist leader, who is now in this city, discredits the reports from Spain of insurrection and of Carlist revolt. He says Don Carlos at present favors peace.

P. E. HOUSE OF DEPUTIES.

Result of Yesterday's Debate Modified by a Clerical Error.

San Francisco, Oct. 8.—The result of the protracted debate in the house of deputies, which ended yesterday in the apparent adoption of the proposed addition to article 10 of the new education providing for a form of service, not strictly in accordance with the prayer book, was nullified this morning by the correction of a clerical error. The change of the vote of Nebraska, which had been incorrectly entered in the record, resulted in the defeat of the amendment to the constitution of many, who had not considered the fact that a majority of the delegates voting is necessary to carry a measure and that the vote of divided delegations virtually counted among the nays. Although the defeat of this much debated measure, commonly known as the Huntington amendment, was apparently accomplished by the changing of the erroneously recorded vote of Nebraska, a well informed deputy states that the really due to the division of the vote of California. This division yesterday voted "yea" at first but afterwards a belated deputy came in and recorded his vote as "no," thus placing the entire vote of the division under the deal of "no."

After the formal opening of the house of deputies today a rule proposed by the committee on rules was adopted providing that no business be introduced after Saturday, October 12, except by permission of a two-thirds vote.

A majority report of the committee was made that it was prepared to make a recommendation upon the memorial from Milwaukee and Colorado that the name of the church as it appears on the title page of the prayer book be changed. A majority report was presented recognizing that a constitutional amendment would also be required and asking that the whole matter be referred to a special committee to be appointed by the chair. A similar majority report was made in regard to the resolution of the Rev. W. H. Taylor of Los Angeles. The committee also reported that it was the opinion of the committee that the constitution of the church should be amended to provide for the amendment of the prayer book.

The reading of the minutes developed a question of the correctness of the vote by which the Huntington amendment was defeated yesterday. It was claimed that the division of the vote of Nebraska was wrongly recorded in the affirmative. The minutes were corrected, making the clerical vote of Nebraska no. This changed the result, defeating the amendment.

A letter was read in the house announcing the death of Bishop Burgess of the diocese of Quincy.

On motion of Dr. Grosvenor an invitation was extended to the lord bishop of Newcastle to occupy a seat on the platform.

Mr. J. P. Morgan presented a memorial from the church clubs of New York and other cities in regard to a bishopric in the Philippine Islands.

Peter Sterling Wins. Lexington, Ky., Oct. 8.—Peter Sterling won the \$15,000 Kentucky Futurity in straight heats; Walnut Hall, second; Hawthorne, third. Time, 2:13, 2:11 1/2, 2:11 1/2.

Two More Morgan-Chadwell Victims. Middletown, Ky., Oct. 8.—Wm. Morgan, son of R. G. Chadwell, wounded in Sunday's fighting at Union Baptist church, near Big Springs, Va., died last night. This makes six dead from that feud encounter. A large party, headed by Bud Chadwell, the brother of R. G. Chadwell, has left Middletown armed with Winchester to join the Chadwell forces. Arms and ammunition are being secured from surrounding towns. Augustus Morgan, aged 8, father of the Morgan boys, is endeavoring to bring about peace. As he is well liked by the Chadwells his efforts may be successful.

China Appoints Agents. Washington, Oct. 8.—Minister Conger has cabled the state department a brief confirmation of the Pekin report that, by royal decree, the Chinese government has appointed specially empowered representatives to treat with Mr. Sharratt and such other officials as may be appointed in behalf of the European nations to negotiate trade and tariff treaties.

Trial of ex-Secy. Caleb Powers. Georgetown, Ky., Oct. 8.—The second trial of ex-Secretary of State Caleb Powers as accessory to the murder of Governor Goebel, began today. Judge Cantrill read an affidavit filed by the prisoner's attorneys, setting forth the alleged partnership of the court, that the judge is a candidate for senator and deeply prejudiced against the defendant personally as well as politically, etc. Commonwealth's Attorney Franklin argued that the affidavit was a mere recitation of the prisoner's conclusions and opinions over his alleged inability to get a fair trial. Col. Campbell delivered a bitter speech against those who thus reflected on the court.

Judge Cantrill refused to vacate the bench, saying the affidavit should have been filed before the judge had taken any action in the case. He refused to discuss the petition of the affidavit which related to himself, but denied that the jury in the former trial had been unfairly chosen.

The defense and the commonwealth then proceeded with the trial.

PATENTS GRANTED WESTERNERS (Special to the "News.")

Washington, D. C., Oct. 8.—Patents have been granted Thomas DeLamore, Tooele, Utah, for a neck yoke center, and John F. Sanders, Boise, Idaho, for refrigerating, cooling and freezing apparatus.

INTERESTED IN MISS STONE'S FATE

At Philippopolis, Bulgaria, It Grows More Intense.

GOVERNMENT CONDEMNED.

American Consul in Salonica to Arrange to Pay Ransom—Missionary Haskel Negotiating.

Philippopolis, Bulgaria, Oct. 8.—Public interest in the fate of Miss Ellen M. Stone, the kidnapped American missionary, intensifies here. There is widespread condemnation of the government for allowing such freedom to the Macedonian committee as to enable it to engineer the outrage. Miss Stone resided here before she went to Salonica and she is well known throughout the country. The patriotic Bulgarians are incensed, as they recognize that Miss Stone and her colleagues of the American missions in Bulgaria and Macedonia have been their best friends throughout the troubles. There is no lack of indications that Prince Ferdinand is impelling his own position by permitting such license to the committee as to enable it to blackmail prominent people in support of the Macedonian cause.

Consul-General Dickinson, when here on his way to Sofia from Constantinople, thought it probable that if the brigands understand from headquarters that the ransom would not be paid, they would be inclined to release the kidnapped Miss Stone, as the Macedonian cause would not be helped by the murder of the woman.

TO PAY THE RANSOM.

Paris, Oct. 8.—A letter received by the Havas agency from Salonica, dated Oct. 4, says:

"The American consul here has just received orders to make the arrangements with the veil (government), for the payment of the ransom of Miss Stone. The United States will advance the money, afterwards settling with Turkey."

"The Turkish authorities have made numerous arrests among the Bulgarian population, without distinction of religion and nearly all have been put to torture in the hope of abstracting information. A prisoner named Dimitri said an understanding existed between the Protestants and the Catholics, and that the captain of the band designated for the payment of the ransom a place in proximity to the Roumanian frontier which proves that he hopes to escape the Turkish police, and that the Bulgarian police do not cause him anxiety."

This condition of affairs is shown by the fact that five or six bands of brigands of 12 to 15 men each have been reported to be in the district of Philippopolis.

The officials of the oriental railroad have requested the Turkish military authorities to reinforce the troops guarding the track and bridges.

NEGOTIATING WITH BRIGANDS.

Constantinople, Oct. 8.—Mr. Haskel, the American missionary at Samanakkoff, Bulgaria, is opening negotiations with the brigands with the view of rescuing the amount of the ransom demanded for the release of Miss Stone.

STATE DEPARTMENT INTERESTED.

Washington, Oct. 8.—NA since the successful attempt to save the life of John Hay, the American ambassador in London, has the state department put forth such energetic efforts to save a human life as it is now exerting in behalf of Miss Stone.

The American ambassador in Constantinople, who was captured by Bulgarian bandits. A sum of money has been forwarded by the agency of the cable to Spencer Eddy, the United States secretary of legation at Constantinople, to be used in the ransom of Miss Stone.

The United States government is now at work. Should these measures fail, then the ransom money must be paid and that is why Mr. Eddy has been placed in possession of the cable. The state department officials deprecate most earnestly newspaper discussion of the measures it is taking in Miss Stone's behalf, claiming that it is being greatly embarrassed in its efforts by such publicity. Consequently the officials refuse to give any information concerning the case beyond the merely negative statement that they have not been informed of the ransom of Miss Stone.

Two Murderers Hanged. Philadelphia, Oct. 8.—Charles Perry and Henry Ivory, colored, were hanged today in the county prison for the murder of John Wilson White, professor of law at the University of Pennsylvania. Their motive was robbery.

Fatal Railroad Wreck. Middletown, Ky., Oct. 8.—A wreck on the Louisville & Nashville railroad at Wasota, Ky., seven miles north of here last night, resulted in the death of Engineer James Schumate of Middletown, James Hale, brakeman, was, perhaps, fatally injured. The wreck was caused by a cross tie being placed on the track. A man was arrested at Wasota charged with the crime.

P. E. Triennial Convention. Philadelphia, Oct. 8.—The triennial Episcopal convention opened its sessions promptly at the announced time today. Many interesting matters are being considered and the members of both houses are desirous of expediting the work of the convention. The house of bishops is expected to take action on the addition to article ten of the constitution which was adopted by the delegates to the deputies, but as the session will be executive nothing will be given out until adjournment. The prayer service in the house of deputies this morning was conducted by Bishop Partridge of Kyoto, assisted by Rev. James B. Winchester of St. Louis. When

the house was called to order by President Lindsay the consideration of business was immediately resumed, the first matter to come up being a motion to correct a reported error in the note taken yesterday on the amendment to article ten of the constitution. This gave rise to considerable discussion.

At St. Luke's church the junior branch of the Daughters of the King held a meeting this morning.

The senate later considered matters pertaining to the good of the order.

There will be a big missionary rally at the Mechanics pavilion tonight.

DUTY ON RUSSIAN SUGAR.

M. DeWitte Wants to Return to the Status Quo Ante.

New York, Oct. 8.—A dispatch to the Journal and Advertiser from St. Petersburg quotes the director of the chancery of the minister of finance, Shipoff, as follows on behalf of M. DeWitte:

"The inquiry of the minister of finance concerning his views on the United States, eventually entering a course of more liberal commercial agreements was forwarded to Sotshi in the Caucasus where the minister is temporarily staying. His excellency is of the opinion that he will be glad at any time to return to the status quo ante on the raising by the United States of the duty on Russian sugar."

In order to give an answer regarding Russia's attitude toward a more liberal commercial policy of the United States it would be necessary to know what, in the concrete, this policy might consist.

Bubonic Plague in Brazil.

Rio Janeiro, Oct. 8.—On Thursday three new cases of the bubonic plague were reported, and Friday there were fifty-four persons have been stricken so far with the disease.

Senior Mero Presents Credentials.

Washington, Oct. 8.—Before the cabinet assembled today the new Argentine minister, Senior Don Martin Garcia Mero, presented his credentials to the president and Secretary of State. He made the presentation. The usual expressions of good will were exchanged.

Presidential Appointments.

Washington, Oct. 8.—The President made the following appointments:

War—Captain Artillery: Lawrence G. Brown, Major General.

Navy—Clifford H. West, captain; George H. Stafford, lieutenant commander; Raymond Stone, lieutenant; John M. Hughes, lieutenant.

Chicago Bus-Car Factory Burned.

Chicago, Oct. 8.—Fire early today destroyed the McCook, Cracker & Biscuit company's factory at 46-50 Green street, causing a loss of \$100,000; damaged Drew and Hoffman's brewery adjoining to the extent of \$30,000, and drove guests of several hotels nearby into the street in their night clothes.

The flames started in the bakery and within five minutes the whole structure was a blaze. Twenty-seven roomers in a lodging house at 52-54 Green street had a providential escape. They had been aroused by a fierce fight between two lodgers, and seeing the fire, rushed into the street a few minutes before the south wall of the factory toppled over, crushing in the roof of their dwelling place.

The firemen soon abandoned their attempt to check the flames, fast eating up the cracker plant, and confined their efforts to preventing the fire from spreading. In this they were successful. Among other questions he was asked by Capt. Lemly if he had had any conversation with Commodore Schley during the blockade. He replied:

"Toward the evening of one of the days, the 30th, there was an extended conference with Commodore Schley. I had feared Cervera had gotten out as it was sufficiently long to have permitted him to do so. I went on board the flagship the next day, thinking it my duty to tell the commodore what I had seen as to the blockade as kept by the Japanese off the port of Wei Hoi Hai, where similarly an enemy's fleet was within a fortified harbor. I said to the commodore that the adoption of the weather, but the witness forming a circle directly in front of the harbor, would, in my opinion, be preferable, as then it would be difficult for anything to get out."

Judge-advocate—Was there any reply by the commodore?

"I cannot testify exactly as to his reply. I would prefer not to do so."

Judge-advocate—Give the substance.

"He did not agree with me as to the necessity for further action by him."

"Was there anything further said by him?"

"Nothing further that I recollect."

Capt. Folger also said that he had no recollection of a picket line on the inside of the American fleet.

At the request of Capt. Parker of counsel for Admiral Schley, the witness examined the log of the New Orleans for May 30 and 31, 1898, for the purpose of determining accurately the date of the weather, but he declined to modify his statement of yesterday that the weather on those days was bad.

LEUT. DYSON CALLED.

Capt. Folger was then excused and Lieut. Dyson was called. He was questioned by Capt. Lemly concerning the steaming condition of the Brooklyn on July 3.

The judge-advocate asked: "What does the Brooklyn's steam show as to the number of engines coupled up to the boilers in use July 3, 1898, as compared with the total engine and boiler power of the vessel?"

The reply was: "The Brooklyn has four main engines, two on each shaft, connected together by coupling. She has seven boilers, five main and two auxiliaries. On the morning of July 3 both forward engines were uncoupled; there were banked fires under three of the main boilers. The other boilers were what we call 'dead,' no steam in them. Judging from the time it took to start fires in these boilers after the Spanish fleet came out of the harbor, I should say the furnaces were not even primed, and two of the boilers had to be run up to the sea steaming level. It took from 9:35 to 10 o'clock to start fires."

In response to other questions the witness detailed from the log of the Brooklyn all that was done on that vessel to get up speed.

Mr. Raynor asked if it was not necessary to stop the ship to couple the uncoupled engines, and the witness replied that the ship could have been kept going with one engine while the other was coupled.

OREGON'S GREAT SPEED.

The engines were designed, he said, to be kept coupled during war. Discussing the speed of the various vessels of the fleet on July 3 the witness said that the Oregon got up a speed about equal to the Brooklyn on that day, notwithstanding that on her trial trip the Brooklyn made over 21 knots to the Oregon's 17 knots. He called attention to the fact that the New York had made 16 or 17 knots' speed on the day of the battle.

Mr. Parker asked if the New York had not had her engines coupled on the day of battle and that the Brooklyn had made all the necessary speed.

Price Jumps Back.

Late this afternoon Mr. Geoghegan received a dispatch from his correspondents informing him that the price of sugar at Missouri river points had been advanced 100 points, or \$1 per hundred pounds. He says it is a very practical situation to account for it. Further than this I do not care to discuss the matter at present."

In order to discriminate further against beet sugar the Western Sugar Refinery, which is allied with the trust, has announced that it will entertain no orders for granulated sugar which call for over 50 per cent of beet sugar. The reduction in prices has also affected Hong Hong sugar, of which there is a small supply in this market.

Mr. Jos. Geoghegan, the sugar broker, referring to the above dispatch, said that it was merely a confirmation of the cut made last Saturday, and that new prices had ruled here since Monday. He rather thought the bottom had now been reached, and the freight rate between here and the coast, of course, gave the Utah factories an advantage which the California factories did not have. The action of the Trust in declining to fill orders which called for over 50 per cent of beet sugar, was of course a confirmation of the product forward, and would be to the advantage of the Utah factories.

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