

"NOT GUILTY" IS VERDICT OF JURY.

Conclusion Announced This Morning in the Sensational Murder Case—Benbrook Leaves the Court Room a Free Man.

The Jury Came Into Court Shortly After 10 o'clock—Stood Eleven for Acquittal and One for Conviction Until 7 o'clock a. m.—Juror Jenkins Held Out for a Verdict of Guilty—Benbrook Goes Home at Once—Says He Will Leave Salt Lake as Soon as Possible and Locate at Cape Nome—What the Attorneys on Both Sides Think of the Verdict—Jurors Unanimous in Saying That Under the Instructions of the Court and the Evidence, No Other Verdict Was Possible.

John H. Benbrook walked out of the court room this morning a free man. It was just 10:30 o'clock when the jury filed into court and announced their verdict, after being out about 19 hours. All night speculation had been rife as to how the jury stood, and this morning the general belief was that it would be an acquittal or a disagreement. When 10 o'clock came, and still nothing was heard from the jury room, it was believed that the chances favored a disagreement, although the belief seemed to prevail everywhere that the twelve men were almost unanimous for an acquittal.

When Judge Hiles entered the court room at 10:30 there was a flutter of excitement in the corridors and the people streaming into the court room. The seats were soon filled and the spectators present congratulated themselves that they were to witness the last act in the drama that has held the boards there for three weeks.

JUDGE HILES' ANNOUNCEMENT.

Judge Hiles' announcement was somewhat of a surprise. As soon as Judge Powers came into court, his honor addressed the senior counsel for the defense, saying: "I understand that the jury wishes to make some report, and I have requested an officer to have the defendant come into court."

From this it was considered probable that the jury, not having agreed, desired either to report that fact or else to ask for further instruction on some point of law, and there was disappointment all around.

During the wait that followed, the men filed rapidly, Judge Powers and J. K. Rogers took their accustomed places and waited for the defendant. They were joined in a few minutes by the three brothers of Benbrook, intense anxiety being depicted on the face of each.

County Attorney Putnam came in at the junction and took his accustomed place next to the jury box.

At this point Deputy Sheriff Dyer, in charge of the Benbrook family was introduced, and after a brief consultation with the court retired.

BENBROOK ENTERS.

There was a moment's wait and the big doors swung open as John H. Benbrook entered for the last time. He walked with his customary calmness, to his seat, and in an instant was deep in conference with Judge Powers and J. K. Rogers. For the first time since the trial began, it can be said that the defendant showed signs of nervousness, but they were such signs only the closest observer could see. His face was pale and his nerves were all vacant. His hand did not tremble, but when he moved his arms, it was with a jerky motion. But that was all. In this supreme test, John H. Benbrook controlled nearly every visible sign of the emotion that must have stirred him to the depths of his being. Every eye was fastened on his white face and he met the contracted gaze of the hundreds of spectators calmly.

No member of the Benbrook family was present. The brother and sisters who attended every session of the court during the long trial were absent, perhaps because of the uncertainty as to when the jury might come in.

Of the Benbrook group, only the brothers were there, and the row of chairs usually occupied by Mrs. Benbrook, Mrs. Boone, the sister, Mrs. Carroll, the niece, Miss Maggie Allen, the sister-in-law, were all vacant.

A quick rapping by Bailiff Perry announced the approach of the jurors, and the men instantly filed away. As the twelve men filed into the room their faces were scanned intently by the defendant and the attorneys, but nothing could be read there.

"Call the jury, Mr. Clerk," directed the judge, and Clerk Little went over the roll he has called so often that the names have been memorized by him.

The jurors kept their eyes upon the war and tear of a hard night spent in arguments and without sleep.

FRANK SHELTON THE FOREMAN.

By common consent, the public had fixed upon Juror Francis N. Shelton, of Taylorville, as foreman, and the guess proved correct.

THE VERDICT.

"Gentlemen," inquired Judge Hiles, "have you agreed upon a verdict?" "We have," said Foreman Shelton, "and we wish to announce that the jury finds John H. Benbrook guilty of the murder of the late Mrs. Boone, and that we recommend the death penalty."

"You may hand it to the clerk," said the judge, and the slip of paper that passed over to Clerk Little, who arose and read: "You will listen to the reading of the verdict."

"NOT GUILTY."

The defendant took one swift look over the court room, glanced at Judge Powers and Attorney Rogers, and then turned back to the clerk. He was so pale that it seemed as if he were about to faint, leaning forward and his hands clasped in a state of intense agony.

"We," the jury, depending on the jury's verdict, found the defendant not guilty.

"As these words, which, as Judge Powers in his argument said, meant home

word or act until the second assault. The jurors attached great importance to the fact that the evidence did not show Benbrook to have made an aggressive move. They were so impressed with that portion of Judge Hiles' charge, wherein he instructed them, in effect, that if they found that the Merchant's Cafe was a public restaurant where meals and refreshments were served, and if they found that Benbrook was there, being served with such refreshments, then he had a right to be there, and if attacked was not compelled to retreat but could repel the assault with such force as the surrounding circumstances made it appear to his mind was necessary to protect his life, or to protect himself from great bodily harm.

"They argued that the evidence disclosed precisely the condition described in this portion of the charge, and that under it, it would be impossible to find the defendant guilty."

Mr. Jenkins remained obdurate until 7 o'clock this morning when the eighth ballot had been taken. Then the rest of the jurors agreed that they might as well go to breakfast and afterwards report the status of affairs to the court. Before going, however, another appeal was made to Mr. Jenkins and he yielded. The eighth ballot was taken and every vote bore the two words "not guilty."

Then the verdict was made up, and the jurors retired in an easy frame of mind until between 9 and 10 o'clock, when the court was communicated with.

No one knew how the jury stood, not even the bailiffs. The jurors stopped up the keyhole and covered the cracks about the door, so that no information as to the proceedings might get out, even through inadvertence.

The jurors are completely tired out with their long confinement. Two of them, Enos Jacklin and Mr. Gerrard, have been in the jury room, being locked up all the time. The last man sworn was William Carey. They received as pay, including mileage, from \$24 to \$44 each. Besides this item of expense, they were comfortably quartered and well cared for.

Mr. Shelton was the most popular man with his associates. During the long hours between sessions, he entertained them with amusing stories, and amusements. Singing was one of the diversions, and in this Mr. Gerrard and Bailiff Naylor led.

Julius Cook was extremely popular. This good natured philosopher furnished his full share to the common fund of entertainment.

The jurors say that the incident of the colored man, J. Gordon McPherson, who was taken off the jury, was the only unpleasant experience they had.

"Every juror provided himself with a copy of the portion of Judge Hiles' charge, applying especially to this case, and today, whenever they met someone outside the jury room, the charge was produced and read."

The jurors felt like a lot of boys out of school when discharged this morning. They all discussed the case freely, with exception of Mr. Jenkins, who disappeared. When inquiry was made for him at his store, his brother, in a tone of deep disgust, said: "He's gone down to the river. I don't know anything about him—just tell everyone he's gone down to the river."

BENBROOK'S PLANS.

Will Leave Here Shortly and Go to Cape Nome.

It is announced that John H. Benbrook will not remain in Salt Lake longer than necessary for his family to close up his business affairs. He intends to leave as soon as possible for Cape Nome, and resume there his old occupation of mining.

Dr. Charles Benbrook, Fayetteville, Arkansas, is, of course, greatly elated over the verdict, but says he is not surprised.

"I can only say that I do not see how the jury could have done otherwise under the evidence. They, of course, are all I know about the tragedy. I had been in the court room every day, heard all the testimony and think my brother was justified, unfortunate as it all was. If the condition had been different, I am sure I would have done differently, but as it was, I am sure I would have done the same."

SENATOR BROWN.

Makes a Short but Very Crisp Statement in the Case.

Senator Arthur Brown of the prosecution, when asked today for an expression, said he did not desire to say anything at present because he felt the matter too heavy.

"You may say this much, however," said the senator, "this city and State are in the hands of the criminal classes. The only way to get justice is to remove the Democratic party and other criminal classes."

COUNTY ATTORNEY PUTNAM.

Says There was Evidence Sufficient to End a Conviction.

County Attorney Putnam said, "While I do not claim that there was evidence sufficient to warrant a verdict of murder in the first degree, there was evidence sufficient to warrant a verdict for a lesser offense. The trouble, I think, was that this jury, like all juries, felt itself bound to believe any evidence that was not contradicted. I think the State made out a case on which a conviction ought to have been found."

BENBROOK'S ATTORNEYS.

What Messrs. Powers, Rogers and Zane Think of It.

Undoubtedly that is the greatest victory ever scored by Judge Powers or Col. Rogers in a murder case, and they feel greatly pleased over the result. Both were the recipients of endless congratulations today.

Judge Zane was not much in evidence, but he, too, was congratulated. Speaking of the result he said: "I never thought a conviction possible under the evidence. The most I anticipated was a disagreement. There was nothing in the case to justify a conviction."

Judge Powers said: "The defense in this case presented perfectly the law of self defense. There was no flaw in

JURY THAT ACQUITTED GAMBLER BENBROOK.

ENOS L. JACKLIN, of Mill Creek, Farmer.

WILLIAM GERRARD, of Taylorville, Sheep Raiser.

WILLIAM COLTON, of Salt Lake City, Teamster.

JULIUS COOK, of Salt Lake City, Decorative Painter.

C. H. JENKINS, of Salt Lake City, Harness Dealer.

FRANCIS N. SHELTON, of Taylorville, Farmer.

SAMUEL ALLEN JR., of Salt Lake City, Laborer.

DAVID McDONALD, of Big Cottonwood, Blacksmith.

W. A. RALLS, of Salt Lake City, Special Policeman.

EDWARD S. MILFORD, of Salt Lake City, Laborer.

JOHN IRVINE, of Salt Lake City, Stenographer.

WILLIAM CAREY, of Salt Lake City, Ex-Policeman.

PHILIPPINE CIVIL GOVERNMENT.

Gen. Otis Issues an Order for a Board of Control.

JUDGE R. W. YOUNG, OF UTAH

Member of the New Organization— Position Assigned Him— Composition and Duty of Board.

Washington, March 10.—Without awaiting the arrival of the new Philippine commission, Gen. Otis is pressing forward with the installation of civil governments in the various districts of the Philippines. Last August he established municipal governments in towns within the limits of the United States occupation.

Now he has taken steps to provide a more systematic and orthodox system of government. He has appointed a board headed by the brightest and most acute lawyer in the Philippines, Cayetano Aranello, and including some experienced army officers to carry out his project.

This is set out in the following order issued by Gen. Otis and dated Manila, January 29th; just received here at Washington:

"It being necessary and expedient at the present time to develop the abridged form of municipal government announced in general orders No. 43, of August 8th last from the headquarters of the department of the Pacific and Eighth army corps and prescribed to meet the temporary requirements of towns of the Philippines which should be rescued from the control of armed insurgents—a labor which, under present circumstances requires careful consideration and mature deliberation, and in which the chief justice of the supreme court and the attorney general of the islands have upon request, consented to render assistance—a board is hereby called to take the subject under advisement and deliberation and to formulate and pass as soon as practicable a form of municipal government which shall meet the requirements and which shall be as liberal in character as existing conditions permit.

"Detail for the board: His honor, Cayetano Aranello, president; Hon. Don P. Lorento Torres, attorney general of the islands; Lieut. Col. E. H. Crowder, Thirty-ninth infantry, assistant justice of the civil branch of the judiciary; Hon. R. W. Young, assistant justice of the criminal branch of the judiciary; Lieut. Col. T. R. Hamer, Thirty-seventh infantry, assistant justice of the criminal branch of the judiciary.

"Farmers Have Less Wheat.

Washington, March 10.—Wheat in farmers' hands, 158,700,000 or 23.6 per cent of last year's crop, as compared with 128,995,000 bu. in 1899, or 37.2 per cent of last year's crop. Oats, 230,000,000 bu.

"Hawaiian Bill on April 5.

Washington, March 10.—Mr. Knox (Mass.) chairman of the committee on Territories, asked unanimous consent that the bill recently passed by the Senate providing a territorial form of government for Hawaii be taken up on Tuesday, April 3, debated on that and the two succeeding days, with a final vote on the bill and amendments on Thursday, April 5, at 4 p. m. Mr. Knox said there was urgent need of this legislation and his request was agreed to.

Consideration of the Wise-Young contested election case was then resumed, Mr. Weeks (Mich.) continuing his presentation of the case of Mr. Wise.

"BRYAN IS COMING.

Chairman James H. Moyle, of the State Democratic committee, received a telegram from Hon. W. J. Bryan today, stating that that gentleman would be here on the 24th inst., to speak for his party. Mr. Moyle will make arrangements accordingly.

"SAM IS IN DEFAULT.

In the divorce case of Josephine Galleszic vs Samuel Galleszic the default of the defendant was entered in the Third district court today.

"Dismissed Without Prejudice.

The case of L. T. Murdock vs the Bazonok Consolidated Mining company was today dismissed upon motion of the plaintiff, without prejudice.

"Sewing Machine Case Decided.

In the case of the Singer Manufacturing company vs James Wilson et al, tried before Judge Cherry last week, judgment for plaintiff was given today for \$400 and \$50 attorney's fees.

"Taken Under Adjudication.

A motion to reopen the damage suit of J. T. Burgess vs the Salt Lake City railroad company, tried last week, was argued before Judge Cherry and taken under adjudication.

"Dismissed by Plaintiff.

Upon motion of plaintiff the case of Louis Berets vs James H. Bacon, et al was dismissed by Judge Cherry today.

"Have Evidently Made Up.

Mrs. Susie Donelson, who filed a suit for divorce against her husband, Charles M. Donelson in the Third district court on March 2nd, came into court today and moved the case be dismissed. The motion was granted.

"Cow Cases Decided.

The two cases of Wilford Woodruff Jr. vs the Oregon Short Line Railroad company, and Ida Bolton vs the same defendant, reached the jury late yesterday afternoon and a verdict of \$60 for each of the plaintiffs was returned.

"Plaintiffs Sued to Recover for the Killing of one cow, and the injury of another, through being ran over and struck by the defendant company's trains.

STIRRING TIMES EXPECTED SOON.

Troops in Kentucky Prevent Civil Officers From Serving Warrants of Arrest in the Executive Building.

Orders Given by Gov. Taylor—Police Not Admitted—Their Messages Unanswered—State Guards are Called Out—Officials Agree to Surrender—Trouble is Near—Sheriff Demands Admission to Serve Warrants on State Officers—He is Refused—In Election Contests, the Circuit Court Decides in Favor of Democrats—Republicans Will Appeal—May Go to U. S. Supreme Court—Circuit Court Holds that Beckham is Duly Declared Governor—Motive of Legislature Not Inquired Into.

Frankfort, Ky., March 10.—Secretary of State Caleb Powers and Capt. John W. Davis, for whom warrants were issued last night, have not been arrested. They are said to be in the executive building of the State capitol, and the soldiers guarding the building refused to allow the police to search for them, saying they had orders not to admit any one today.

Gov. Taylor and Adjt. Gen. Collier made no answer to messages sent to them by the police.

It is reported that Gov. Taylor has issued orders for all State guards who recognize him as governor to come to the State house, and stirring times are apparently not far away.

At 10:30 a. m. Sheriff Sutter took the warrants for the arrest of Secretary of State Powers and Capt. Davis to the State house and was admitted to see Adjt. Gen. Collier. He informed Gen. Collier that he desired to enter the executive building for the purpose of serving the warrants, and in the name of the Commonwealth demanded that he be permitted to do so.

Gen. Collier refused, saying that under orders from Gov. Taylor nobody would be admitted to the executive building for an indefinite period.

There is a report that Gov. Taylor and other Republican State officials will leave today for London. The police lined up on Broadway in front of the State house today, but they made no decisive move after being twice refused entrance to the building for the purpose of arresting Secretary of State Powers and Mr. Davis.

Sheriff Sutter at noon began swearing in a big force of deputies to aid in arresting Powers and Davis, who are supposed to be under the protection of the militia in the State house.

The deputies will report at the sheriff's office at 2 o'clock when a conflict between the civil and military authorities is expected.

"DECISION FOR DEMOCRATS.

Louisville, Ky., March 10.—A decision sustaining the contention of the Democrats that the legislature in the tripartite election for the office of governor and lieutenant governor was handed down in the circuit court this morning by Judge Fielis.

The Republicans will appeal the case to the State court and expect that the decision there is against them, will

Washington, March 10.—It appears that Gen. Wheeler did tender his resignation from the United States army last fall. It was dated November 25th, at Paniqui, Luzon, and was not cabled but came by the slow process of the mails.

Moreover, it did not come directly to the war department, but went to the White House, where it has been reposing since its arrival in Washington. The war department officials have just learned of it.

The general's resignation was not accepted promptly by the President out of consideration for the officer. Instead, he was ordered to report to the war department at Washington. His resignation will be accepted here and the effect of this action will be to allow the officer his mileage and expenses to Washington. The resignation reads as follows:

"Paniqui, Island of Luzon, the Philippines, November 25, 1899."

"To the President, Executive Mansion, Washington."

"Sir: The insurgent government is virtually destroyed. Aguinaldo is a fugitive in the northern provinces; his cabinet and congress are scattered; the president of the Filipino congress is here, and from what he says I think it will be impossible for this congress to ever reconvene. The various commands of the insurgent generals are reduced to mere skeletons and fly before us so fast that it is almost impossible to get within gun range.

"I therefore respectfully tender my resignation as an officer in the volunteer forces of the United States.

"Very respectfully,"

"JOSEPH WHEELER,"

"Brigadier-General, U. S. V."

"Funeral on Sunday.

New Haven, Conn., March 10.—The funeral of the late Hon. Edward J. Phelps, ex-minister to England, who died at his home here yesterday, will be held in Battenell chapel, Yale, at 5 o'clock Sunday afternoon, and the body will then be taken to Burlington, Vt., where interment will be made Tuesday.

"Danish Composer Dead.

Copenhagen, March 10.—Theo. Hartman, the Danish composer, is dead.

BIRTHDAY COINCIDENCES.

Important Anniversary Happenings in Burton C. Morris' Career.

There are some very singular family anniversary coincidences in the career of Burton C. Morris. For instance, he left home to go to the war on his mother's birthday, May 15, 1868. On September 23rd, of the same year—his father's birthday—he was discharged from the service. On July 21st of last year, the birthday of his sister, Mrs. John E. Hansen, his remaining had found a resting place in the family lot in the city cemetery. The case of Benbrook, his slayer, was set for hearing on his brother Sidney's birthday, and yesterday the case was submitted to the jury on the birthday of his sister, Mrs. Selden I. Clawson.

THE THIRD CASE.

Three Times Has the Morris Family Suffered Sorrow from Murder.

Three separate times has the shedding of blood stained the hills and dross to the Morris family. The first time was when Fred Jones, the brother of Burton C. Morris' mother was killed in Albuquerque, New Mexico, by a drunken Irish named Higgins, nineteen years ago. The next time was when a cousin of Burton C. Morris, John Burton, was killed in this city about twelve years ago by a saloon keeper and the negro named Mad. A very strange feature of the killing of Burton is found in the fact that he was slain on the anniversary of the death of his relative and bosom friend, Jones, at the same hour of the day, while their death wounds were identical. It came the killing of Burton C. Morris himself. In all three cases, the slayers escaped punishment.

AN OUTRAGE SAYS HILTON.

How Salt Lake's Chief of Police Views the Outcome.

Chief of Police Hilton said: "The turning loose of Benbrook is an outrage, and is one of those things that encourages lynching. That is just what it will mean in this city one of these days. It is upon the outcome of this case as a public calamity."

GAMBLERS JUBILANT.

All Were Highly Elated Over Benbrook's Release.

The news of Benbrook's release was quickly heard in the gambling houses of the city and received with unqualified delight. It was given out that there would be open house everywhere tonight. Chief Hilton said, when spoken to, "Well, there'll not be any jubilation over the result. I can say that much right now."

TO BUILD A NEW PLANT.

The Mountain Ice Company Increases Its Capital and Elects New Officers.

The Mountain Ice company contemplates extensive improvements, and to that end has increased its capital stock to \$60,000, fully paid up, and will at once commence the erection of a new plant for the manufacture of ice. It has chosen a new set of officers as follows: J. B. Wood, president; F. A. Sweet, vice-president; W. H. Sweet, treasurer, and F. A. Stearns, secretary. These, together with J. H. Hagenbarth, comprise the board of directors.

try to get a hearing before the United States Supreme Court.

Judge Fields reviews the history of the case and the pleadings of both sides, but devotes most of his opinion to quotations from courts of last resort involving the competency of the legislature finally to decide similar disputes. He quotes the reports of the contest boards, finding in favor of the Democratic contestants for governor and lieutenant-governor, and says that while the legislature was dispersed by militia before these reports were acted upon and was barred from its usual sitting place, the records of the general assembly show that the reports declaring Beckham governor were adopted by a quorum of each house of the legislature. This showing of the records he holds to be sufficient. The line of authority to the effect that the courts cannot inquire into the motives which induced the action of the legislature, he declares, is unbroken, and must be taken as the law.

"WILL GIVE UP.

Frankfort, Ky., March 10.—Captain Steve Sharp of Lexington, ex-State treasurer, came out of the governor's office at 1:30. He said:

"Messrs. Power and Davis will surrender in a few hours. They simply waited until they could communicate by wire with their attorneys, who advised them to give up. The only reason they had not previously surrendered was because they wished to avoid a public arrest and being carried to jail through the streets."

"WANT PROTECTION FROM MOBS.

Sheriff Sutter assembled a posse this afternoon, but it has not gone to the State house, but it is said that it was sworn in with the intention of forcibly entering the State building.

There is a rumor that Gov. Taylor has sent a message to the sheriff, stating that the Secretary of State Power and Capt. Davis will surrender if given a guarantee of absolute security from mob violence.

"MILITIA CALLED.

Babourville, Ky., March 10.—The local militia company has received orders from Asst. Adjt. Gen. Dixon to make ready to move to Frankfort at once.

London Depot, Ky., March 10.—A telegram was received here at 1:30 p. m. directed by Assistant Adjt. General Dixon, ordering Capt. Parker to order out his company and stand ready to move to Frankfort. In the absence of Captain Parker, Lieut. Sparks refused to move, unless ordered by both governors.

BODY OF PREST. LINCOLN. GEN. WHEELER DID RESIGN.

Removal Necessary in the Construction of the New Monument.

Springfield, Ills., March 10.—The remains of Abraham Lincoln were this morning transferred from the crypt of the National Lincoln monument to a temporary vault just north of the monument and on the brow of the hill overlooking Oakridge cemetery. The removal of the body was made necessary by the demolition of the monument preparatory to its entire reconstruction on a different plan, for which \$100,000 was appropriated by the legislature.

The ceremonies attending the transfer were very informal. State Treasurer Whittemore and Supt. of Public Instruction Baylis, representing the present board of trustees of the monument, witnessed the removal of the casket in their official capacity, and the Lincoln monument association, the Lincoln Guard of Honor and the G. A. R. were also represented. None of the relatives of the dead President were there.

When the cedar box containing the metallic casket was exposed to view it was found to be in a bad state of decay and in a few years more it would have entirely rotted away. This is due to the moisture which has found its way into the concrete masonry which formed a covering for the casket. The casket itself was not opened, that ceremony being postponed until the remains are placed in their final resting place upon the completion of the new monument.

The temporary vault prepared for the casket is twelve feet square and constructed with double decks, thus insuring room for the six bodies now under the monument.

"Negro Shot for Assault.

Hernando, Miss., March 10.—Thomas Clayton, a negro, was shot to death by members of his own race because of a criminal assault on a 19-year-old girl.

The negroes refuse to bury the corpse.

"Ex-Minister Phelps' Death.

London, March 10.—The afternoon papers comment in most sympathetic terms on the death of E. J. Phelps, a former minister here. They agree in saying that he won so many friends in England that his death will be received with almost as deep regret in London as in New York.