' FIFTIETH YEAR

SATURDAY, MARCH 10, 1900. SALT LAKE CITY, UTAH.

NUMBER 95

# "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.

HIS NERVE ALL RIGHT.

"How is your nerve?" asked Attorney

put to Benbrook during every day of the trial, and had come to be looked

Benbrook turned his white, but smil-

ing face and made the answer that he

In another instant Benbrook and

Judge Powers clasped hands, while Col.

Rogers went to the jury box and warm-ly shook hands with each of the twelve

The men and women sitting inside the

bar, most of them friendly to Benbrook, wavered a moment, and then rushed forward and engulfed him in a tumult

of congratulation. Two of the women were weeping as they grasped his hand.

JUDGE HILES THANKS THE JURY.

"Gentlemen of the Jury—You are dis-charged from further attendance on the court. I want to say to you that you are entitled to the thanks of the

community for the patience you have shown in listening to this long trial. You will now be discharged."

Rogers busy receiving congratulations,

Benbrook being surrounded by hu

BENBROOK GOES HOME.

From the court room, Benbrook went down stairs to the sheriff's office, where

Col. Rogers accompanied him; and

do is to carry out your plan and get

To save waiting for a conveyance

Sheriff Howell's buggy was borrowed

brother, Dr. Charles Benbrook, of Fay-

etteville, Ark., at once drove him to

SCENE AT THE BENBROOK HOME.

result and was still in a very nervous state when her husband drove up. He

was seen coming from the house, and

at the door was met by his wife, who,

sobbing, threw her arms around him.

Then the door closed and the public saw no more, but all the afternoon,

Benbrook's friends called at the home

during the afternoon, and announced

his intention of remaining quietly at

HOW THE JURY STOOD.

All But Jenkins Were in Favor of

an Acquittal.

When the jurors retired from the

court room at 3:30 yesterday afternoon.

they went at once to the jury room and

after electing Francis N. Shelton fore-

It stood ten for acquittal, one for

guilty and one for involuntary man-

Jenkins, the harness dealer of this city. The vote for involuntary man-

slaughter was cast by Julius Cook of

The ten votes for not guilty were cast by Enos L. Jacklin of Mill Creek, Win. Gerrard of Taylorsville, Walter Colton of Salt Lake, Francis N. Shelton of

Taylorsville, Samuel Allen Jr. of Salt

Lake, David McDonald of Big Cotton-wood, W. A. Ralls of Salt Lake, Edward

Salt Lake, William Carey of Salt Lake. On the next ballot, Juror Cook voted

with the other ten for an acquittal,

while Juror Jenkins stuck to his vote

Mr. Jenkins, but did not convince him.

Altogether, eight ballots were taken.

There was a long wait between the seventh and eighth ballots, during which the eleven took turns at Mr. Jen-

that the testimony showed that Ben-

brook was rightfully in the room when Mr. Morris assaulted him first; that he

retreated and that nowhere in the evi-

guilty. After supper, the jurors a smoke, talked things over with

seven of them, Mr. Jenkins vot-

Their strongest arguments were

S. Milford of Salt Lake, John Irvine

vote for guilty was cast by C. H.

man, took a ballot.

slaughter.

for guilty

ed "guilty."

Benbrook did not come up town at all

to extend them congratulations.

home with his wife and family.

Mrs. Benbrook had not heard of the

into it from a window in the office.

he has spent so many anxious hours.

As soon as the first stir was over,

Two of the women

has made daily for three weeks: "It's

upon as a part of the proceedings.

all right."

Judge Hiles said:

home at once.

his home.

John H. Benbrook walked out of the | and wife and haby to the defendant, Benbrook dropped back in his chair. ert room this morning a free man. h was just 10:20 o'clock when the jurs fled into court and announced their gdict, after being out about 19 hours. all night speculation had been rife to how the jury stood, and this noming the general belief was that it would be an acquittal or a disagreement. When 10 o'clock came, and still thing was heard from the jury room, was believed that the chances favged's disagreement, although the beof seemed to prevail everywhere that the twelve men were almost unanimous r an acquittal.

When Judge Hiles entered the court som at 10:06 there was a flutter of extement in the corridors and the peoswarming into the court room. The sats were soon filled and the spectaors present congratulated themselves hat they were to witness the last act the drama that has held the boards here for three weeks.

SUDGE HILES' ANNOUNCEMENT. luige Hiles' announcement was

mewhat of a surprise. As soon as sige Powers came into court, his honaddressing the senior counsel for the se, said: "I understand that the in wishes to make some report, and by requested an officer to have the dedant come into court."

on this it was considered probable is the jurors, not having agreed, deand either to report that fact or else instruction on some at of law, and there was disappoint-During the wait that followed, the

ed rapidly. Judge Powers and LR Rogers took their accustomed places and waited for the defendant. They were joined in a few minutes by the three brothers of Benbrook, intense sixlety being depicted on the face of

ounty Attorney Putnam came in at his juncture and took his accustomed face next to the jury box. At this point Deputy Sheriff Dyer, one of the bailiffs in charge of the

juy, entered, and after a whispered consultation with the court retired.

BENBROOK ENTERS.

There was a moment's wait and the doors swung open as John H. Benrook entered for the last time. He walked with his customary calmness, in his seat, and in an instant was deep a conference with Judge Powers and Rogers. For the first time since its trial begun, it can be said that the defendant showed signs of nervousness. out they were such signs a only closest observer could see. His face was pallid, and the lines about the mouth were fixed. His hand did not emble, but when he moved his arms, h was with a jerky motion. But that was all. In this supreme test, John H. Beahrook controlled nearly every vis-she sign of the emotion that must have thered 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 caimly. No member of the Morris family was resent. The brother and sisters, ttended every session of the court during the long trial were absent, perhaps cause of the uncertainty as to when

the jury might come in. of the Benbrook group, only the chairs usually occupied by Mrs. Ben-brook, Mrs. Boone, the sister, Mrs. Carsle, the niece, Miss Maggie Allen, the -in-law, were all vacant.

A quick rapping by Bailiff Perry anthe buzz of conversation in the om instantly ched away. As the we've men filed into the box, their ares were scanned intently by the dendant and the attorneys, but nothing ould be read there.

'Call the jury, Mr. Clerk," directed the court, and Clerk Little went over the roll he has called so often that the the jurger been memorized by him Jurors kept their eyes upon the ourt. They all showed signs of the sear and tear of a hard night spent in fruments and without sleep.

FRANK SHELTON THE FOREMAN. By common consent, the public had fied upon Juror Frances N. Shelton, of Taylorsville, as foreman, and the suss proved correct.

THE VERDICT.

"Gentlemen," Inquired Judge Hiles, have you agreed upon a verdict?"
There was a little gasp of surprise at this from those who supposed the jurors merely was a little gasp of surprise at the form those who supposed the jurors. merely wanted some further instruc-

"We have," said Foreman Shelton.

Tou may hand it to the clerk," said the court, and the silp of paper that meant life or death to Benbrook was passed over to Clerk Little, who arose and said: "You will be ten to the 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 his white face to the clerk. Henbrook drew himself up, leaned forward and sat as immovable as a statue during the reading. the

bove entitled case, find the defendant

As these words, which, as Judge Pow-irs in his argument said, meant home

our case. Benbrook's notions at every step in that lamentable tragsdy were in accord with the law, witch justifies a man in protecting his life or protecting himself from great bodily harm."

Col. Rogers was quite emphatic in his statement. "It is," he said, "a most righteous verdict. It is in accord with the law and the evidenct and the jury could not have found otherwise. The public sentiment, which was overwhelmingly against Benbrook before the trial, had to stop at that temple of justice. Then we developed the case and the public saw it had not judged upon the facts at all but upon what it had imagined the facts to be."

THE DEAD MAN'S FAMILY.

What They Have to Say of the Ver-

dict of the Jury.

shock to the family of the dead mank All of them—except the mother—looked for a conviction in some degree.

for a conviction in some degree. Strangely enough, however, she, with that incomprhensible intuition that often comes to a mother, expected just such an outcome of the case as was

system and the other is the negie

in them being promptly excused.

year, the birthday of his sister,

city cemetery. The case of Benbrook, his slayer, was set for hearing on his

brother Sidney's birthday, and yester-day the case was submitted to the jury

on the birthday of his sister, Mrs. Sel

THE THIRD CASE.

Three Times Has The Morris Family

Suffered Sorrow from Murder.

Three separate times has the shed-

ding of blood brought sorrow and dis

tress to the Morris family. The first time was when Fred Jones, the brother

of Burton C. Morris' mother was killed in Abuquerque, New Mexico, by a drunken loafer named Halloran, nine-

teen years ago. The next time was when a cousin of Burton C. Morris,

John Burton, was killed in this city

Burton is found in the fact that he was

AN OUTRAGE SAYS HILTON.

How Sait Lake's Chief of Police

Views the Outcome.

Chief of Police Hilton said: "The

turning loose of Benbrook is an out-rage, and is one of those things that

encourages lynching. That is just what it will mean in this city one of

these days. I look upon the outcome of this case as a public calamity."

GAMBLERS JUBILANT.

All Were Highly Elated Over Ben-

brook's Release.

The news of Benbrook's release was

city and received with unquali-

It was given out that

quickly heard in the gambling houses

there would be open house everywhere tonight. Chief Hilton said, when

spoken to, "Well there'll not be any ju-

bilating over the result. I can say that

TO BUILD A NEW PLANT.

The Mountain Ice Company Increases

Its Capital and Elects New Officers.

The Mountain Ice company contem-

plates 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

much right now.

escaped punishment.

den I. Clawson.

RIRTHDAY COINCIDENCES

Important Anniversary Happenings

in Burton C. Morris' Career.

There are some very singular family

The jury's verdict came as

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 agmove. Their second point was 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 where the companies were served, and if 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 cimcumstances made it appear to his mind was neces-sary to protect his life, or to protect himself from great bodily harm.

They argued that the evidence dis-closed 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 re-port the status of affairs to the court. Before going, however, another appeal was made to Mr. Jenkins and he yield-ed. The eighth ballot was taken and every vote bore the two words "not

Then the verdict was made up, and the jurors rested in an easy frame of mind until between 9 and 19 o'clock, when the court was communicated

No one knew how the jury stood, not even the bailins. 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 serving twenty days, 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 Rogers, whose face was wreathed in expense, they were comfortably quar-tered and well cared for. This is the question Col. Rogers had

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

Julius Cook was extremely popular. This good natured philisopher 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 some-one disposed to criticise their action,

the charge was produced and read.

The jurors felt like a lot of boys let 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, the force of deep discussed set. "Ma". in a tone of deep disgust, said , "He's gone down to the river. I don't know Then the spectators came forward and kept both Judge Powers and Col.
Rogers busy receiving colors and Col.

Will Leave Here Shortly and Go to Cape Nome.

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

Dr. Charles Benbrook, of 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. That, of course, s all I know about the tragedy. 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 reversed, and Mr. Morris, who was undoubtedly a high spirited, honorable young man, had, under the same circumstances, killed my brother, I would want to see him acquitted."

# SENATOR BROWN.

Makes a Short but Very Crisp State ment 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 "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 Fnd a Conviction.

County Attorney Putnam said,"While do not claim that there was evidence sufficient to warrant a verdict of murence sufficient to warrant a verdict for a lesser offense. was that this jury, like all juries, felt itself bound to believe any evidence that was not uncontradicted. 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 con-

gratulations today. Judge Zane was not much in evidence, but he, too, was congratulated. Speak-ing 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

dence was there anything to show that this case presented perfectly the law of he had ever replied to Mr. Morris by self defense. There was no flaw in presented perfectly the law

# JURY THAT ACQUITTED GAMBLER BENBROOK.

ENOS L. JACKLIN, of Mill Creek, Farmer. WILLIAM GERRARD, of Taylorsville, 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 Taylorsville, 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 COVERNMENT.

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.

such an outcome of the case as was chronicled today. When seen by a "News" man she said:

"Though deeply pained at the result, I am not at all surprised, as it is just what I have looked for all along. At times I have permitted my hopes to rise a little in the expectation that justice would be done, but in this we are disappointed. It makes little difference, however, as justice will come sooner or 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 disappointed. It makes little difference, however, as justice will come sooner or later. Sometime a Higher Court will sit on the case and then I am sure there will be a different verdict rendered. In that court my son will be present to give his version of the tragedy and I know that he will be held blameless. As to the man who took his life; the man who robbed me of a son, he will have to answer for his wrong doing at that time. Against him I have not one word to say, knowing full well 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 doing at that time. Against him I have not one word to say, knowing full well that justice will eventually triumph. "But." continued the almost broken hearted mother, "I am glad of one thing, and that is that they have not been able to place a single stain upon the character of my boy. I would rather ten thousand times over be the mother of such a brave and heroic mandead, than the mother of such a cringacute lawyer in the Philippines, Cayetano Arenallo, and including some experienced army officers to carry out his

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

dead, than the mother of such a cring-ing and self-confessed coward living, as his slayer has proved himself to be. The defense made the most of the fact "It being necessary and expedient at the present time to develop the that my son was courageous and strong. I am pleased that they have done so, for he was brave; he was abridged form of municipal government announced in general orders No. 43, of August 8th last from the headstrong; he was loyal to his family friends and country and he despised hyquarters of the department of the Pacifriends and country and he despised hypocrisy and sham and cowardice. So after all there is much to be thankful for in being the mother of such a man. In conclusion I simply want to say that it would, in my opinion, have been better if Benbrook had been turned loose the night of the murder."

Victor V. Morris—You ask me what I think of the verdict. I presume the least I say of it the better, as were I to express my feelings as they really are it would not look well in print. I think however, that when the Legislature meets again, that it should immediately repeal the law making murder an offense in Utah and thus save the State the expense of going to trial with fic 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 de-State the expense of going to trial with cases the outcome of which is little more than a farce.

Selden I. Clawson, brother-in-law of Burton C, Morris—I have just two brief liberation and to formulate and pass as soon as practicable a form of mu-nicipal government which shall meet requirements and which shall be as liberal in character as existing condi-

tions permit. "Detail for the board: His honor criticisms to offer. One is on our jury Cayenti Arentallo, president; Hon. Don of duty on the part of prominent citi-zens. During the examination for jurors it was very evident that men of F. Lorentino Torres, attorney general of the islands; Lieut. Col. E. H. Crowder. Thirty-ninth infantry, assistant justice of the civil branch of the auintelligence who had heard anything of the case at all were rendered ineligible dencia; Hon. R. W. Young, assistant justice of the criminal branch of the from jury service by the fact, no mat-ter how unbiased they may have been audencia; Lieut. Col. T. R. Hamer. Thirty-seventh infantry, assistant jus-As to the neglect of duty, many men of prominence and sound judgment who the criminal branch of could have acted as jurors evaded that responsibility by claiming some kind of disqualification which readily resulted

### Farmers Have Less Wheat. Washington, March 10.-Wheat in

farmers' hands, 158,700,000, or 29.6 per

cent of 'last year's crop, as compared with 198,000,000 bu.; corn, 773,700,000 bu., or 37.2 per cent of last year's crop. Oats, DECISION FOR DEMOCRATS.

# Hawaiian Bill on April 5.

anniversary coincidences in the career of Burton C. Morris. For instance, he left home to go to the war on his Washington, March 10 .- Mr. Knox mother's birthday, May 15, 1838. On September 23rd, of the same year-his (Mass.) chairman of the committee on father's birthday—he was discharged from the service. On July 21st of last Territories, asked unanimous consent that the bill recently passed by the Senate providing a territorial form of gov-John E. Hansen, his remains had found a resting place in the family lot in the 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 Consideration of the Wise-Young con-

tested election case was then resumed, Mr. Weeks (Mich.) continuing his pre-sentation 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 rangements accordingly.

# SAM IS IN DEFAULT.

about twelve years ago by a saloon keeper and gambler named Martin. A very strange feature of the killing of slain on the anniversary of the death In the divorce case of Josephine Galof his relative and bosom friend, Jones, at the same hour of the day, while their death wounds were identical. Then leazzie vs Samuel Galleazzie the default of the defendant was entered in the Third district court today came the killing of Burton C. Morris himself. In all three cases, the slayers

# Dismissed Without Prejudice.

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

### Sewing Machine Case Decided. In the case of the Singer Manufac-

turning company vs James Wilson et al,

tried before Judge Cherry last week,

judgment for plaintiff was given today for \$500 and \$50 attorney's fees. Taken Under Advisement.

# 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 advisement. Dismissed by Plaintiff.

### Louis Berets vs James H. Bacon, et al was dismissed by Judge Cherry today. Have Evidently Made Up.

Upon motion of plaintiff the case of

Mrs. Susie Donelson, who filed a suit for divorce against her husband, Charles M. Donelson in the Third dis-trict court on March 2nd, came into court today and moved the case be dis-

### missed. 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 deendant, reached the jury late yesterday afternoon, and a verdict of \$60 for each

plant for the manufacture of ice. It has chosen a new set of officers as fol-Plaintiffs was returned.

Plaintiffs sued to recover for the killing of one cow, and the injury of another, through being run over and
struck by the defendant company's
trains. lows: 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.

# 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 | try to get a hearing before the United 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 10:20 a. m. Sheriff Sutter took the warrants for the arrest of Secreary of State Powers and Capt. Davis to the State house and was admitted to see Adjutant General 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 un-der 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 re-fused entrance to the building for the purpose of arresing Secretary of State Powers and Mr. Davis. Sheriff Sutter at noon began swear-

ing 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.

Louisville, Ky., March 10.-A decision sustaining the contention of the Democrats that the legislature is the tri-bunal for the determination of contests governor was handed down in the circuit court this morning byJudge Fields. The Republicans will appeal the case to the State court of appeals and if

the decision there is against them, will

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 fast 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 sur-render in a few hours. They simply waited until they could communicate by wire with their attorneys, who advised them to give up. The only rea-son 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 Suter assembled a posse this afternoon, but it has not gone into 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 Secretary of State Power and Capt. Davis will surrender if given a guarantee of absolute security from

# MILITIA CALLED.

Babourville, Ky., March 10.-The lo-cal militia company has received orders from Asst. Adjt. Gen. Dixon to make ready to move to Frankfort at once. London Depot, Ky., March | 6 .- A telegram was received here at 1:30 p. m., signed by Assistant Adjutant General Dixon, ordering Capt. Parker to erder 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 gover-

# BODY OF PREST. LINCOLN. | GEN. WHEELER DID RESIGN-

New Monument.

Ceremony Occurred Today - None of the Relatives Present-Casket

Springfield, Ills., March 10 .- The re-

mains 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 legis-

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

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 s due to the moisture which has found its way into the concrete masonr which formed a covering for the caske way into the concrete masonry 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

The temporary vault prepared for the casket is twelve feet square and con-structed 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 10-year-old 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, the former minister here. They agree 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.

Removal Necessary in the Construction of the Story of How the War Department Never Found it Out.

> Will be Accepted Now-"Fighting Joe" Could Not Get Near Enough the Filipines to Fight Them.

> Washington, March 10 .- It appears that Gen. Wheeler did tender his resignation from the United States army last fall. It was dated November 28th, 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 de-partment at Washington. His resignation will be accepted here and the ef-fect of this action will be to allow the officer his mileage and expenses to Washington. The resignation reads as

"Paniqui, Island of Luzon, the Philippines, November, 28, 1899. To the President, Executive Mansion, Washington:

'Sir: The insurgent government is virtually destroyed. Aguinaldo is a fu-gitive 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 volun-

teer forces of the United States.
"Very respectfully,
"JOSEPH WHEELER,

### "Bragidler-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 Battell chapel, Yale, at 3 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