THE DESERET EVENING NEWS.

TRUTH AND LIBERTY.

THURSDAY, FEBRUARY 22, 1900, SALT LAKE CITY. UTAH.

NUMBER 81.

MISSING WITNESSES

WILL RETURN SOON

Nana Witbeck and Emma Mathison are Ex-

pected Back from Chicago in a Few

Days to Testify in Benbrook Lase.

The General Impression Is That a Jury Will Be Secured by

Saturday Night and That the Taking of Testimony Will

Commence on Monday Morning -Two Full Weeks May be

Occupied in the Examination of Witnesses and in Argu-

ments-Jurors in This Case Will Not Be Allowed to

Separate-Lines Which the Prosecution and Defense Will

Follow-The Six Jurors So Far Selected to Try the Case

-More of Benbrook's Relatives Coming.

tainable today, Nana Witbeck and Em-

ma Matheson, the missing witnesses in

in ample time to testify for the prose-

These girls, it will be remembered,

months later quietly dropped out of

sight. Just as soon as the attorneys

beck, father of one of the girls, came

to the front with the statement that he

had furnished the girls money for an

eastern trip, as they desired to avoid

the notoriety of testifying. A little

later Col. Theodore Bruback's name

was connected with the flight of these

witnesses, and it developed that he had

cution.

FIFTIETH YEAR. BRITISH AND BOER IN TERRIFIC COMBAT

stliest Engagement of the War-Fighting Continues for Days-Cronje Holds His Position-Botha is Defeated.

why Work in South Africa-Battle Began at Daybreak Sunday -Boer Rear Guard Flanked-Attempt on the Main Laager -Repetition of Modder River-Boers Hold the Fort-Their Loss Placed at 800 Men-British Losses Heavy, But no Figures Given-Shelling Continues Three Days, Over Fifty funs Pouring Lead Into Boer Camp - Roberts Refrains From Assault-Turns to General Botha's Reinforcements and Defeats and Scatters Them.

[Amernoon Dispatches.] berg Drift, Orange Free State, 20, via Modder River stay, Feb. 21 .- One of the costlias of the war occurred at Paarprift Sunday, Feb. 18th. Gen. Kenny, in pursuit of Gen. Cronje, his rear guard at Klip Drift and followed the burghers to D at Koodoosrand. drift action began at daybreak,

ted infantry driving the Boers' mand up the river towards the ofy, while another body of ed infantry manouvered on the ont and flanked the Boers.

BRITISH MAIN ATTACK.

British main body advanced to isk the Boers' laager on the bank river. Gen. Kelly-Kenny having to drifts found the Boers used and ordered an atith the Highland brigade on the ed Gen. Knox's brigade on the s and right, while Gen. Smithreside crossed the river and ed along the north bank.

ME SIDES LOSE HEAVILY. th the north and south banks and is level and the advance

tillery fire which caused them to aban-don the kopje they were occupying. Our loss was two officers, Captain Camp-bell, of the ninth lancers, and Lieut. Houston of the artillery and four men, all slightly wounded."

CRONJE HOLDS HIS OWN. Paardeberg, Wednesday, Feb. 21, 6:20 p. m.-A Boer kopje has been captured with fifty prisoners. Gen. Cronje's po-sition is unchanged. New York, Feb. 22 -Arrived: Ems, Genoa

BRITISH CASUALTIES.

Gen. Buller reports that his casualties Monday, February 18, were: Killed, Capitain Thorburn of the royal fusileers. Wounded-Two officers and fourteen men

HURRY ORDERS FOR ARTILLERY. London, Feb. 22.—Artillery officers re-ceived hurry orders today to proceed to South Africa with 50 1-pound Maxim-

Nordenfeldt guns. All the war office's information is said to point to Gen. Cronje's escape being impossible, and it is now generally taken for granted that Lord Roberts has him surrounded. All the critics of the afternoon news.

to a question on the subject Lord Salis-An the critics of the arteriodin down and the subject Lord balance of the arteriodin down and the subject Lord balance of the subject Lord bal gathering from every quarter en Gen. Cronje's threatened fo

here, except that two officers were

The Globe says: "The spirit in which a brave strong nation should meet trial is admirably illustrated by the temper displayed by Canada. The war, if it has done nothing else, has killed politi-cal bitterness and mere party strife in all the colonies. The contrast between Ottowe and Westmenton is between

Ottawa and Westminster is painful and

The Globe says: "The spirit in which

Africa.

wounded



SIX GENERALS OF DIVISION WHO ARE CONDUCTING FIELD MARSHAL ROBERTS' CAM-PAIGN NEAR KIMBERLEY.

Lieutenant General Lord Methuen's division is the First. Lieutenant General J. D. P. French has the cavalry divi-sion, which is the Fourth. The Third division is under Lieutenant General Sir W. F. Gatacre. Major General Thomas Kelly-Kenny commands the Sixth division. Major General C. B. Tucker has the Seventh division, and Major General Sir H. E. Colville is in command of the Ninth division.

300 PERSONS

WEDE FRADI OVED

two checks one for \$250, and the other

Mr. Clark said he had taken an active

part in the Montana legislative cam-

paign in 1898, and in the senatorial fight

following. He was treasurer of the

Clark campaign committee. The first

effort of the committee was to take the

State convention from the Daly people,

the next the election of the Democratic

State legislative ticket, making prac-

tically two campaigns. The money

Mr. Ciark sald he had never author-

ized Mr. Whiteside to see members of

the legislature in his father's behalf;

never had tailled off the members of

the legislature with him and never had

told him that any State senator or leg-

in bidding upon buildings contemplated by his father. This was promised and

Mr. Whiteside then said he would vote

for Clark. The witness explained the circum-

stances under which he had written to State Senator Myers enclosing him a

check for \$500. He considered the sum in the nature of a retainer for legal

services at Bridger. He admitted that

after the Whiteside exposure he asked

bribery case.

next called.

with the Wellcome disbarment case. The letter is as follows:

The letter is as follows: "Dear Dr. Martin-If you could see our mutual friend Judge B. and state to him what John R. T. told you, out-lining the plan of compaign which prac-tically showed that everything was

gave the girls. The State's attorneys were consider-ably annoyed by the absence of the wit-nesses, whose testimony was desired. Complaints were made against both Witbeck and Bruback, charging them with attempting to defeat the ends of justice. As a result, probably, of this vigorous action on the part of the prosecution the return of the girls

Ruis Con

According to the best information ob. | Omaha in the 80's and became general freight agent of the Union Pacific, af-terwards going to the Rock Island. He has been prominent socially and in a the Benbrook murder case, will be here business way. A few years ago he en-in ample time to testify for the prosenot often seen in the city, Mr. Shelton was on the jury that tried Howard Spencer for the killing of Sergeant Pike, were dining with Albert C. Morris in a in which a verdict of not guilty was returned. Charles H. Jenkins, a member of the

private room at the Merchants' Cafe at the time of the tragedy. They testified firm of Jenkins & Sons, harness dealers, is also well known. His brother was on the jury which tried the Mills case recently, Julius Cook, the only foreigner, is a

for the State learned of this, an in-guiry was commenced, and John Wit-back father of one of the girls came been developing a mining claim in Cot-tonwood of late.

JURORS LOCKED UP.

In the last murder case tried here, the Mills case, the jurors were allowed to separate and were not locked up at night. In this case, however, they are not allowed to separate, nor will they be until the trial is over. This means that they will be almost entirely shut off furnished the money which Witbeck from communication with the outside world for two or three weeks. Sheriff Howells is looking after their

comfort, and it goes without saying that they are well provided for. The jurors are allowed to read and write as they please, but thy must not read any. thing about the case.

HOW LONG WILL IT TAKE? There is a great deal of speculation as to the length of time the trial will take. Assuming that the taking of testimony will commence on Monday, it seems certain that the trial will extend over into the new week. The outside limit is that two full weeks will be required for the opening statements, testimony and arguments.

this was deadly and the British mere heavy. The battle was an spiles of the Modder River. The failure to prevent the Boers fi ping round to assist Gen. Cr were under fire all day, and whing had no definite result, a bors' larger was well barri-sent they remained therein. ates no little comment. The relief of Ladysmith is a and they remained therein. to be a matter of course, and to be announced before the er h Bitish guns shelled the laager

sly and the Boers confessed to and over 800 men. week, but it is quite within he terrific shelling was resumed abilities that severe fighting y previous to the relief, while tachments to be sent by Gen. reinforce Lord Roberts, subs may when Gen. Cronje asked for an

is shilling was continued Tuesday, the relief, are likely to meet wi uous resistance in the passes Drakenberg, in which fairly

GEN BOTHA BEATEN BACK.

Lain, Feb. 22, 3:37 p. m.—A special such from Paardeberg, dated beslay, February 21, says:

Commandant Botha has been at. sung to relieve Gen. Cronje. There bes severe fighting. Gen. Botha's rescattered with heavy losses. top.m.-The war office has received m Lori Roberts the following meswhich was delayed in transmission, Paardeberg, Wednesday, Feb. 21:

MBERTS REPORTS VICTORY. Teterlay afternoon I was satisfied

scareful reconnaissance in force of e many's position that I could not without very heavy loss, in I was most anxious to avoid. Actingly I decided to bombard him Cartillery and turn my attention to cemy's reinforcements as they ardetail, which they have ala started doing. The rem driven off in all directions, losing and many killed and wounded, and in fity prisoners, who say they ar-of from Ladysmith two days ago by humiliating. med. They also say it was our ar- I

In the house of lords today replying



WASHINGTON AS HE LOOKED AT VALLEY FORGE.

George Washington was born Feb. 22, 1732, just 168 years ngo. This picture is Washington is from a painting by Charles W. Peale and was painted during the memorable winter at Valley Forge. Philadelphia is the fortunate possessor of

athering from every quarter streng- n Gen. Cronje's threatened force. BULLER CRITICISED. Gen. Buller's apparent tardiness and allure to prevent the Boers from slip-	Boer republics. No power, he said, had asked or suggested entering into any such arrangement. Lord Salisbury also said he knew nothing of Gen. Cronje's proposed ar- mistice.	
ing round to assist Gen. Cronje cre- tes no little comment. The relief of Ladysmith is now taken o be a matter of course and as likely o be announced before the end of the veek, but it is quite within the prob- bilities that severe fighting will occur previous to the relief, while the de-	LOSS OF 172 MEN. An additional list of casualties sus- tained by the British troops during the retreat from Rensberg. Feb. 15, shows that fourteen men were killed, that 158 members of Wiltshire and Worcester- shire regiments are missing, the latter	Number of People Engaged i Senator Clark's Campaign.
achments to be sent by Gen. Buller to einforce Lord Roberts, subsequent to he relief, are likely to meet with stren- lous resistance in the passes of the Orakenberg, in which fairly powerful burgher forces remain.	fact confirming the Boer reports that a number of prisoners had been captured by them. STEUNENBERG PROTESTS.	TEXT OF LETTER TO MARTIN
JOUBERT'S NERVES UNSTRUNG. Boer reports say Gen. Joubert's nerves the unstrung and that he no longer ex- ercises the chief command. A dispatch from Sterks Spruit, dated Feb. 21, says the prominent rebels in	Demands Representation When Idaho State Officials are Attacked.	How Clark Asked a Judge to Loo at the Wellcome Case-Denials of Bribery.
his district intend to surrender and he Stormberg rebels will shortly lay lown their arms. There have been many eulogistic references to the speeches of Laurier and other Canadians on the subject of he losses of the Canadians in South	Biots Investigation Develops Con- siderable Feeling in Committee —Trouble Foreskadowed.	[Afternoon Dispatches.] Washington, Feb. 22John B. Well come was recalled before the Clark in vestigating committee at the beginnin of the session today. At the instance of
Mirica, concerning which, curiously nough, there is not a single word, offi- ial or otherwise, known or published	Washington, Feb. 22When the in- vestigation of the Idaho labor troubles	Senator Chandler, Mr. Wellcome relate that he had been present when Sena ters Chandler and Caffary had symp

vestigation of the Idaho labor troubles tors Chandler and Caffery had examwas resumed today the House commit ined his bank account and that, accordtee on military affairs, Chairman Hull stated that Gov. Steunenberg of Idaho who is attending the investigation, had protested against the line of procedure, for \$400, which should be added. which impugned the State officials. Mr. Hull said the governor held that the testimony in effect placed the State officials on trial, and if that were the

case they were entitled to be present and be represented by counsel. The chairman called on Gov. Steuneuberg to make his own statement. Representatives Lentz and Hay of the committee energetically opposed this procedure and the governor's statement was deferred.

Considerable feeling developed among placed in his hands was for the purpose the members as the inquiry proceeded. of covering both these campaigns. Mr. Mr, Lentz sought to introduce an affi-Clark thought there was an average of davit seeking to show that intimidation of a miner had been resorted to by the 170 persons in Helena in his father's begovernor of Idaho, in order to gain personal ends. The committee refused to admit the affidavit. Mr. Lentz then gave notice that he would, at the prohalf, just before the election, and all told there were fully 200 people there from first to last. Most of these had come with the view of helping Mr. per time, move that the affiant, A. S. Balch, be called as a witness. Clark in the contest but the witness The chairman stated that it would be had no doubt that some of them came nec ssary hereafter to hold sessions dur-ing the afternoon while the House was with the hope of earning a little exin session and that he would request pense money. permission to do so.

Adjourned.

QUAY CASE TOMORROW.

Notice that it Will be Called Before the Senate.

islative member was to get any specified sum for his vote. He denied all in-criminating testimony given by White-side. Mr. Clark said that at the first Washington, Feb. 22 .- Several weeks ago Senator Foraker, the senior senator from Ohio, was selected to read Washington's farewell address today. It was a notable compliment to him that when the Senate convened today all of the public and private galleries were crowded and scores of people stood in the corridors unable to gain admission. Mr. Foraker's reading was a fine bit of elocution and he was con-gratulated by many of his colleagues. Mr. Penrose called the attention Mr. Pentose catter the attention of senators to the announcement he had made yesterday concerning the calling up of the resolution involving the right of Matthew S. Quay to a seat in the Senate as a member from Pennsyl-vania. He said that while he would prefer to have the case considered immediately, he had been informed that a number of senators desired to be present when it was called up, and as their request was entirely reasonable, he would not oppose a motion to adjourn at this time, but he gave notice that he would call up the Quay case tomorrow at the conclusion of the morning busi-

At 1:05 p.m. the Senate adjourned.

practically pre-arranged, I am sure that he would have a better understanding of the Wellcome proceeding and would not allow that splendid man to be disbarred. He has a lovely wife and children and it is a shame that he should suffer disgrace through two such disreputable men as Whiteside and my namesake, W. A. Clark, of Madison county.

(Signed.) W. A. CLARK." Dr. Martin said "our mutual friend Judge B." was Judge Brantley and that "John R. T." was John R. Toole, who, W. A. CLARK. four weeks previous to the meeting of the legislature, had told him that the reports concerning Senator Clark's methods would be investigated by a committee. He said he felt interested in Mr. Wellcome because his father-in-law was an old Presbyterian minister. He had hoped that he could influence the supreme court to send the case back to the Silver Bow county court, but he saw no indelicacy in doing that.

was no more improper than it would be for me to approach a senato here and ask him to vote for Mr.Clark. a senator said the witness. "The interview with Judge Brantley was perfectly friendly." Dr. Martin said that he had also re-ceived, another letter from Mr. Clark on the Whiteside exposure, in which Clark had referred to his own good character, saying this was the best legacy he could leave to his children. C. W. Clark was recalled. He con-tinued his specific denials of the testi-mony of witnesses for the prosecution, ing to their finding, he had only two who had made statements indicating his connection with efforts to corruptcorrections to make. They had found ly influence members of the legislature He thus reviewed the testimony of Whiteside, Butler, Hewitt and Senator C. W. Clark, son of the senator, was

Recess



Milwaukee Was Its Competitor, But The Lissouri Town Takes the Prize.

won vote; Kansas City 40; Milwaukee 9

Washington, Feb. 22 .-- The Democratic national committee met in Hotel Raleigh at noon today to fix the time and place for holding the national convention. The committee was called to order by Senator Jones, chairman. Every State and Territory was represented either by the national committeeman or by proxy.

There was a vacancy from the Dis-trict of Columbia, caused by the death of Laurence Gardner. James L. Corn-ish had been elected to fill this vacancy, but his election was contested and committee of three was appointed to report upon the contest. It was decid-ed to allow each city which is a candi-date for the honor of entertaining the side. Mr. Clark said that at the first meeting with Whiteside the latter had said he was tired of the Daly people; that he was unpledged, and that he wanted to support Senator Clark. He had said he did not want any money for his support, but that he wanted an equal chance with others, is bidding more hulldings contamplated convention thirty minutes to present its claims. It was also agreed that speeches in favor of the two rivals, Kansas City and Milwaukee, should be made in rotation.

James A. Reed, prosecuting attorney Kansas City, made the opening of speech. Mayor Rose of Milwaukee, presented

the claims of the cream city. Representative Cowherd of Missouri reinforced Mr. Reed's argument in fa-

vor of Kansas City. Ex-Governor Peck of Wisconsin, was the second speaker in behalf of Milwau-

Mr. Myers not to give the letter out because he feared that at that time David Overmeyer of Kansas City, when public excitement was so great the letter might be connected with ade the closing speech for Kansas City.

Representative Lentz of Ohio closed ketry fire, but they had excellent cover and the casualties were few.

bribery case. Rev. Albert B. Martin, principal of the female seminary at Deer Lodge, testified next. He produced a letter written him by Senator Clark last October, which the doctor had taken to Chief Justice Brantley in connection The Boers had the railroad running from Colenso to Bulwan. The British

seems assured. A letter was received from Miss Witbeck a few days ago, stating that they were going to visit her married sister in Chicago, and and would then come to Salt Lake. Since then they have been communicated with, furnished return tickets and made to understand the necessity for their

return. As the taking of testimony can hard-ly begin before Monday next and the prosecution will be several days in presenting its case, there is plenty of time for them to get here as soon as needed. Their arrival will, of course, be a relief to Mr. Witbeck and Col. Bruback.

THE JURY.

Tomorrow morning the work of securing a jury will be resumed and it is not expected that the twelve men can be secured before Saturday night, although that is only a guess. When court ad-journed last evening, four additional jurors had been examined and prac-tically passed for cause. They are Wil-liam McMillen, Daniel F. Elton, A. L. Simondi and Samuel Allen, Jr. Out of this quartet, one juror may be secured, which will leave two full days to obtain

the number required Up to date the State has used up eight challenges, leaving it seven, while defense has used seven, leaving it

The six men now sworn to try the case have many points in common. They are all comparatively young men or at least not beyond the middle age, all are married, or have been, and with one exception, they all reside in the

Enos J. Jacklin of Mill Creek is a armer. Walter Colton is a teamster, and William Gerrard is a sheep raise Frank N. Shelton is doubtless the best known man so far accepted. He is a native of Vermont, but came here from

supplied with food, and a quantity of provisions were left behind. It is expected further resistance will be half-hearted and that Ladysmith will be reached in a few days.

BRITISH DEFEAT CHINESE.

Seventy Mongolians Killed in Battle on the Border.

Rangoon, British Burmah, Feb. 22 .-A British official attached to the boundary commission named Hertz, while touring in the Burham-Chinese frontier, with an escort, has engaged and routed two considerable forces of hostile Chinese from Mirkawg Pa, killing the leader of the Chinamen and seventy RESISTANCE HALF HEARTED Chinese.

Labor Leader Acquitted.

Williamsburg, Ky., Feb. 22 .- Organ. izer George W. Purcell of the United Mine Workers, has been acquitted of the charge of leading a riot. Purcell, accompanied by 200 others, went to the Proctor mines to organize a union. He was met at the edge of the company's land and forbidden entrance. Purcell same on against the orders of the superintendent and organized a lodge, but was not disorderly. The jury after being out a few minutes returned a verdict of not guilty.

COLLISION ON THE U. P.

Two Engineers, a Fireman and a Brakeman Hurt.

Botha's name. This is treasured as a . [SPECIAL TO THE "NEWS."]

Cheyenne, Wyo., Feb. 22 .- Engineers Brown and Snow, Brakeman Winning, and a fireman whose name has not been learned, were injured in a head end collision between a freight train and a light engine at Little Rock, between Rawlins and Green River, on the Union Pacific, this morning.

How badly the men are hurt cannot of ammunition. The Boers are well be learned at this time

PUBLIC INTEREST.

When the court room is fairly well filled day after day with spectators who hear only the examination of jurors as to their qualifications, it is evident that public interest in the case is very great. When the trial is once fairly under way, the court room will doubtless be too small to accommodate the crowds.

PROSECUTION AND DEFENSE.

The case of the State has been pretty well developed already, and it will fol-low the lines of the preliminary hear-ing, and it will be contended that all the elements essential to murder were present in the killing.

The defense, so far, has not shown its hand. From the questions asked jurors, it is assumed that Benbrook will testify in his own behalf. His account of the encounter with the deceased and the details of the shooting will be heard with much interest. All that can be fairly surmised regarding the defend-ant's statement is that it will elaborate the claim of self-defense, upon which alone, apparently, his attorneys will base their claim for an acquittal.

OTHER RELATIVES COMING.

So far, Benbrook has been attended In court by his wife, two brothers, a sister, brother-in-law, and niece. It is understood that one, and perhaps two, more brothers will come on to attend the trial.



STEADY PROCRESS Washington, Feb. 22.-Kansas City Relief Column is Pushing On Toward Ladysmith.

British Loss is Light-Capture a Flag.

Gen. Botha's Handkerchlef, and

Quantities of Food.

[Afternoon Dispatches.]

Chieveley Camp, Wednesday, Feb. 21.

-The steady progress of the relief col-

umn is uninterrupted. The Boers Tues-

day were forced from their last posl-

tion south of the Tugela resulting in

the evacuation of Colenso, which was

promptly reoccupied by the Dublin

fusileers and Thorneycroft horse. A

Transvaal flag was captured, as was a

handkerchief inscribed with Gen.

The Boers heavily shelled Hlangwana

hill and Colenso on Wednesday, Febru-

ary 21, and the British advanced in-

fantry was subjected to a severe mus-

great trophy.

