THE DESERET EVENING NEWS. TRUTH AND LIBERTY.

FRIDAY, MARCH 9, 1900, SALT LAKE CITY, UTAH.

NEW TREATY WILL

Changed.

RATIFICATION WILL COME.

United States Will be Permitted to

Use its Forces in Defense of

the Nicaragua Canal.

[Afternoon Dispatches.]

Washington, March 9 .- The Senate

committee on foreign relations today

agreed to report the Hay-Pauncefote

treaty amending the Clayton-Bulwer

treaty with an amendment granting

authority for the defense of the canal

by this country when constructed. The

committee was practically unanimous

in favor of the amendment. Some ob-

jection was made by Senator Morgan

Senator Morgan talked at length dur-

ing the sitting of the committee in op-position to the amendment, practically consuming the entire time of the ses-

order.

amended.

treaty

IITIETH YEAR.

RENBROOK'S FATE IN JURY'S HANDS

closing Scenes in the Sensational Murder Case Witnessed by Hundreds of Interested People at the Court Room.

enator Brown's Great Effort in Closing for the State - A Masterly Review of Every Feature Presented by the Testimony-He Holds That Benbrook Was Wrongfully in the Dining Room With Leda Stromberg-Relations of Burton C. Morris and the Woman in the Case - Holds That Every Essential Element to Murder in the First Degree Was Present in the Killing-The Charge of Judge Hiles to the Jury-Tremendous Jam in Court Room-Many Ladies in Attendance,

ardest kind of work, the fate of John Benfrook, charged with murder in w first degree, is in the hands of the Those sworn to try the case are follows: Ens L. Jacklin, of Mill Creek, farm-Wm. Gerrard, of Taylorsville, sheep wm. Colton, of Salt Lake, teamster. ulus Cook, of Salt Lake, decorative H. Jenkins, of Salt Lake, harness Francis N. Shelton, of Taylorsville, samuel Allen Jr., of Salt Lake, labor-David McDonald, of Big Cottonwood, W. A. Ralls, of Salt Lake, special

Elward S. Milford, of Salt Lake, in-

ista Irvine, of Salt Lake, stenliam Carey, of Salt Lake, ex-

ne court room was literally packed this morning, when Senator

nate

After three weeks, less one day, of the | because I believe as twelve honest men you will look solely to the evidence and you will be governed by the law given by the court, and if either, you will be led to a verdict of not guilty just as directly as the needle points toward the pole star. It is utterly impossible to convict the man if you follow the evi-

dence. There was a great stir all over the court room when Judge Powers retired, and Senator Brown advanced to the jury box to make the last argument in

the case. The senator only had time to make some remarks by way of preface when an adjournment was taken until 9:30 this morning. It was not his purpose, he said, to abuse the defendant at all, and the many warnings given by Judge Powers on that head were unnecessary, The attorneys for the defense were the ones who had dealt in abuse. It was the duty of the State to present this case to the jury upon the facts estab-lished. It was the duty of the State to arrest and punish this man, and pro-tect the community and stop this con-

stant procession of murder. Senator Brown referred to the wit-nesses Hume, Keene, Doolan and Albert

defense was not in good faith ance, the ladies seeming to predont-HOW THE SHOTS WERE FIRED. Senator Brown, taking up his review At Senator Brown's request, Assistant County Attorney Van Cott put on the coat and yest worn by Merris on the occasion of the shooting and showing the buillet holes. The intention was show that the fatal shot could not have been made while the men clinched, facing each other. Senator Brown, after considering everything brought out since the preliminary, was willing to abandon his former theory that Morris held the hat in his hand as he advanced to Benbrook. He accepted Judge Powers' theory that the hat was Morris' head. The theory of the State was that when Morris came into the hall, Benbrook fired at him, the ball going through the hat and into the soldier, Burton C. Morris. wall. Then, as Morris rushed towards him, he shot again and inflicted the mortal wound. After that Morris perwall. THEORY OF SELF DEFENSE. haps got him by the throat, tore off the necktie and so on, but it was a weak struggle. When Benbrook had fired the third time, and Morris was on the floor, Benbrook perhaps stood over ilm and pulled the trigger, but the gun did not go off. If he did, it was this Doolan saw. At all events, Doolan then saw what every other witness there saw-Benbrook beating his victim over the head. In the language of the stat ute, the circumstances attending the showed an abandoned, a dekilling praved and a malignant heart. It showed what might be expected from a It was because of the permisman of his occupation in such a struggle. It showed what they might ex-pect to see again and again if this man sion of the police to let such houses run that they were here today, trying this case. And they gut on the stand the president of the Wasatch Gambling were allowed to go free. BENBROOK'S CREDIBILITY.

tered the room, there was a divergence between his story and Leda's, and the difference consisted in those things which it was necessary for Benbrook to introduce in order to build up his de-THE SECOND NOTE. If the second note to Morris, telling him to come down at once, was written and sent, that would explain why Morris went down and of course the de-fendant denied that it was written.

How was it that Benbrook and Leda What business had he met there? there, with that woman, away from his wife and family? He had no business there, he had no right to be there He was there, too, as an interloper. He was taking from Burton C. Morris something that belonged to him. ROGERS CHIVALRY.

Mr. Rogers, in his brave, chivalrous spirit, had imagined a case of his being in a restaurant with a lady, and he would kill everybody before he could be driven out. But Mr. Rogers didn't imagine in his case any impropriety and would never dine out with such a woman as Leda Stromberg, so his illus-tration didn't apply to this case.

Miss Stromberg testified that the sec-ond note to Morris, which she said was ond note to Morris, which she said was not sent, told him to come to the res-taurant, that she was wailing for him. Benbrook testified that no such note was written, and at all events, nothing was said in the note found on Morris' was said in the note found on Morris body about coming down. Neverthe-less, when Morris received the note, he knew right where to go. The defense was inclined to think that Albert C. Morris informed Eurton C. Morris by telephone, but in this they were flying in the teeth of the evidence. WHEN THE QUARREL BEGAN.

What a scene was presented to Mor-What a scene was presented to Mor-ris when he entered? There was the woman he loved, the woman he had tried to talk to about marriage, sitting there check by jowl, with that gam-bler, with the drinks, and food before them. If he had pulled out his revolver and shot him, and Powers had been called upon to defend him, he would have shown the jury that Morris was suffering from emotional insanity. was suffering from emotional insanity. He would have argued that the right arm of the lower was Jove's thunderbolt and he would have been acquitted in five minutes. He would have been ac-quitted if Judge Powers had defended him. A blow wouldn't be out of place at all. Benbrook knew it. He knew he was in the wrong. He didn't stand up and says, "This is my castle, You leave," No, he got out. But Benbrook

order. Senator Morgan was the only mem-ber of the committee who cast his vote against the amendment. Senators Ba-con and Daniel, the only other Demo-crats present, voting with the Republi-cans. They also voted with the Republi-cans to have the treaty reported as arounded had no right to resort to deadly weap-ons because of that little assault there made upon him. When Benbrook left, Morris didn't follow him up. The incident ended with Benbrook's retreat. In the hall, the de-fendant met Keene and Daly. He didn't ask them to go back into the room with him, so that he could assert his rights. When he went out of room 3, there was hatred and malice and revenge in his heart, and his thought was to get

He contended for the utmost liberality toward other powers in the use of the proposed canal, and held that American nesses Hume, Keene, Doolan and Albert C. Morris, and assumed that they told the truth about as they knew it, al-though mistaken in regard to some points. This Morning's Session. When court convened this morning, there was the usual crowd in attend-ance, the ladies seeming to predomproposed cannot and and the area and and interests were fully safeguarded by the treaty as it stands. He also contended that an effort to amend the agreement might result in its defeat and indicated the agreement is a standard indicated

row. He said, as the measure was well understood he hoped and believed it would lead to no extended debate. When routine business had been fin-ished Mr. Mason called up his motion, entered yesterday, to discharge the for-BE AMENDED. eign relations committee from further consideration of his resolution expressing sympathy for the Boers in their heroic struggle with Great Britain. The motion was laid before the Sec-Mr. Davis, chairman of the committee Hay-Pauncefote Agreement to be

on foreign relations, moved that the doors be closed, and the Senate at 1:20 p. m. went into executive session.

Bank Cashier Acquitted.

Paola, Kan., March 9.-L. C. Gilmore ex-cashier of the Paola National bank, charged with embezzling stock of the Independence Gas company, was today found not guilty by a jury in the dis-trict court.

Odfin lefy

NOT BUBONICPLAGUE.

Chinaman in San Francisco Died of Pneumonia-Doctors Yet Waiting.

Washington, March 9.-The surgeon general of the marine hospital service has received the following from Sur-geon Gassaway at San Francisco, dated March 8

"Reliable information that the Chinaman who died and was suspected o having had the plague, had been in the city continuously for 15 years, and for the last six months under treatment for other diseases. Probable cause of death, congestion of lungs or pneu-monia. The result of the bacteriologi-cal examination not yet received. Another case reported as suspicious in the city and county hospital is not plague."

QUARANTINE RAISED.

of Alabama, but he will not pppose the measure in the Senate, accepting the The board of health has decided that the Chinaman who died here several days ago and who was supposed to have symptoms of bubonle plague, did not die o fihat disease. The quarantine, which has been maintained in Chinachange in order to hasten the action of the Senate. Quite an elaborate report has been prepared by Mr. Morgan, which will be submitted to the Senate town for several days, will be lifted this in executive session when the treaty is afternoon. reported. It is the opinion of members

The doctors who have been investigat. of the Senate that the change will but little delay the ratification of the treaty as amended. ing the case may make a report today. The rats and guinea pigs inoculated with germs taken from the deceased Chinaman are still alive.

treaty as amended. The amendment is brief. It simply provides that the restrictions in the treaty shall not operate to prevent the United States from using its own forces for the defense of the interests of the United States and the maintenance of order INNOCENT MAN RESPITED.

> Montana Executive Saves Him from Being Hanged.

Sheriff' Respects Telephoned Reprieve-Case Will Now Await

Supreme Court's Action.

Helena, Mont., March 9 .- A respite for Bishop Shufer, the innocent man under sentence to be hanged at Butte, has been telephoned to the sheriff there by Lieut. Gov. Spriggs. It was feared the mails would miscarry.

The lieutenant governor will sign the temporary respite when he reaches Butte in order that the supreme court

KRUCER OFFERS TERMS OF PEACE.

Britain's Reply an Emphatic Rejection-Retention of Independence by Transvaal Will Not be Considered a Moment.

Kruger Asks for a Cessation of Hostilities-His Terms the Same as Before the War-British Say Kruger is Not Ready to Accede to the Sweeping Demands Britain Will Make-Salisbury's Action-Ameer of Afghanistan Denounces Russia-Will Fight for Great Britain-Issue of New War Loan-Kruger and Steyn Fail to Rally Their Forces-Peace Looked For-Submission of Free Staters Expected-Kruger Anticipates a Change-Natal Troops Going to Roberts.

[Afternoon Dispatches.]

London, March 9, 5:10 p. m .- Late this afternoon it is learned that the peace rumors were founded on the fact that President Kruger has appealed to Lord Salisbury for a cessation of hostilities offering at length by cable the terms which he is willing to accept. These, however, are not taken seriously as they include practically nothing more than what the Transvaal government offered prior to the issuing of the British ultimatum

Official circles here regard the proposition as merely a ruse of the Boers to gain time and do not consider that President Kruger is yet ready to consider the sweeping demands which Great Britain will make as reimbursement for the loss of life and great expenditure.

NO MORE REPUBLIC.

It was understood that President Kruger's advances had met with an emphatic rejection at the hands of Lord Salisbury, who is believed to have said that no such attempt to retain the in-dependence of the, Transvaal can be considered for a moment by the British government.

AMEER WANTS TO FIGHT RUSSIA. 4:22 p. m .- The Ameer of Afghanis-

tan has authorized his agent in London to publish the following statement of the policy of Afghanistan towards Great Britain and Russia. After saying that he had devoted much anxious ught to the possibility of Russia taking advantage of the Transvaal wat to advance through Afghanistan and India his highiness adds! "I have come to the conclusion that Russia fears Afghanistan, as a war with the Afghanistans would mean a great rising of all Islam, which would spread through Russian-Asla, Russia ing their advance. Lord Roberts has moved ten miles nearer Bloemfontein, evidently with the view of solving and utilizing the railhas not troops enough to combat such a rising. Her hold on the Mussulman ountries she has conquered is insecure road, possibly to reach the Free State They hate her and with ten times her capital in three or four days, whence he may begin repairing the ratiroad power Russia could not fight Afghanistan and India successfully. southward, meeting the British advance "The Afghans prefer death to slavery, from Cape colony, which may be ex-pected to be hastened as soon as Gen. and their women and children are be-ing taken by the Russians." White takes control. The British occu-After saying he is willing to send pied Jamestown unopposed Thursday, numerous troops to help Great Britain March 8, and the Boers are reported to be retreating beyond Aliwal North, so that Cape Colony is practically clear of in the Transvaal, but adding that the Afghans are unaccustomed to the sea, the Ameer adds: armed Boers. "But England's troubles are always my troubles; her strength is my strength, and her weakness is my weakness. England must remember Reinforcements from Natal are go-ing to Lord Roberts. Gen. Warren's dithat I am always ready to fight for her on land here or in India." been ordered to join the commander-inunable to carry off the surplus water. NEW WAR LOAN. chief so that the latter is preparing for all eventualities, including possible des-6:06 p. m .- The amount of the new perate opposition to his crossing the Vaal river, and the necessity of the siege of Pretoria, where thousands of war loan will be £30,000,000. The interest will be at 2% per cent and the bonds will be redeemable at par May 5, 1910. The issue price is 98 pounds, 10 shillnatives are reported to be employed in the construction of defensive works, concerning which such secrecy is main-tained, that no one is allowed to walk ings The bankers of London met the chancellor of the exchequer, Sir Michael or drive on the outskirts of the town. Hicks-Beach, at the Bank of England today to discuss the terms of the War loans, which will be advertised toof Commons yesterday does not meet with unqualided approval in Ireland, whence the Irish Transvaal committee telegraphed to Mr. Redmond: morrow KRUGER AND STEYN UNHEEDED. London, March 9 .- The war office has "We challenge you to come to Dublin and repeat in public the statement you made in the House of Commons in the received the following from Gen. Roberts: "Poplar Grove, Friday morning .name of the Irish people." The prince of Wales this morning in-Presidents Kruger and Steyn were both present at the fight of March 7th, and spected Paget's horse and Dunraven's sharpshooters attached to the imperial did all in their power to rally thelr troops. The rout, however, was comyeomanry, prior to their departure for plete, the men declaring that they could not stand against the British artillery | South Africa.

and such a formidable force of cav-

alry. From various quarters come signs of the possibility of peace in South Africa being shortly within the bounds of

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practical politics. All the dispatches from Lord Roberts' headquarters, including those of the commander-in-chief himself indicate the lack of a guiding spirit among the Boers and individual demoralization portending disintegration unless speedlly stemmed. The flight of the burghers from Pop-

lar Grove, according to all accounts, was wholly inglorious.

SUBMISSION OF FREE STATERS EXPECTED.

A Times dispatch from Poplar Grove under yesterday's date, goes so far as to assert that the rout of the Boers was complete, that the submission of the Free State is being demanded by the burghers from their unwilling president and it is expected its submission will be within a week. The correspondent adds:

"Probably the Boers' wisest course was flight, but it was most undignified and certain to cause consternation at Bloemfontein. There is a growing out-cry against any further identification of the Free State with the Transvaal interests.

Dispatches from the Boer camp at Glencoe, via Lourenzo Marques, depici President Knuger as donning a bandolier, seizing a rifle and inviting volun-teers to accompany him, as he wishes to have a shot at the enemy himself. President Kruger is also ganted having declared in his address to the troops that he did not know whether arbitration or intervention would end the struggle, but that it "would end quickly, within the next month, he guickly, within the next month, he

im resumed his closing address, nite crush became greater throughthe day, and in the afternoon there tai surging of spectators in the cor-des. Among those present were a subt large number of ladies. Then Benbrook entered, he looked

swhat more pale than ever, and his he seemed drawn. His movements, all aim and deliberate, showed some dences of nervousness. He greeted minitives most affectionately and sed his wife. The Benbrook group is exactly the same as it has been for past, and the one who was most ly stirred as Senator Brown preany surred as Senator Brown pre-mated his case, was the defendant's wile who exhibited every sign of ner-vames, and constantly pulled and Saked at the handkerchief she held

fictor Morris and his sisters, Mrs. S. Clawson and Miss Morris, were in his accustomed seats throughout the V. Morris, Mr. Hobday and N. Jones were present most of the time. Senator Brown's address was a masmy presentation of the case for the ate. He was vigorous, incisive and savincing and at many times eloquent and impressive. Mr. Brown spoke from 3:50 until 12:15, when he was tired ut and asked for an adjournment. He where his address promptly at 2 vicek. After discussing the witnesses evidence that they gave, h ached the conclusion that when John E Benbrook shot Burton C. Morris, he unitted murder in the first degree He held that, in the first place, Benbrock was wrongfully at the restau-nat with Miss Stromberg. He was a married man and had no right to be where the evidence disclosed him to be. fortis is claimed, did have some nichts and claims upon the woman shom he found in the company of this fimbler, and the assault first made was istified. Senator Then, asserted mwn, Benbrook went out with hatred rder in his heart, armed hir elf and laid in walt for his return. He held that murder in the first degree had been proved, although the jury ald find him guilty of any lesser

It was late in the afternoon when, amid breathless silence, the case went to the jury on Judge Hiles' charge. How long the jurors may be out and what their verdict will be is a matter d conjecture.

JUDGE POWERS' CLOSE.

Judge Powers closed his final effort defendant late yesterday aftersoon, after having spoken, altogether, tearly six hours and a half. His adtess yesterniy was almost entirely deold of any attempt at oratory, and the ime yesterday was devoted aimost wholly to stating and restating and stating again the reasons why, in the view of the defense, it would be impossible to find Benbrook guilty of anyhing. It all rested upon the law of

Just at the close, Judge Powers broke away from his notes and made this last

our verdict will mean death or lib. try to this man. It is home to that wife and baby, or it is the gallows. dere is no middle ground. There is to chance for any compromise. It is the thing or the other; either an acquittal or death. So here this afternooon. ing the last words in behalf of a human being. I submit this cause to you. I ask that if in the future of this twelve men will give him that protec-I submit his case to you, and as you may be tried and judged hereafter, as you may be tried and judged when you shall be finally summoned to the creat while throne, so may you try and indee the Judge this man. As you may hope for erey in the life that is to come, so ay you be merciful here. As you may ope for justice and fair dealing, so I mas

that you may deal justly here. it now into your keeping the life of a human being. placed into the charge of twelve men a greater trust! Into your hands I place the life of John H. Benbrook. Tell me by your consciences whether this tes-limony to consciences whether this tesumany is of a character so satisfactory that you would be willing to stand by and see the nose placed upon his neck and he be sprung over into standing

of the witnesses who had passed in re view before the jury, said that Keene was a man who had deep interest. In the case and perhaps had feared prosecution for his connection with it. Daly, or Bigelow, was a man who had no personal interest in the case. As for Miss Stromberg, Judge Powers, her deender, had himself denounced her more bitterly than Mr. Putnam, who criticised her. Powers charged her, by inuendo and suggestion with every manner of wrong doing. Judge Zane also denounced her, but Mr. Rogers alone stood as her real defender in the case. Leda Stromberg was no Helen of Troy. no Cleopatra, but she had enough of beauty and charm to enslave this young

The defense claimed that the verdict must be murder in the first degree of an acquittal. The theory of self defense rested wholly on the testimony of the defendant. This man was one whose good reputation for peace and quietness a dozen men had sworn to. Could it be possible that Salt Lake City had be-come so low that the character of its professional law breakers could be proven to be good. For twenty years he had been a professional law breaker, and for many years he had kept a gambling house in this city. Orderly? Why was disorderly in every moment of his life.

company, to prove this man's good character. It would be but a step when they would have the Wasatch Burglaring company, limited. And when a burglar shot a man down, the whole police court would come on the stand and say "this defendant is an honest, and say peaceable, law abiding professional burglar." When the criminal classes could come into court and prove good character, the defense of character was absolutely swept away. If Burton C, Morris were here he could tell them of this defendant's defense against an unarmed man.

BENBROOK A REMARKABLE MAN. Benbrook was in many respects a very

remarkable man. His capacity to con-trol himself was wonderful. He controlled himself on the witness stand bet-

ter than any man Senator Brown had ever seen. He was able to conrtol himself absolutely, and was complete mas-ter of himself. That was the result of his teaching as a gambler. That was the secret of success in poker. And, for the secret of success in poker. And, for a few paltry dollars or a few dirty cents he would deceive. That was his business as a gambler. This time his life was the stake. Was he a falsifier? Why, when he arose breathless from his struggie with Morris, it was with a lie upon his line manufactor that only that upon his lips regarding that gun. it was upon his testimony only that his defense rested. All of the myriad rea-

sons for his acquittal given by Judge Powers were based on the theory that ok told the truth. Self-defense was wholly based upon the doctrine of necessity. The man claiming it must be in the right. This case, the State held, was a case where

the defendant was lying in wait. MORRIS' RELATIONS WITH MISS - STROMBERG.

Burton C. Morris had been the constant attendant of Miss Stromberg for

stant attendant of Miss Stronger every four months, being with her every night. On this particular day they were night. On this particular day they were together during the afternoon. They were to the Vienna, where she drank a glass of the seductive fluid that Judge Zane admired so much. They visited various places, and went on a shopping tour. When they parted, there was an engagement for the two to meet at the Merchants' Cafe at 6 o'clock that night.

the of a human being. Was there ever aced into the charge of twelve men a hite of John H. Benbrook. Tell me your consciences whether this tes-at you would be willing to stand by d he be sprung over into eternity, abmit the cause to you in confidence, From the point where the defendant en-

The whole defense rested absolutely upon the truth or falsity of Benbrook's story. That story was false. It was false in every particular.

WHAT THE STATE CLAIMED. Senator Brown believed the State had made out a case of murder in the first degree. The premeditation commenced when Benbrook sent Daly for the gun. He had the malice, at that very time, and he was even then lying in wait and

waiting for his victim to appear, when he could throw up his hand, make the excuse, and turn lose with his artil-These preliminaries were all with ery. malice and premeditation.

ANSWERS JUDGE POWERS. Supposing that the affair had reulted differently, Senator Brown belleved that if, after Benbrook had fired at him, Morris had gone in and strangled his assailant to death, he would have been justified.

In the Afternoon.

Senator Brown resumed his argument at 2 o'clock, first meeting the statement advanced by Judge Powers that Benbrook must be found guilty of murder in the first degree or acquitted. This proposition he characterized as absurd, because the charge of murder in the first degree laid against the defendant mbraced the lesser degrees and the urors were the ones to say what degree of crime he was guilty of. Senator Brown defended Robert On-

tario Doolan, the boy who had been called with so much effect by Judge tario Powers. As to the threats made by Morris towards Benbrook, they amounted to

more than the explosion of a few ths. That was the way they imoaths. pressed Keene. They were simply the idle talk of a jealous man. The force used to repel an assault must be commensurate with the force

must be commensurate with the force that makes it. An ussault with the fist could not be answered with a pistol shot. It would be unwarranted and unjustifiable. Judge Zane had talked about the field of honor in Arkansas, this defendant lived, but on the

field of honor, both men were armed. There was absolutely no reason why this man should go out and arm himelf, and yet that is precisely what he iid de

Benbrook's story might be natural, brobable and reasonable, as Judge Pow-(Continued on page two.)

a purpose to oppose it 40 the utmost. Some of the other senators expressed the hope that he would not go to this extent and before the meeting adjourned there was felt to be some ground for the opinion that the Alaama senator would content himself spect the telephonic reprieve, * with stating his opposition. While no member was inthorized to

speak for Great Britain, the opinion was expressed that the government of hat country would agree to the pro-losed modification of the treaty.

The following is the text of the amendment to the Hay-Pauncefote

Insert at the end of section 5 of

article 2, the following: "It is agreed, however, that none of the immediately foregoing conditions and stigulations in sections number 1, 2, 3, 4, 5 of this act shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order."

\$148,000,000 OF WATER.

Proportion of That Stock in the Cœur d'Alene Capitalization.

Mr. Sovereign's Testimony- Believes Standard Oll Company Owns Bunker Hill Mine.

Washington, March 9 .- The cross-examination of James R. Sovereign was

continued today in the Couer d'Alene investigation before the House committee on military affairs.

Representative Dick took the witness over his statements regarding martial law and the course of the war department, with a view to showing that it was the State authorities and not the federal government who declared and enforced martial law.

Mr. Sovereign said that a reading of the official telegrams satisfied him that the war department declared martial as the military telegrams ante-INW. dated the governor's proclamation by one day. When asked if the military were there for any other purpose than to maintain peace and order, the to maintain peace and order, the wit-ness answered that he believed this was not their purpose, as their presence tended to terrorize the people, substi-tuting military dictation for the usual civil methods. No one ever heard of martial law before in labor troubles.

Mr. Sovereign declared. As to his proval of the use of the military at the Chicago strike, he said this was limited to the use of the military for maintainng order.

Mr. Sovereign staed he understood the Bunker Hill mine was owned by the Standard Oil company, but this had been denied in testimony before the in-dustrial commission, although the witness believed from telegrams developed in this case, that this ownership exist-

He was also questioned as to the influence of certain lead interests in the Coeur d'Alene district. In that connec-tion he said a mine official had told him several of the lead interests had sought mbine on a \$30,000,000 capitalization but the New York capitalists would not consider the matter unless the capitalzation was \$178,000,000.

Representative Sulzer remarked that this means \$148,000,000 of water, and Chairman Hull added that it was a valuable basis for another investigation.

IN EXECUTIVE SESSION.

Motion Prevailed When Pro-Boer Resolution Came Up.

Washington, March 9 .- Mr. Allison (Ia.) reported from the committee on appropriations the House bill making appropriations of customs dues exacted from the island of Puerto Rico from October 18, 1898, to Jan. 1, 1900, amount-ing to \$2,095,455, and gave notice that he would call up the measure tomor-

may have an opportunity to pass upon Schafer's appeal. The sheriff will re-

It had seemed that Schafer must hang, since the governor and lleutenant governor have been out of the State.

FLOOD SITUATION ALARMING Fremont, Ohio, Has an Ice Gorge-

Part of City Inundated. Columbus, O., March 9 .- A special to

the Dispatch from Fremont, Ohio, says: The flood situation here is more alarming now than at any time during the week. The up-river ice came down with a rush and the water is ten inches higher now than at nine o'clock last The ice gorges north of town night, still refuse to move out.

The heavy ice flow has considerably weakened the State street bridge con-necting East and West Fremont. Workmen are strengthening the structure.

The flats and lower part of the city remain inundated and the sewers are

Released Spanish Prisoners.

Washington, March 9 .- The war department has received the following: "Manila, March 9.-Adjutant General, Washington:

"One officer, sixty enlisted men, and two civil officials, captured Spanish prisoners, received today from Tayabas.

OTIS." Order Countermanded.

Washington, March 9 .- The navy department has countermanded the order for the Marblehead to proceed to the isthmus to look after American interests on the west coast. The orders to the Detroit to proceed down the east coast still stand. The Philadelphia has been ordered to proceed to Santa Bar bara so that she will be in position to go at once to any point on the Isthmus revolutionary troubles may where threaten American interests.

Ex-Minister Phelps Worse.

New Haven, Conn., March 9.-There was slight change for the worse in the condition of Mr. E. J. Phelps, former minister to England, this afternoon. The official bulletin issued by the attending physician states that the patient is growing weaker. His death will probably not occur for two or three days, but no surprise will be occasioned if he dies tonight.

Committee on Trusts.

Washington, March 9 .- The House committee on judiciary today adopted a resolution offered by Representative Overstreet of Indiana for the appointment of a special sub-committee on trusts. The special committee is to consist of seven members under the chairmanship of Representative Ray, head of the committee, and is to consider the numerous bills and resolutions relative to trusts which have been offered. Mr. Ray has not yet named the members of the special committee.

Narrowly Escaped Lynching.

Marion, Ind., March 9 .- Fred Dunker, the tramp who attacked and chloro-formed Mrs. Henry Wise, wife of a prominent farmer six miles south of Marion, and who with great difficulty was placed in the Marlon jall last night to protect him from the indignant neighbors, was secretly removed to the

jail at Wabash, Ind., today by the sher-The mob made strong demonstrations

last night and twice very nearly suc ceeded in geting possession of the prisoner.

SIXTEEN MINERS KILLED. Fatal Explosion in a French Coal

Mine-Galleries Collapse. Nimes, France, March 9.-Sixteen miners have been killed by an explosion in a coal pit at Besseges. The galleries of the mine collapsed, burying the bodies of the victims.

[SPECIAL TO THE "NEWS."] Bingham, March 9 .- A terrible accident occurred here about 2:30 o'clock this morning, in which Charlie Despain, a miner in the Highland Boy

mine, was instantly killed. Mr. Despain had prepared five holes for blasting and was in the act of firing them. He lit four of the fuses but the fifth one failed to ignite. In his anxiety to fire all the holes he remained a little too long, working with the mains will be taken there for interment.

BRITISH STEAMER SUNK.

Only Three of the Crew Saved-Had Been in Collision.

Calais, France, March 9 .- The British steamer Windsor, which has arrived here from Leith, Scotland, reports that the British steamer Cuvier, Capt. Quinlon, from Antwerp, for Brazil, was sunk in collision with an unknown steamer. The Windsor picked up the second mate and two seamen belonging to the Cuvier, the rest of whose crew, it is feared, were drowned.

The Cuvier was a freight steamer and robably carried a crew of about 50 men. She was last reported arrived brains. Both men will die,

BRITISH ADVANCE. Meanwhile, the British are not stay.

FROM BULLER TO ROBERTS.

vision and some artillery have already

REDMOND WOULD DO IT.

| troublesome fuse. Suddenly the first

charge exploded and it is presumed

that by this one Despain was either

killed or so injured that he could not

get away and he received the force of

all four holes, one after the other.

When found, the body of the unfortu-

nate man was in a fearfully mangled

condition. Deceased was a son of the

late Bishop Despain of Granite, where his mother and brother now live. They were communicated with and the re-

at Liverpool on February 15 from New

Orleans via Norfolk. She was a steel steamer built in 1883, of 2,299 tons gross and 1,452 tons net, and halled from Liverpool. She was owned by W. Pol-lard & Co., and W. Jones.

Young Man's Terrible Crime.

Oakland, Cal., March 9 .- Alexander

Carter, a young man, 32 years of age.

while in a temporary fit of insanity

today, shot and fatally wounded his brother, Charles, aged 22 years, at the house of their parents in North Berke-

MINER'S BODY BLOWN TO PIECES.

Charlie Despain Meets a Terrible Death in the Highland Boy Mine

at Bingham-Received the Effects of Four Blasts

Which He Was Preparing.

John Redmond's speech in the House

