## DESERET EVENING NEWS. THE

# FIFTIETH YEAR.

GEN. CRONJE IS YET HOLDING ON.

Small Parties of Boers Making Their Escape-Lord Roberts' Forces are Closing In Gradually.

to Other Change in the Situation-Cronje's Forces Have Better Protection Than Thought at First-May Not Surrender for Days-Majuba Hill Anniversary on Tuesday-Roberts Retrains From Assault for Fear of Great Loss of Life-Engineers Steadily Working Closer-Gen. Buller Still Has Heavy Fighting-Finds a Hornet's Nest in Græbler's Koof-British Advancing in Cape Colony-Boers Proclaim Days of Thanksgiving and Prayer-Cronje's Position Described.

states from Paardeberg throw any at on the situation they show that fen Cronje's forces have far more proscion from Field Marshal Roberts' to than the first dispatches indicated. I depatch from Paardeberg published a the second edition of the Daily wonicle and dated Saturday, Febru-MY 34, BRYS:

"A balloon has discovered the enemy wilcovered by a system of burrowing a the river bank which resembles a abit warren and affords shell proof

This perhaps more than any other cirmstance explains why what is looked ton here as Gen. Cronje's death strugwis prolonged. Thus it will not be and of a surprise if today or tomorwhich is the anniversary of Maju-Hill, passes without being marked w the surrender or annihilation of the clast band so overwhelmingly hemned though the closeness of the investset appears open to criticism. BOERS ARE ESCAPING.

stall bodies of Boers, apparently, are momske their escape, causing comad investment, with their quickly her marrounding trenches, impassable and wire, etc., and those of the Brit-

London, Feb. 28.-If the latest dis- | ing and prayer, presumably in memory of the battle of Majuba Hill. STATUE FOR RHODES.

A dispatch from Kimberley says its

A dispatch from Kimberley says its inhabitants have planned to erect a statue of Cecil Rhodes in recognition of his services during the slege. Gen, Buller, in a dispatch from Co-lenso dated Sunday, Feb. 25, reports that the British casualties Feb. 20 were twelve killed and ninety wounded among the Somersets and Dorsets, and that February 22 and February 23, twelve officers were wounded.

Paardeburg (undated), via Modder River, Feb. 25, evening.—The Border-ers and the Yorkshires have repulsed a Boer attack, inflicting heavy losses. It is probable that the above dis-patch refers to the engagement of Fri-day, described in the Associated Press

dispatches. THIS MAN KNOWS CRONJE.

New York, Feb. 26.-A dispatch to the Journal and Advertiser from London says J. B. Robinson, the African million-

aire miner, said:

aire miner, said: "I have known Cronje long and in-timately, and wish I could now shake his hand and tell him how much I, in common, I believe, with every Englishman, admire the courage he has shown. He may be our foe, but England is generous enough to recognize the good here between the Boers' meth- qualities of the man fighting against

TRUTH AND LIBERTY. MONDAY, FEBRUARY 26, 1900, SALT LAKE CITY, UTAH.			
hah is Making Hasty Warlike Preparatio <b>n</b> s.	Millionaire Denies Spending Money to Oppose Clark's Election.	State to be Presented with a Bronze Cannon Captured at Manila.	Edward
IOSTILE TO GREAT BRITAIN	THE \$30,000, NOT HIS CASH.	TROPHY IS NOW ENROUTE.	After M
ecruiting of Troops Being Hastened Seeks Occasion to Offend England.	Contributed to Investigation Because Clark Courted It-Contradicts Several Witnesses.	Was Manufactured the Year of Amer- ican Independence, and is Adorned with Spanish Coat of Arms.	The State Unabl

New York, Feb. 26 .- A dispatch to the Herald from Teheran, Persia, says: British influence and prestige in Persia have completely vainished. Russia s victorious in the diplomatic contest so long continued, and the shah, whose health is now better than for some time, is making hasty warlike preparations in his anxiety to demonstrate his antipathy toward Great Britain. The grand sirdariat has ordered the

speedy completion of the recruiting of soldiers throughout Persia, according to in Deer Lodge county and \$250 on varplans the carrying out of which has been delayed for years. The reservists will also be enrolled

and all officers and privates now on leave of absence will be recalled. The order of the grand sirdariat contains one curious clause. It is express-

ly declared that natives of the provinces of Kassan and Yesseda are excluded from enlistment, "since they are ac-knowledged to be unfit to be soldiers, and great poltroons altogether." It is believed here that the shah's prospective visit to the Paris exposition of 1000 mill be made checks for the nut-

of 1900 will be made chiefly for the purpose of giving offense to Great Britain, and to the same motive as assigned his majesty's determination to visit the courts of St. Petersburg and Berlin on his way to Paris.

## PUERTO RICAN BILL. It Will be Modified in Order to Se-

## cure its Passage.

Washington, Feb. 26.-The Republican leaders, after an hour's consultation with Speaker Henderson today over the Puerto Rican tariff bill, announced em-phatically that the bill would be modified and that as modified it would pass. The changes decided upon are a further reduction of the duties to be levied upon American goods imported into Puerto Rico, and upon Puerto Ri-can goods into the United States from 25 per cent American tariff as provided

"Did you ever seek to influence mem-bers of the legislature as to the elec-tion of a United States senator?" "No, sir."

Washington, Feb. 26 .- Marcus Daly A large bronze cannon, weighing about 800 pounds, captured at Manila was called to the witness chair as soon August 13, 1898, has been presented to as the committee on elections began the consideration of the Clark case this the State of Utah by Major Richard afternoon. Mr. Daly stated that he was W. Young, now in the Philippines. 58 years old, and that his business was In a letter, dated Supreme Court, that of mining. He knew Mr, Clark Manila, January 23, 1960, addressed to Governor Wells, and received at the and Mr. Whiteside, and had known Mr. Clark a long time. He first contributed to the campaign when it was organized to the extent of about \$4,500, later to the extent of \$2,500, also \$500

lous other occasions.

Clark.

Daly replied.

He had never, he said, sought to com-

pel miners employed by him to vote

according to his sentiments. As to

fering entirely with the statement made by Corbett. He said he told Cor-

bett that he did not think Clark would

will hear something drop." Daly was asked as to the \$30,000 which

money, and had nothing to do with ad-vancing it, as had been intimated. He also specifically denied the statement of

a former witness that Daly had told him every man who supported Clark

would be denounced as a boodler and bribetaker.

executive office today, Major Young says he purchased the gun from the Spaniards, with the carriage for mounting the same, and would ship both at once, The implement of war was manufac tured in 1776, the year of American independence. It lears the name of

Ochin liely

"Ganan," a literal translation of which Whiteside, he said he had given him means, "They Conquer." "Who 'they' may be." Major Young says, "Is a matter for conjecture; presumably the projectile fired from it." nothing for the purpose of defeating

"Did you ever, during the session of The gun is adorned with the Spanish royal coat of arms, and is said to be the legislature, give any money toward the defeat of Mr. Clark?" in first-class condition, as also is the No, I did not; not one dollar," Mr. carriage. Major Young had made arrangements He detailed the conversation with Mr. Corbett in the Hotel Netherlands, dif-

and/or forms had made arrangements before writing for the transportation of the trophy to San Francisco. It was sent in care of Mr. Snedaker of the Rio Grande Western in San Francisco, who will have charge of the shipment from California to Salt Lake. Gov. Wells has been endeavoring for some time to ruscharge of carting for

seriously urge his candidacy for the Senate as he could not be elected. Daly denied he had used the language some time to purchase a captured gun from the government, but met with no success. Now that one has been pre-sented to the State by one of her galattributed to him by Cobett that if Clark's name made its appearance "you last sons his joy upon receipt of the news will, it is safe to say, be of the unbounded kind. is on deposit with the committee, and is alleged to have been bribe money. He said he knew nothing about this

## SPRINGVILLE ROBBERY. Maxwell, One of the Bank Robbers, Must Remain in Prison.

NUMBER 84.

# THER JUROR FOR **BENBROOK TRIAL**

d S. Milford Accepted and Sworn this rnoon — Attorneys on Both Sides lore Rigid in Their Examination.

Now Has but One Peremptory Challenge Left-Defense e to Make Cause Against James W. Ure-State Fails to Make Cause Against Ex-Policeman Howell-Both are Challenged Peremptorily-Lindsey Rogers and County Attorney Putnam Have a Spirited Controversy Over the Alleged Employment of George Raleigh as a Private Detective in the Case-Several Jurors Excused for Cause and Another Venire is Issued-The Court Takes a Recess Until This Evening.

The seventh day of the Benbrook murder trial opened this morning, when the struggle for a jury was renewed. Only two men were needed to complete the panel, but the usual difficulty was experienced in finding men qualified in experienced in finding men qualified in every respect to sit on the case.

The attendance of spectators at the morning session had dwindled to a handful of people. Inside the bar were the usual groups, Benbrook being surrounded by his relatives and attorneys. The group back of the attorneys for the State was augmented by the presence of Mrs. S. I. Clawson and Miss Morris, both sisters of the deceased, who came into court with their brother, Victor Morris. A little later Messrs, S. I. Clawson and J. E. Hansen joined them.

THE NEW JURORS.

The venire for fourteen jurors, issued on Saturday, brought eleven men into the box. Of these, F. W. Quinn, manager of the Bingham telephone exchange, Chas, F. Stillman, constable at East Mill Creek, and Ernest G. Rognon, attorney-at-law, claimed excemption under the statute and were excused. G. R. Potter pleaded ill health and was allowed to go. The sheriff reported that W. J. Strickley, of Bingham, had been served but he was some distance distance een served, but he was so away and could not get here until to-night. R. M. Jones was in Colorado, and Mr. Brockbank in San Francisco This reduced the number in attendance to H. A. White, Jos. N. Hicks, Ed. Milford, Henry A. Baker, Paul E. Howells, J. W. Ure and Wm. C. Boyd. Senator Brown suggested that it might be well to issue another venire.

entitled to a fair and impartial jury and the State wants nothing else." "We object to that on the ground that

"We object to that on the ground that the question includes an argument for the defense," said Judge Powers. The court ruled that the question itself was proper, although it included something argumentative in it. Counsel should re-frain from anything of that nature. Mr. White finally announced that his onlying would require considerable evi-

opinion would require considerable evi-dence to remove and was excused.

Paul C. Howell, the colored man who formerly served on the city police force, had heard of the case and read of it, but had not formed any fixed opinion with regard to it that would affect his indement, although he defined the

with regard to it that would affect his judgment, although he had some opin-ion. He could put aside the opinion and it would have no effect at all on his mind as a juror. He had scruples against the death penalty, and would not find a verdict of guilty where the punishment was death. To Inder Davars the inner sold that

To Judge Powers, the juror said that notwithstanding his scruples, he would follow the law and evidence and return a verdict of guilty if convinced beyond a reasonable doubt. "Where was Bosheach's muchting

"Where was Benbrook's gambling house in 1892?" "We object to that question as as-

serting something not proven, and throwing an instituation into the case in advance that counsel ought to be ashamed of insinuation," said Senator The Brown, "is one advanced by the defense. You have announced all along that the defendant is a gambler." The question, however, was withdrawn. When did you learn the Benbrooks owned the Sheep Ranch?" "I didn't know they owned it. I al-

Bemilitary critics, though little betstaturned as to the commander-inview that though the ing to the mis cause of the prolongation of the steers tragedy consists of Lord idents being unwilling to risk the rat loss of life which an assault waid entail, his delay is also prompted the subsidiary motive of attracting b Pardeberg as many reinforcing and lering Boer units as will come, feelhe strong enough to treat them as Genal Joubert treated Gen. Buller's mempts to relieve Ladysmith. In In ble ther words, Lord Roberts holds a posiin almost analogous with that held a long by the Boers at Ladysmith.

ROBERTS CROWDING CLOSER.

As Gen, Cronje is reported to have kety of food, the plan of starving him W can scarcely avail, so Lord Roben must either walt until his amilion, which is said to be short, ans out, or those of Gen. Cronje's was who are counselling surrender wall. So indefinite is the informain that either of these alternatives ay occur at any moment. Meanwhile Lord Roberts' engineers is apping steadily towards the Boer

ardeberg dated Sunday, February 25, Be cordon is gradually drawing closer.

## BULLER FIGHTING HARD.

Gen, Buller's march on Ladysmith is eng marked by sharp fighting. A fetemaritzburg dispatch of today's ate says he is still heavily engaged in

Groebler's Koof Gen. Buller seems a have discovered a hornet's nest. In Cape Colony the British arms are teadily advancing. Barkley East is the in their possession, according to a teh from that district, the Boers icuating that place, retreating on advarey and wiring Prest, Steyn for orcements to prevent their sur-

ISPECIAL TO THE "NEWS."]

Fashington, D. C., Feb. 26 .-- In the

the of Charles L. Maxwell, plaintiff

Amor, vs George N. Dow, warden, on

Ereal from decision of the Supreme

ant of the State of Utah, the Supreme bart of the United States this morning

beivered an opinion affirming the judg-

The case is of great importance to the

Pate, as it declares to be constitutional

belaws of the State holding that eight

Marmell's attorneys raised the point

that the Constitution of Utah was

stopped by the Constitution of the

United States from declaring that less

than twelve jurors could try a prisoner.

The Supreme court of Utah held to

the contrary, declaring that there was

nothing in the fourteenth amendment

which invalidated the first ten amend-

ments, under which Utah had perfect

fight to fix eight jurymen as sufficient

Justice Harian dissented in a vigor-

ous opinion. Judge Peckham read the decision of

More may try a case.

Bint of the Supreme court of Utah.

'Cronje and his 7,000 men have certainly revealed a heroism never sur-passed in the history of our race. Sur-rounded by an army of 45,000 men with 110 guns continually pouring shells on their position, they have stood at bay for days. It is only what those of us who know the man expected of Cronje.

WILL NEVER SURRENDER.

"He will never of his own will sur-He may be compelled by his render. He may be compelled by his men refusing to fight any longer, but of that I am very doubtful. He is sup-ported by the old guard of the Trans-"No Boer has such influence over his

rers. They believe him invinci-They almost worship him. followers. "I believe he can, if his men only stand by him, resist for weeks. He made for the spot where he is now en-

trenched for two reasons; first, he wanted to be as near Bloemfontein' as possible, because his relief would come from there. Next he was aware that the situation he now holds was the best fitted for defense. It is the bend of the river and that means much of The South African rivers are shelter. not like English rivers. Here the waters come up to the top of the banks; in South Africa the steep sides mount up ten, twenty, even thirty feet above the water.

HOW BOERS TRENCH.

"In these banks caves can be easily made in which men and stores can be placed. As soon as Cronje reached this spot they speeded the defensive preparations. Stores having been put away, each maa would dig a shelter trench, and if it had not been for these trenches, the men must all have been quickly annihilated by our artillery fire. Each shelter trench not only goes down, but has a part scooped out at the side in which a man can lay in safety while lyddite and shrapnel are pouring on the earth above. Unless shell actually falls in a trench, it does the man no damage

"In these trenches the Boers lie, a few men being placed as sentries above. The moment the sentry gives the alarm, up The Pretoria government proclaimed the men spring and pour a rifle fire the men spring and pour a rifle fire on any storming party."

raised by plaintiff in error have, in sub-

Justice Harlan announced that he

Washington, Feb. 25 .- The United

(Continued on page two.)

would submit his views in opposition to this opinion on a later occasion.

plaintiff in error.

by court

**UTAH CONSTITUTION IS ALL RIGHT** 

Not in Contravention of the Federal Constitu-

tion-Justice Harlan Dissents. \*

in the bill to 10 per cent. The bill is only to continue in force until a general law for raising revenue for the island can be framed.

## Damages by U. S. Troops.

Washington, Feb. 26 .-- Secretary Root has sent to the House claims for damages alleged to have been caused by Unit d States troops during the Spanish-American war, principally while encamped or traveling. The claims ag-gregating \$132,006. The draft of a bill is submitted giving the secretary of war authority to have claims examined up to January 1st next, and certi-fy the results to the secretary of the treasury for payment.

Chinese to Resist Germans. New York, Feb. 26 .- A dispatch to the Herald from Pekin says: John Fowler, United States consul

at Che Foo, province of Shan Tung, announces that 4,000 native troops have gathered on the border front of the new German railway to await the arrival of the German troops. The natives are determined to resist the construction of the railroad.

## Decides Against Dewey.

Washington, Feb. 26.-The United States court of claims today rendered decision on the claim of Admiral Deway for prize money on account of the destruction of the Spanish fleet in Manila harbor. The court decided against the admiral's contention that the enemy's force was superior to his and awarded him \$9,750.

## NO COMPROMISE YET. Republican Leader Wants Further

Time on Puerto Rican Bill. Washington, Feb. 26 .- The House met at 11 o'clock today to resume the debate on the Puerto Rican tariff bill. There were few members upon the floor but the leaders on both sides were ac-tive. Mr. Payne (N. Y.), the floor leader, announced that no compromis had been made with the dissatisfied Republicans, and there would be a conference tonight. The leaders have de-cided to extend the general debate an-

other dal. When Mr. Payne offered the re quest for the extension of time, Richardson, the Democratic leader, said:

This is a remarkable request to comfrom the majority. We construe it to be a frank and candid confession that luited States Supreme Court Decides That Its Jury Law is they have brought here a bad bill and an admision in open house to the country that they have not votes enough to pass IL"

The Democrats, he continued, were always magnanimous. They would not strike their foes when they were down and they were not disposed to take ad-vantage of the pitiable situation, on the other side of the aisle. Still, they felt that some terms should be imposed, the court. The questions to be deter-mined were: 1-As to validity with reference of federal Constitution of the and he demanded as conditions to an extension a night session tomorrow n'cht, and permission to offer a sub-

proceedings against the plaintiff in erstitute in the House on Wednesday when the final vote was to be taken ror on an information instead of by an indictment by a grand jury; and 2-The validity of the trial of plaintift by jury composed of eight instead of With these "conditions," he remarked blandly, the minority would grant the twelve jurors. The court held that various questions

"entreaty" of the majority. Mr. Payne smilingly replied that he appreciated the "generosity" of the other side, and in order not to be out-done in magnanimity he would agree to the conditions.

## **Oppose Sale of Danish West Indies.**

stance, though not all in terms, been decided by the court in former cases. The principles which have been an-nounced in those cases clearly prove the validity of the clauses in the Con-stitution of Utah which were attacked Copenhagen, Feb., 26 .- At a meeting as in violation of the Constitution of the United States. Therefore, it is Saturday of prominent men represent-ing all political parties under the presi-dency of Judge Mavig, president of the court of justice, a resolution was passed necessary in this case to do little else than call attention to former decisions of the court, and thereby furnish a conrequesting the Rigsdag to thoroughly canvass the subject before taking any clusive answer to the contention of the steps in regard to the sale of the Danish West Indies. Most of the speakers op-posed the sale of the islands, though some merchants favored the idea. The court then reviews in detail many cases in which a similar point had been raised, which had been decided adverse-

#### Decide Against Capt. Carter.

Washington, Feb. 26 .- The United States Supreme court today denied the application of Captain Oberlim M. Car-ter to bring his case into that court. There was no written opinion.

Did you ever seek to influence the judiciary of Montana in that connection?" "No, sir. I never got close enough to

them for anything of that kind." "Are you one of the contributors to-

wards this prosecution?" "Yes," answede Mr. Daiy. He went on to say that after Clark's nomination he (Clark) had charged that he was the subject of a "conspiracy," and and as Clark courted an investigation Daly said he concluded to permit the matter to be thoroughly investigated.

## **CREAT COMMERCIAL ASSET**

Cecil Rhodes Says Foremost in the World is the British Flag.

## How He Made Money Under It-His De Beers Company Had £2,000,000 Profits in the Year 1899.

Kimberley, Saturday, Feb. 24 .- Mr. Cecil Rhodes, presiding at a meeting of the De Beers company, delivered a speech which was received with enthusiasm. After announcing that the year's profits of the De Beers company amounted to £2,060,000, he spoke of the Chartered company's transactions with De Beers, and said that the shareholders were divided into two classesimaginative and unimaginative.

The latter, he said, passed their lives filling money bags that are dissipated by their offspring on wine and women, and horses. To the latter class he stated that the transaction at the Chartered company had closed satisfactorily, as the De Beers company owned all the diamonds wherever its charter existed. To the imaginary he drew an eloquent picture of these mines years hence, "as mirroring European civilization in the far south."

"The latter," he said, "feel a glow of satisfaction at the thought that the immense riches taken from the soil have not been merely devoted to the decoration of the fair sex."

Speaking of the war, he considered it a puzzle why it had arisen. The Transvaal and the Free State were not republics, he declared, but oligarchies, and had been long conspiring to seize British South Africa. Each government was simply a small political gang who humbugged the poor Dutchmen, appealing to their patriotism and dividng the spoils among their coteries. The Afrikander has been working twenty years for independence. He said that the former President Reitz of the Orange Free State had years ago avowed that his only ambition in life was to drive England out of Africa.

After showing how Kimberley had cltizens of whom 129 had been killed or wounded, and thanking Gen. French for his gallant ride, Mr. Rhodes closed brilliantly, asserting:

"We have done our duty in preserving and protecting the greatest commercial asset in the world-her majesty's flag."

## FOUR MEN KILLED.

#### Frightful Accident to Workmen in a Coal Mine.

Scranton, Pa., Feb. 26 .- Four men were killed this morning in the Mount Pleasant mine by the breaking of a mine carriage. The killed are: William Gilbert, Thomas Williams, John Rogan, Frank Woodward.

The men were descending on the mine carriage to the sixth vein. When it reached the fifth vein the carriage which was going down at a rapid rate, struck an adjustable shelf, which was left projecting, breaking the bottom of the carriage and dropping the men to the pit, 75 feet below. Gilbert and Rogan were killed instantly, while Wil-liams and Woodward lived only a short

United States Supreme Court Afilrms the Decision of the State Court.

A special dispatch to the "News" from Washington today announces that the United States Supreme Court has affirmed the decision of the State Supreme Court in the case of C. L. Maxwell, appellant, vs the State of Utah.

Maxwell, whose alias is John Carter, was one of the men who held up the Springville Bank on May 28th, 1898, getting away wit h upwards of \$2,000 as well as violently assaulting A. O. Packard, the bank cashier. He was convicted before Judge

Warren N. Düsenberry in September 1858, of robbery and sentenced to eighteen years in the State prison.

## BURGLARS AT WORK.

Residents of Mill Creek Complain of the Festive Night Hawk.

It has been reported at the sheriff's office that the residences of Ike Chapman, James Fisher and Charles Stillman were burglarized last Friday night, the thieves getting away with large quantities of preserved fruits and other edibles as well as quite a little clothing. The officers of the law have the matter in hand, but so far no clue has been obtained.

## HIS GAME DIDN'T WORK. Fellow Who Tried to Pass a Bogus Dollar Gets Fooled.

Last Saturday evening a tough looking individual walked into James Stirling's store on Fifth South between Third and Fourth East and called for several small articles. Mrs. Stirling waited on the fellow but was wise enough not to give him the things until she received payment. The would-be purchaser handed Mrs. Stirling \$1 but It only took the lady about three seconds to discover that it was bogus. She quickly held onto the packages and the "money" and told the man that she would take care of them. The fellow became very abusive and pulling a sand bag from his pocket threatened to do serious damage if she did not re-turn the dollar. But the lady was not to be frightened and started for an-other part of the store remarking somepolice thing about telephoning to the police. Firing a volley of oaths at Mrs. Stirling the fellow made a hasty exit. The po lice have a good description of the man and are keeping a sharp lookout for him. Chief Hilton has the counterfeit in his possession.

## Veteran Editor Dead.

Philadelphia, Feb. 26 .- George Wooley Allen, for more than thirty years one of the editors of the Evening Telegraph of this city, died at his home here yesterday in the \$2nd year of his age. Mr. Allen had been in failing health for some time past, and jast week he fell on the snow covered pavement in front of his residence, the shock resulting in death. Mr. Allen joined the staff of the Evening Telegraph in 1869, and was continuously engaged in editorial labor on that paper until within a week of his death

### An Awtul Experience.

New York, Feb. 26.—The residence of Robert Johnson, a retired dry goods merchant of this city, on the Hudson at Mount St. Vincent, N. Y., burned today. The damage is \$100,000. Johnson, who lived atoms and was select on the too lived alone, and was asleep on the top floor, escaped down a surveyor's chain, which he fastened to the window. In

inasmuch as the number present had

A NEW VENIRE. Judge Hiles ordered a venire for ten

more furors issued, returnable at 2 p. m., and the following were drawn: C. E. Offenbach, John Houston, John Offenbach, John Houston, E. Badger, M. O. Bitner, Chas. L. Rood, James E. Payne, E. M. Le Prohn, Elmer

Hill, Thomas Green, J. G. McPherson. JUDGE POWERS AS A WIT.

been reduced.

Before proceeding, Judge Powers said he understood that exception had been taken to some remarks of his while exunining a juror (Mr. Downs, formerly of Michigan) on Saturday. Nothing had been further from his intention than to give offense, and he wished to make thi explanation, together with the promis that he would not attempt criticism

#### again. HAD AN OPINION.

with C. Boyd, a theman on the offe-gon Short Line, and residing at 512 West, Second South, had not formed any opinion as to the merits of the case and believed he could give the defendant a fair and impartial trial. Joseph N. Hicks, of 453 east Ninth South, had read of the case, and formed a fixed opinion as to the guilt or in-nocence of the accused. He was chal-Ed. Milford, a laborer, unmarried, and residing at 238 H Street, did not enged and excused. know any of the parties to the case

Jatnes W. Ure, former sanitary inspector, passed a successful examina-tion. He had known Elias Morris and R. V. Morris, father of the deceased, but did not know Burton C. Morris.

ATTORNEYS HAVE A TILT. "Do you know George Raleigh?" asked Mr. Rogers.

"I do," replied the juror, "Do you know George Raleigh," continued Mr. Rogers deliberately, "who is employed by some one as a detective for the prosecution in this case? I make the statement that he is so em-

ployed. The manner in which Mr. Rogers said this indicated that it was intended

"Do you believe that it was intended "Do you believe that statement sim-ply because Mr. Rogers makes it?" in-quired Mr. Putnam.

"Do you deny it?" retorted Mr. Rog-

'Yes, I deny it," was Mr. Putnam's answer. "Then," said Mr. Rogers with some

Raieigh is employed by the prosecution as a detective in this case, and we pro-pose to prove it. Let Mr. Raieigh be SWOTT "This discussion," said the court, "Is

not proper." "The statement." said Senator Brown,

"It is true." retorted Mr. Rogers guletly, "and we can prove it by Senator Brown himself. Let Senator Brown be "This discussion will cease," said the

court emphatically. "It is all improper.

The examination of jurors was re-sumed and Mr. Ure, was passed for CAURE The challenge being with the defense,

## ARGUING THE QUAY CASE.

Pennsylvania Senatorship Question Occupies the Time of the Senate. Washington, Feb. 26 .- At the opening

of today's session of the Senate Mr. Frye (Me.) reported from the committee on commerce the shipping subsidy bill. He announced that a written report would be presented later to accom-

pany the bill. When the Senate had concluded its routine business Mr. Turley (Tenn.) called up the resolution reported from the privileges and elections committee to the effect that Hon, M. S. Quay was

not entitled to a seat in the Senate a senator from Pennsylvania. Turley prepared the majority report of which he fastened to the window. In jumping from the top of a storm door to the ground he wrenched his back. He crawled over half a mile on his hands and knees in the snow to the house of a gardener, and after telling of the fire fell unconscious.

ways thought a man named Stowell

owned it. 'Didn't you ever hear of the Benbrooks?

'No, I can't say that I ever did before this affair. They never were in any trouble while I was a police offleer

Senator Brown objected to the juror on the ground that his name appeared on the original jury list as Howells, with an s. This was disallowed.

THE STATE'S THIRTEENTH PER-EMPTORY. The State thereupon exercised its

thirteenth peremptory challenge and excused Mr. Howell. Wm. C. Boyd, a fireman on the Ore-

and had no opinion as to the guilt or innocence of the accused. He was op-

posed to gambling in any form what-

him against the defendant so that he

could not give him a fair and impartial

Mr. Putnam brought out the fact that

Mr. Boyd was a client of Judge Powers, but was not permitted to ask why the

furor did not claim his exemption, as

ITS FOURTEENTH CHALLENGE.

Messrs. Milton and Boyd were finally

passed for cause, and the defense ac-cepted both. Mr. Putnam, for the

State, challenged Mr. Boyd, and he was

Mr. Milton was sworn to try the case,

leaving but one more juror to be ob-

Henry A. Baker, of 100 Grape street, was examined by Mr. Rogers in the af-

ternoon, and stated that he had a fixed and settled opinion as to defendant's guilt or innocence, and was excused.

ADJOURNED UNTIL THIS EVENING

This exhausted the jurors on the ve-nire, and Judge Powers called attention to the fact that W. J. Strickley, of Bingham, who had been served, would

be here this evening. He did not care to go ahead with a new venire until he had had a chance to examine Mr.

Senator Brown concurred in the right

of the defense to this rule, and Judge Hiles anounced that a recess would be

taken until 7:30, when the jurors in the second venire would be examined as

admitted state of facts regarding the Quay case. Then he said: "If there ever was a case in which the governor of a State was, under the Constitution,

without power to fill the vacancy, it is

the Constitution bearing upon the sub-

He pointed out that the vacancy had

occurred during a session of the legis-

sion some time after the vacancy ex-

isted, yet it had failed to fill the va-cancy and immediately upon the ad-journment of the legislature the gover-nor had appointed Mr. Quay.

Theater Fire in Livernool.

London, Feb. 26 .- The Grand Theater Islington, where Henry Irving and oth-

er actors have been in the habit of be-

ginning provincial tours, was guited by fire this morning. Arson is suspected. The theatrical wardrobes and properties

The legislature remained in ses-

The action of the Governor this one. The action of the Governor was in the teeth of every provision of

to their statutory qualifications,

HIS OPINION SETTLED.

permitted a railway fireman.

trial.

excused.

tained.

Strickley.

ature.

were lost.

M

ever, but would not let that prejudice