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OLD UTAH COURT RECORDS

steresting Facts Concerning the First principal and James Neale as accessory arose another obstacle. It was the first was the first was no prison in Utah. The court over-Judiciary-A Cause Celebre in Probate Judge Smith's Court-First Conviction for Murder.

The Pioneers entered this valley | murder, civil actions, regardless of the the summer of 1847, and for a year the thereafter, they were not troua by any matters of litigation at themselves. Indeed, their time at that period fullly occupied in steling themselves against Indians d p building for their families some t d shelters to take the place of sikeshift that had served them so is the Old Fort square. And such attes of contention as did arise durthe period of settlement were satisgally adjusted by the ecclesiatical ets Bui at last, of course, the existration of justice required courts mond and jurisdiction, and with the cistion of the territory and the eral counties, these were instituted. This miners' courts administered cos in the camps of California-and whent justice it was, no doubt, for unes-stiention was given in Utah the establishment of the judiciary,

nisty organized. Son sfter 1850, the probate court of sensity was instituted. THE FIRST RECORDS.

records are still preserved intact effice of the county clerk. And rful records they are, carefully es in a hand as perfect as coppe as and which it would be hard to poste today. Elias Smith was the fr and J. M. Cummings the first succeeded later by John E.

iarisdiction of the probate court s was vastly different from what us in later years. At that time adtaily all causes were tried before a tribunal. All crimes, including

amount involved, cases in divorce and probate matters, were tried here. The court, it might be imagined, would be behind with the calendar, when

today, with all the vast machinery of the law in operation here, five justices of the peace, a police judge, commis-sioners, three branches of the district court and a Supreme court, the judiciary struggles and works late at night to keep abreast of the innumerable actions on the dockets. But Judge Smith had a comparatively easy time of it when his court was instituted. There was litthe to try, and perhaps that is one rea-son why the records contain such vol-uminous accounts of each action, no matter how small. All these details, however, with the names of witnesses, officers, attorneys, "Travers" and grand inverse are interesting and the records jurors, are interesting, and the records will be of importance to the historian. THE FIRST CASE TRIED.

On the fly leaf of the first record, beautifully engrossed, appears the title "A. No. 1. Record & C. of the Probate Court of Great Salt Lake County, in the Territory of Utah. The very first case recorded in the book-and therefore the first case of

record in Utah-starts out very well. It is apparently a criminal action, and there is an accessory as well as a principal. But in the language of the principal. But in the language of the critic, the interest is not sustained. Neither is the charge, apparently, and so the defendants are allowed to go their way. The record itself is as follows.

Territory of Utah, Great Salt Lake Sounty, Probate Court, Hon, Elias County, Probate Court, Hon. Ellas Smith, judge. The people of the Territory of Utah ys Wm. Morse, principal, and James

Neale, accessory. April 27. An affidavit filed in the court by Wm. M. Wall and John R. Stoddard against William Morse as

uen being able to relieve the town for

Wathon at Provo City, Utah County, Utah Territory. Same day clerk issued a writ for the arrest of William Morse and James Neal, directed to Rodney Badger, con-stable of Great Salt Lake county. Same time issued subpoenas for Hugh Neale and wife, Janie Neale, John Neale, directed to Rodney Badger. April 28: Writ returned endorsed: "I have served the same by arresting the persons and have them in court.

the persons and have them in court. RODNEY BADGER, Constable. Same day subpoenas were returned ndorsed.

endorsed. Court called, prisoners in court. William M. Wall, John R. Stoddard and Hugh Neale were duly sworn and testified on the part of the people. Wm. W. Casper was duly sworn and testified on the part of the prisoner. The court, after hearing the allega-tions of the parties and the testimony of the witnesses, ordered the following of the witnesses, ordered the following judgment to be entered:

judgment to be entered: That there is no cause of action and that the prisoners be discharged. Immediately after this, the time of the court was taken up in trying a number of civil actions against Bridge & Vasque, involving from \$20,000 down. A DIVORCE CASE. Then comes the first divorce case, that of Achton vs Achton. The nearlies

that of Ashton vs Ashton. The parties were apparently transients and the husband had deserted the wife and gone on to California. The decree was grant-

ed as prayed. IMPRISONMENT WITHOUT A PRISON.

The first judgment entered in which imprisonment was ordered was in the case of Fred Schaller and Phil Waters. These worthies were charged with horse stenling, a species of crime always abhorrent to the pioneers in any country, and not infrequently, in those days, calling for swift punishment. The prisoners in Utah, however, were given justice tempered with mercy. Both men pleaded guilty and threw themselves on the mercy of the court, relating the circumstances that had impelled them circumstances that had impelled them. o the act.

The court, however, would not accept the plea without consideration on their part and appointed Hosea Stout to defend them. He promptly objected to the proceeding, holding that the court was without jurisdiction, and that be-ing overruled, asked for leniency. The court gave them a year each, but here

came this, however, as the judgment, reading as follows, shows: "The court thereupon sentenced them to wear the ball and chain for one

This was the penalty carried out and the judgment inflicted even though there was no prison in Utah.

FIRST GRAND JURY.

The first grand jury called, so far as "Book A" records, was in the case of P. H. Ellsworth, charged with resisting an H. Ellsworth, charged with resisting an officer. The venire was served by R. T. Burton, deputy shefif, who secured the services of John Van Cott, Mm. G. Perkins, Chas, Westover, Briant Stringham, Benj. Mitcheil, I. Hotchkiss, Chas. D. Barnham, F. M. Lytle, John Pea, Elijah Warn, Lisbon Lamb, Sam-uei Bringhurst, John Nebeker, Reynolds Cayhoon (Cahoon) and Abel B. Grif-fiths. fiths.

The record shows that these gentle-men were duly sworn and charged by the court, and at 2 p. m. returned

an indictment. The prisoner then pleaded guilty and asked for mercy. He got off with a fine of \$100 and \$55.25 costs.

A CAUSE CELEBRE.

What was doubtless a cause celebre in those days was the case of a man go-ing under the alias of David Hull, who, it would seem, was charged with steal-ing cattle and other property belonging to McDonal & Adams.

Usually James Ferguson represented the people alone, but on this occasion he was assisted by J. C. Little. An ele-ment that doubtless added to the interest was the able conduct of the case for the defense by Seth M. Blair, who

fought stubbornly for his client. For this action a "travers" ju summoned, comprising Silas Richards, J. H. Bankhead, J. T. Packer, John Lytle, John Pulsipher, George Brim-hall, Hosea Cushing, Milo Andrus, B. T. Pendleton. Sylvanus Hick, P. H. Alired and Wm. M. Allred.

Mr. Blair, being appointed to defend, promptly secured a rule excluding all witnesses except the one testifying. He called for its enforcement too, later on, when Christopher Merkley was called to the stand, and carried his

point. The trial was a rather protracted one, and one fine morning, when the court

convened, his honor was given a sur-prise. Observing, says the record, that the prisoner was not present, he di-rected that the man be brought in.

DEATH BEFORE IMPRISONMENT.

Then arose Mr. Blair and informed the court that his client could not at-tend the session, for the reason that during the night he had taken poison, "which," he concluded, "will probably prove fatal."

prove fatal." The court took a recess in order that the officer who had charge of the prisoner and the physician attending him, if any, might be called. Perhaps the court thought the prisoner might be shamming, but this was quickly dis-proven. The officer and physician were called and testinged

alled and testified.

It would appear that their statements strongly supported the theory that Hull would die for it is noted that Mr. Blair would die for it is noted that Mr. Blair at once took the floor, and in view of the sltuation as disclosed by this testi-mony, vigorously objected to proceed-ing further at the time, for the reason that the defendant was not present as contemplated by law, and further that the issue of his illness might do away with the necessity of proceeding. Probably the tide was setting in strongly against his client, and Mr. Blair thought to do his best for him by securing delay.

by securing delay.

But the court would not have it so, and ordered the trial to proceed.

The attorney then stated that the court having ruled against him on so vital a point, he would have nothing more to do with the case, unless positively ordered to by the court.

Which the court promptly did. Mr. Blair was informed that his services were required until the final issue of the case, and he resumed.

How long the prosecution talked is not recorded. But Mr. Blair's record is given on the point. The clerk re-ligiously sets out that the distinguished of the marshal, adjourned until Tues-day morning, the 7th, at 10 o'clock. For several days thereafter there ap-pears to have been no business, and afattorney commenced his argument at 10 a. m., and never stopped talking until

a. m., and never scopped taking until 3 p. m. But it availed nothing. The jury found Hull guilty, fixing the penalty in a fine of \$1,000, six months' imprisonment and awarding McDonal & Adams \$2,000 damages. Mr. Blair was not at the end of his

& Adams \$2,000 damages. Mr. Blair was not at the end of his resources. He afterwards moved an arrest of julgment, but was overruled. Poor Hull has not yet recovered, whether he ever did or not, because the record shows that the clerk went to his room to read the verdict to the prisoner, who was unable to attend. After the verdict the court ordered

After the version the court ordered the costs taxed against the prisoner, and got around the prison problem again by ordering the ball and chain for the term for the term

It would be interesting to know what

rack Roundy, Samuel Moore, S. A. Knowlton, Charles Snow, N. V. Jones, W. S. Willis, A. P. Rockwood, John Lytle, J. B. Hardy, Wilford Hodson, J. B. Noble, Albert Carrington, Hiram Cannon, Enoch Reese and A. B. Lamb-son became of Hull, the man who pre-ferred death by his own hanl and im-ferred death by his own hand to im-prisonment, but the record traces him no further no further.

A REQUEST FROM THE BAR.

The undersigned members of the bar of Utah respectfully represent to the

court that this morning at 6 o'clock Dr. William France, an honorable and well known citizen of this Territory, died. He

died suddenly and to the surprise of his friends. The deceased was an honest man and a philanthropist as well as a

dutiful citizen. The understigned re-spectfully ask that an adjournment of

the court may be ordered till the 22nd instant, that a decent opportunity may be given to inter the remains of our de-ceased friend. James Ferguson, S. M. Biair, Hosea Stout, W. G. Mills, A. Miner.

DISTRICT COURT RECORD.

commences with Oct. 6, 1851, the origin-al entry being as follows:

Court convened according to law, passed by the legislative assembly of

ter short deliberations, the court ad-

Afterwards, the court admitted Geo. A. Smith, W. W. Phelps and Hosea

Stout to practice. On October 10th the court gave an

opinion of some importance. It was to the effect that the laws of the

provisional government of Deseret and also relating to the judiciary of the Territory and the official acts of the Legislative Assembly and of Governor

Young were strictly legal, according to

FIRST GRAND JURY.

The first grand jury ever called con-

journed.

the organic act.

The record of the First district court

The first criminal case of importance The bar at that time was an exceedingly small one, and owing to the com-paratively slight amount of litigation was of very slow growth. A few years was that of Howard Egan, charged with murder. The jury returned a verdict of not guilty on October 13, later, the following petition was pre-sented to the court: 1851.

A NATURALIZATION.

The same day the first naturalization occurred. James Ferguson, a native of Ireland, being admitted to citizen-ship. Thereupon he was also admitted to the bar. Admission to practice were numerous for the next few days, those enjoying the privilege being Amos I. Culvers, Andrew Tyler, Daniel H. Wells, William Pickett.

CONVICTION FOR MURDER.

The first conviction for murder, fol-lowed by the death penalty, appearing in the record is in the case of Jerome Owens, charged with the murder of John Pugmire,on January 2, 1852. After trial the jury returned a verdict of guilty. Those who composed the jury were Samuel Algar, E. M. Sanders, Morran Phelics John Pray, Elliah were Samuel Algar, E. M. Sanders, Morgan Phelps, John Pray, Elijah Sheets, James Barnez, J. A. Thompson, J. Y. Packer, A. P. Hardy, Lisbon Lamb, J. B. Martin and Francis Un-derwood. The prisoner, when called for sentence, made a few remarks, the tenor of which was that the killing was accidental. He was sen-tenced to be shot, hung or decapitated, and when asked which no thod he pre-ferred, replied that "he didn't know, which." The clerk remarks that the prisoner was "calm and collected all passed by the legislative assembly of said Territory, in the court house in Great Sait Lake City, at 10 a. m. Pres-ent, His Honor, Judge Z. Snow, Seth M. Blair, Esq., district attorney of the U. S.; Jos. L. Heywood, Esq., marshal for the said Territory, and W. I. Appleby, Esq., clerk of the Supreme and First Judicial District courts of the U. S. of said Territory. No business being pre-sented before the court, by proclamation of the marshal, adjourned juntil Tuesprisoner was "calm and collected all the while, shed no tears and manifested

an indifference and hardthood, seldom seen in any one of riper years." When the prisoner was removed by the marshal, continues the clerk, he manifested no feeling, contrition or excitement.

COPYRIGHTS.

The first copyright issued was in 1853, the entry being as follows: Be is remembered that on the 16th day of Nov., 1853, Willard Richards of the First judicial district, this Terri-tory, has deposited in this office the title of a book, the right whereof he claims as author, viz.: "A few words in the Utah and Sho-sho-ne. Dialécts, alphabetically arranged." Collected by D. B. Huntington.

Alphabetically arranged. Collected by D. B. Huntington. Afterwards a similar entry was made with regard to "A Guide to Carson Val-ley from Great Salt Lake City, by the New Route, directly west and south of Salt Lake, entirely avoiding the Hum-boldt, by O. B. Huntington."

FTERMATH OF THE BIG BATTLE

tish Tell How They Overcame the Boers at Belmont.

some time to come. Throngs of people were waiting at the war office last evening until a late hour for the lists of those killed. wounded or missing in the battle of Beimont. Nothing was published in ad-dition to Gen. Methuen's first dispatch. Buller's destination is kept a strict secret at Capetown, some reports say-ing that he has gone north, and others that he has gone to Duchan as already

that he has gone to Durban, as already cabled. The Daily Mail's correspondent at Naauwpoort says: "An open, unsigned letter, smuggled through from Coles-burg, says Commandant Grobbler has "I fear," said Mr. Churchill, "that the arrested ten prominent Englishmen and threatens to shoot them if any harm is done to Van Renesburg, ring leader of the Colesburg rebels, who was captured by the British and is to be tried for treason."

the model school was close and severe, but under all the conditions he had no grounds to complain. When asked recampaigns; Major Dashwood, another of Omdurman and Lieut. Willoughby. garding his general impressions, he said he had had many discussions with the

Gen. French's movement toward Colesburg is explained by military ex-perts as a maneuver to occupy the enemy and prevent raiding against Boers as to the rights of the war, and had been impressed by the number who could speak English. He had found that most of them regretted the Gen. Methuen's long line of communi-cation. But Sir Alfred Milner's proclaconflict, asserting that it had arisen as the result of misrepresentation. So far as he could learn, however, the spirit of the burghers in the field, despite mation shows that there is serious dan-ger of a Dutch uprising, and that Gen. Gatacre needs men to drive back the hostile forces as soon as possible. their privations, was most determined, and there was no chance of an early Reinforcements were sent yesterday to Port Elizabeth for him and another small detachment of cavalry was sent to Durban.

The unsanitary condition of Mafek-



Potter's The Chantant, though the latter has not escaped criticism. The Times set the example by giving it a meager and uncomplimentary report in its news columns, and since then several societies and other papers have referred satirically to the excesses which marked the tipping and other methods applied at the entertainment to raise funds.

The amount of advertising some of the theatrical nonentities have secured is not excused even by the presence of royalties. Many prominent members of the American colony here freely ex-press in private conversation their disappointment and stronger feelings at the proceedings of this performance. Mr. Joseph H. Choate, the United States ambassador, was placed in an

teor II, and Britannia ready to contest against her in behalf of Europe. Captain Hogarth is quoted as saying

that under English weather conditions the Shamrock would give the Columbia a much harder tussle. Mrs. Goelet's Napna is being repaired and altered on the Clyde, and is fitting out for a Mediterranean cruise.

The number of families thrown into mourning by the war is already having an appreciable effect on the attend-ance at the West End theatres. The manusers feel that war plays are too realistic to be popular for some time

Charles Wyndham is turning his business into a company entitled the "Criterion and Wyndham Theatres" with £200,000 capital. Mr. Wyndham will remain at a salary of £2,560 and a percentage of the profits. Charles Hawtrey, after dislocating his shoulder in the second act of "The Mes-senger of Mars," Nov. 22, pluckily played out the piece but fainted at the last curtain. As a result of the accident the house has been closed until Nov. 27 Sir Arthur Sullivan's new opera "The Rose of Persia," will be performed at the Savoy Nov. 29. Madame Patti re-appeared at Albert hall Nov. 22, but the event passed prac-tically unnoticed. She will celebrate the fiftleth anniversary of her first ap-pearance before the public, at a charity concert in 1900 in New York city,

GHTING NEAR ESTCOURT.

ist are Beaten and Compelled to Retire-Lieut, Churchtll Talks.

London, Nov. 25 .- Thus far the spe dispatches describing the battle Beimont bear a stereotyped characproving that the hands of the cenhave been at work upon them. They the incoherent to enable the reader form an accurate idea of the event to place a proper estimate upon the is of the victory.

al the accounts agree respecting the main fighting qualities exhibited on asides. Nothing could have exthe steady courage and pluck of British infantry in the face of the the state infantry in the face of were the fre; while the Boer guns were stately served, the gunners standing then with dogged determination, ex-The modeles until the very last sent and only becoming wild and swate in their aim during the final and charge of the British infantry. M admit however, that the charges mit, however, that the victory a not be properly followed up and , owing to the want of suffi-avalry. The pursuit of the deat cavalry. enemy by the fifth lancers idently not very effective and, charly enough, while the correct Boer status report the capture of Boer status report omits

4 Lord Methuen's own report omits statement says: "The remnant a satement says: "The remnant Beer army sought to escape to-side Orange Free State territory." a the Orange Free State territor that at the evidence tends to show that Memy's retirement was orderly, Wildoubtless be heard of else-

correspondent of the Times at aut says: says: "After the battle the surveyed. Cavairy and mounted thy on both fields pursued the en-but were unable to overtake the thing Bore as Boers, who got away with masport. The Boer rout was Tansport , and their losses are believed ours. They used some dum-eta Everything was in their alieta Everything was in the ave he threats to assassinate recalhe burghers, who are tired of war On the whole Rem safe to assume that the gans were not captured.

stiking proof accorded to the an material Gen. Methuen has in brizade. is, however, a matter of Ustani inconfirmed rumor that the corseized in the Boer camp ATS EVE ence of treasonable comon between the Boers and the

Daily Mail publishes the follow atch from Belmont, describing

held a position which as would hold against al-ree. The British victory is My estimate of the Boer killed and 150 wounded. correspondent of the Loning Post. was wounded. Th they say that half their tired of the war, will refuse

ole force of the fearful fight te by the infantry, who were to dimb 504 feet, straight into stream of missiles. The ninth pursued the enemy with great Boers, well mounted and the hills, melted before ith the oly, however, our victory even more dec.sive ore cavalry. ion of Mafelding is

beginbe regarded with anxiety. in the impossibility of Lord Meth-

The situation in Natal remains un-changed, the sortie from Estcourt to Willow Grange having little effect. An official message from Gen. White at Ladysmith, dated November 22nd, and received at Durban yesterday. says: "Situation unchanged. Troops well and cheerful." This effectually disposes of all rumors of another sortle from Lady. smith and of the defeat of the Boers.

A dispatch to the Times from Mooi river gives the British casualties in the Willow Grange affair as three killed and forty-four wounded. This is the first news of such a heavy loss and, if correct, suggests a repetition of White's unfortunate action of October

The Pietermaritzburg correspondent of the Daily Mail, describing the same sortic, says: "The British surprised the Boers, carried their position, captured all their equipment and returned to Estcourt in safety. Gen. Hildyard was well satisfied with their work."

The Natal Advertiser confirms the re-port of fighting near Willow Grange. It says: "Five thousand British left Estcourt Wednesday afternoon for a reconnoissance. They surprised the Boers at 3 o'clock Thursday morning and occupied the Boer position, bayoneting eighty of the enemy. "At daybreak the Boers opened with

quick-firers. The British artillery was unable to reach the Boers, and the British position, therefore, became un-tenable and was evacuated. Subsequently the artillery was brought into action and the Boers fell back. Their object having been attained, the Brit-ish returned to Estcourt."

The Capetown correspondent of the Daily Telegraph, telegraphing Thursday, After the battle of Belmont, Lord

Methuen, addressing his troops, said: Comrades, I congratulate you on the complete success achieved by you this morning. The ground over which we had to fight presents exceptional diffi-culties, and we had as an enemy one who is a past master in the factics of mounted infantry. With troops such as you, a commander can have no fear of the result.

"There is a sad side to all this, and you and I are thinking as much of those who died for the honor of their country and of those who are suffering, as we are thinking of our victory." of the The Capetown correspondent Dafly Mail, telegraphing Thursday,

says Nothing is known here concerning the report that United States Consu Macrum has been refused permission to leave Transvaal territory.

"I am told that Mr. Cecil Rhodes keeps a big balloon ready at Kimberley to escape if driven to that extremity." Pretoria, Nov. 24 .- Through the cour-tesy of the Transvaal authorities, the correspondent of the Associated Press here, in the company of Mr. P. G. Grobler, under secretary for foreign af-fairs, and Mr. De Sousox, secretary of the war department, was enabled visit Winston Churchill today at the model school, where he is confined with the captured officers. Beyond a slight

bullet wound in the right hand, he seemed well and looked hearty, although naturally chafing under en-though naturally chafing under en-forced idleness. In the course of the interview, Mr. Churchill said: "The Boers have treated us with much kindness. This was the case from the outset. They braised our de-forms of the armored train and ex-

from the outset. They braised our de-fense of the armored train and ex-pressed surprise that the locomative was saved from becoming a hopeless wreck, as they expected under their artiliery fire. We were then marched through a pouring rain to Colenso, pro-ceeding the peet morpha to the Boar

ceeding the next morning to the Boer camp near Ladysmith, and then going by rall to Modderspruit, finally arriv-ing here on Nov. 13. "On the journey great numbers of burghers crowded to see us, but there was only one who made insulting re-

marks, the others courteously offering us cigarettes or showing such marks of Mr. Churchill said the confinement in Tribune from London says: The local papers publish further de-

tails of the battle of Belmont. They show that the behavior of the British infantry in charging strong positions held by the Boers was magnificent. On the face of a tremendous fire, the British guards three times drove the Free Staters in flight from their kopjes. The war correspondent of the Chronicle, however, says that the Boer marksmanship was wretched, otherwise not a single guardsman out of the two battalions of Coldstreams who carried the position at the point of the bayonet ould have lived to reach the summit

of the ridge. The censorship has let in a fresh series of Kaffir rumors respecting a great victory by the Ladysmith garrison on Sunday, but it has kept out definite information relating to the anomalous military situation in lower Natal. The rumors of victory come from many sources, but are untrust-worthy and are discredited by an official report from General White via Durban, showing the situation at Ladysmith unchanged on November 27, although based upon a strong inherent proba-bility that a trained Indian fighter like General White, discovering that the lines of investment have been weakened by the withdrawal of a large force southward, would not remain idle, bu would attack the enemy's positions without delay. This is what soldiers of the Indian school say that Lord Rob-erts would do under the same conditions, and they know that General White is a man of action, anxious to retrieve his record of having brought on a disastrous reverse by a tactical er

All the news from Ladysmith must be discredited, unless it comes by pigeon, when there are three missing links in the broken chain of communiinks in the broken than of communi-cation with the coast. A fourth break has not yet been reported between the capital of Natal and the seaboard. But at the worst Englishmen will be able to console themselves with the reflection that the Boers cannot go outside of that the Boers cannot go outside of Durban without plunging into the sea. There are vague reports of heavy artil-lery firing here and spirited skirmish-ing there, but the curtain was not lifted at midnight high enough to enable any one in London to obtain a clear glimpse of what is going on. The situation in Natal is not so criti-cal as the nonic monger immediate.

cal as the panic mongers imagine. The raiders have not entrapped any detachment of the relief column nor made an effective attack at any point. Every important river crossing below Estcourt has been securely guarded, and the column is receiving reinforcements rapid-ly from the coast and is slowly pulling itself together. Gen. Lytton has taken command of a portion of the brigade on the Nottingham road. Pietermaritz-burg is safe, and the Boer demonstration is hardly more than a hazardous if ingenious and effective method of harassing and blocking the British advance

Lord Methuen's victory at Belmont remains as complete as when reported twenty-four hours earlier. Later official reports show that the enemy was taken by surprise and forced to abandon ammunition and supplies, while re-treating in good order. The casualty list has not been seriously increased, and the number of officers is not out of proportion to the whole force, owing to Lord Methuen's sensible measures for Lord Methuen's sensible measures to compelling them to protect themselves." The Daily Mail's correspondent pays a fine tribute today to the gallantry of the guards in carrying position after position at the point of the bayonet, and there are other accounts of this

and there are only accounts of the brilliant charge. Among the killed were Captain Eager, one of the heroes of Omdurman, and Lieut. Farmer, a popular officer of the grenadiers. Among the wounded the most conspicu-

ous officers were Lieut. Col. Crabbe, who received medals and honors in Egypt and the Soudan; Major Hamilton, one of the best known men in the Scots guards and a veteran of many

ing is causing great uneasiness. About 20,000 troops are still afloat, over 34,000 having arrived in South Africa, of whom 16,658 have been sent to Durban. The first battalions of the new division sailed yesterday on three transports, and the Warren starts to-

The German emperor's visit will be returned by the queen at Potsdam after her holiday on the Italian riviera next Schemes for Advertising-Breezy Gos spring. There is no public announce-ment, but this is already well under-

sip of British Affairs-What the Theaters are Doing.

IS USED BY NONENTITIES.

London, Nov. 25 .- Special London cable letter, copyrighted, 1899, by the Assoclated Press .- Among the serious minded, conservative English people there is a growing feeling of disgust at the spread of the nauseating nambypambyism which finds an excuse in the war. The historical outbreak which has ensued since "Tommy Atkins" and his officer became a full fledged society craze has already been the subject of satirical articles in the better class of British publications, and now all signs point to a reaction from that unreasoning enthusiasm which is responsible for so many undignified antics. Never were the old English army officers so aghast as when they read of the queen's decis. ion to send a box of chocolate to each man in the field as a Christmas present. Compared with her simple speeches at her farewells to the troops, this announcement appeared as a sudden descent from the sublime to the ridiculous. On top of this came the herolc acts of Correspondent Churchill fighting battles and controlling troops, and regular offi

cers poured in letters to the papers pro-testing against this. Though not belittling Churchill's personal bravery, in the Tirah campaign, an officer was obliged to tell Churchill that his help was not needed to command a company. Other instances of this young ex-offl-cer's readiness to interfere have been printed since the glowing accounts of the armored train affair.

While it is pointed out that he does not deserve good treatment from the Boers, having violated the usages of war, the report of his expected release is contrasted with the alleged action of the French and Germans who, it is claimed, during the war of 1870, shot all non-combatants found carrying arms.

While the big West End caterers are busy shipping hundreds of cases of champagne and pate de folgras to the regimental messes in South Africa, society women are working feverishly, making plum puddings for these un-fortunates. Many of the puddings con-tain costly jeweiry, the pins, rings and other mementos from a daring woman-kind, Lady Colin Campbell has made no fewer than 105 plum puddings for the Dublin fusileers, and several puddings have been sent to Winston Churchill, addressed to Pretoria.

Though the majority of such efforts are doubtless prompted by genuine patriotism and a desire to alleviate the sufferings of the soldiers, the charitable movement is taken advantage of by no-torious self-advertisers, both social and Women who have not mercantile. Women who have the been received in society, in spite the efforts of years, have been untiring in their endeavors to get publicity for their particular scheme to raise m or articles to send out to South Af-

Incidentally it is announced that the duke of Aberdeen has sent the Red Cross society 300 dezen of Messrs, Soand-so's handkerchiefs, "which are famous for their softness and delicate texture," etc., and every theatrical texture," etc., and every theatrical press agent in the country is reaping harvests by obtaining gratuituous ad-vertisements from hitherto unheard of actors and actresses who are willing to recite a war poem or do a turn to help the war funds. This of course scarce-ly applies to the few leaders of the profession who originated the idea of an American quota of charity, a move-ment which culminated in Mrs. Brown

awkward position by finding, upon his arrival here, that he was apparently actively associated with The Chant-One individual ant's management. was officially discountenanced by the embassy, and the same was the case with several others who, though known in the London papers as Americans are not claimed as such by the various ambassadors or are not received in New York society.

On the other hand, the hospital ship princess of Wales, fitted out at the instigation of and with the personal supervision of the member of the royal

family, after whom she was named, was done quietly and is now ready to sail. A great part of the cost was borne by the princess' own pocket, but its complete control is given to the army medical department. A rumor has been printed that the

long-existing and strong family friend-ship between Mr. Joseph Chamberlain and Sir Alfred Milner may culminate in their becoming brothers-in-law. But a representative of the Associated Press learns that Mr. Chamberlain has only one sister, and she is married. So unless Sir Alfred Milner weds a siste of one of Mr. Chamberlain's forme wives, it is hard to see how the th effected. Those who know Sir can be can be effected. Those who know sir Alfred Milner say he is not of the marrying kind, and his intimates dis-credit the rumor, saying. "The ac-quaintanceship of the governor of Cape Colony with Mr. Chamberlain is con-fined to a few official interviews."

M. A. P., (Mainly About People), is authority for the statement that Gen. Kitchener, before leaving England, remade a strenuous attempt to cently, obtain the supreme command in South Africa, but was refused on account of his junior rank and lack of knowledge of South African conditions. A cabinet minister is quoted as saying, relative to Gen. Kitchener's request:

"Why, when he got to Pretoria the man might actually send Kruger's head to Madame Tussaud's." A letter from an officer at Omdur-

man says Wingates's forces, which re-cently defeated the Dervishes near the Nile, south of Khartoum, consisted of five squadrons of cavalry, two try brigades, two howitzers, ten Maxim try brigades, two howitzers, ten Maxim guns and 1,000 camels. The letter adds: "We shall have to attack the khalifa this winter. There is no probability of his attacking Omdurman. But he will do his utmost to create risings and will attempt a raid along the west bank of the White Nile He is known to have of the White Nile. He is known to have 3,500 riflemen, 7,000 spearmen and more cavairy. These are reported to be ful of fanatical zeal. We shall probably find our chief losses due to fever, scarcity of water, and the cattle-fly. But, I assure you, that when we begin the khali fa will be vigorously pursued, to prevent his doing any more harm at the scattered Dervishes in South Dhar

far." With wisdom ahead of his years, Little "Johnny" Reiff, who has won twenty-two races on the English turf, has decided to go to school during his four months' vacation. The London riding schools have be

gun to supply female grooms, who, in-stead of following their mistresses through the park at a respectful dis-tance like a male attendant, ride side by side with their mistresses, thus al-leviating the silence attending the old fashioned morning canter with a male groom in the rear.

The next yachting season promises to be the best in many years. It is now definitely said that the Valkyrie III will be re-commissioned by her prospective new owner, to whom Lord Dunraven is arranging to sell her. Dunraven, by the way, was anxious to represent a London daily in South Africa, but his physician forbade it, and a younger earl has represented the

Daily Telegraph in Africa. Mr. Charles Day Rose's new boat Distant Shore, is bigger and more com fortably fitted than any racer on this side of the Atlantic, though similar in lines to the Columbia. When the Columbia comes over here, if she does make the trip, she will find the Shamrock, Distant Shore, Valkyrie III, MeSWINDLED OUT OF MILLIONS.

New Yorker Dupes People Out of Vast Sums of Money.

New York, Nov. 24 .- William F. Miller, head of the Franklin syndicate, which has accepted the deposits of thousands of persons in Brooklyn under promise of paying dividends of 10 per cent a week, or 520 per cent per annum, and Cecil Leslie, his secretary, were indicted by the Kings county grand jury. Bench warrants were issued for the arrest of these two men, but up to quite a late hour tonight neither had been found, the police saying that they had disappeared in the afternoon.

Tonight the police raided the premises occupied by the Franklin syndi-cate on Floyd street. There was a great crowd of people around the build-ing, and the police surrounded it Inspector Brennan arrested Louis Miller. brother of the head of the syndicate, and the cashier of the concern, and took possession of \$15,000 in cash. There were forty employes engaged at work in the offices, and these were allowed to go.

The charge upon which Miller was indicted was that of conspiring to de-fraud. The district attorney's office in Brooklyn has been at work on the case for some weeks, so prominent have become Miller's operations in that line.

Miller had been engaged for the past two years or so in offering his glittering inducements to the people to in-vest their money for him to make use of, but it has been only within the last month that by extensive advertising in one way or another he has managed to attract to his office hundreds of people daily who gathered in a the oppor-fought with each other for the opportunity to hand out their savings. Even when the place was raided tonight by the police a number of those around the offices were waiting to deposit mon-

ey with the Franklin syndicate. The presence of the police caused great excitement. When they entered the office they were informed that at 6 clock tonight the concern had made an assignment in the borough of Manhattan to James Daily, ex-sheriff of Richmond. Chief of Detectives Rey-Richmond. Chief of Detectives key-nolds said that the police were the as-signees now and put Daily off the premises. Daily has been in the m-ploy of Miller for some time past. Of the \$15,000 taken possession of by he police, something more than \$5,000 in cash was found in the syndicate of-

500 Cases of Smallpox.

fices.

Bowling Green, Ky., Nov. 24 .- The State board of health announces that in a population of 1,800 there are fully 500 cases in various stages of smallpox at Uniontown. There are many cases in the adjacent country. The dis-case has been conveyed from Union-town to Critienden, Hopkins, Muhlenberg and Henderson counties. The local authorities had concealed the facts and denied the extent of the disease. The State board of health has placed the town in absolute quarantine

A Too Previous Congressman

La Crosse, Wis., Nov. 24.—Congress-man J. J. Esch of this city has declared himself opposed to seating Congressman Roberts of Utab.

to some practical account, notwith-standing the death of Lady Salisbury, and the serious ailments of Count Everything seems to play into the hands of Mr. Chamberlain. me minister's bereavement and Mr. Balfour's rightful place among mourners at Hatfield, have brought the the secretary of the colonies to the front as a practical man of business, ready to drive a big bargain with the German

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Certificates of Merit to Soldiers

Washington, Nov. 24 .- Certificates of merit for service during the Spanish-American war have been awarded by the war department to the following men:

Private Henry Tyler, company A, Second infantry; Quartermaster-Sergt, James H. Cook, company B. Third in-fantry: Private Alfred C. Patty, com-pany H. Thirtieth infantry: Quarter-master-Sergt. Ozrow Gather, troop E. Tenth cavalry. Trumpeter James C. McCarthy, com-

pany B; Private Louis A. Silleto, com-pany C; Private George W. Garnsey, company B; Private John M. Claxton, company B: Third volunteer infantry. Private Charles E. McKinley, troop Private Edward J. Albertson, troop Private Herbert P. McGregor, troop

 First volunteer cavalty.
Sergt. Fred L. Smith, company H.
Thirteenth infantry: Private James J.
Watkins, company D, First California infantry

Sergt. Henry I. Clotworthy, company Private Louis I. Bigelow, company Private Samuel Hickman, company F. First Colorado infantry.

Corp. Joseph S. Oviatt, company A; Private Lawrence B. Connor, company E, First Nebraska infantry. Quartermaster-Sergt. John F. Went-

lich, company H, Tenth Pennsylvania infantry; Corp. W. Baker, Astor bat-tery; Corp. James B. Patterson, com-pany K, First Tennessee infantry; Private Charles Ohmer, company F, Nineteenth infantry.

As the above named men are out of the service, these certificates cannot be delivered. Upon application to the ad-jutant-general of the army, Washington, D. C., they can be procured by the persons to whom they have been been granted.

Certificates of merit entitle the holders thereof to \$2 a month additional pay from the date of the action for which they are given to the date of discharge from the service.

Russia Getting Ready.

Odessa, Nov. 24 .-- It is reported that 14,000 troops will soon leave to reinforce Russian garrisons in the for

stood in diplomatic circles. Political gossips are already asking whether the secretary for the colonies will accom-pany her to complete negotiations already begun at Windsor, for there has been diplomacy behind the scenes after The German emperor signalled out Mr. Chamberlain for special tions at the state banquet and talked with him so long and so closely that

Hatzfeldt.

emperor.

every prominent diplomat present note of it. The next day Mr. Ch

berlain visited Hatfield and on the day

after held a protracted interview with

the emperor, Count Von Buelow and Count Hatzfeldt, the German embas-

Count Hatteid, the German emoas-sador at Windsor. The subject of this conference is a high state secret, but the safest conjecture connects it with Delagoa Bay, although there is an-other surmise that reaches as far as Persia. The German emperor has evi-

dently turned his strictly private visit