

THE DESERET EVENING NEWS.

TRUTH AND LIBERTY.

FRIDAY, FEBRUARY 23, 1900. SALT LAKE CITY, UTAH.

NUMBER 82.

FIFTIETH YEAR.

SURRENDER OR ANNIHILATION.

Nothing Visible that Can Save Gen. Cronje from the Terrible Vise in Which He Has Been Caught.

News of Surrender Expected Every Hour—Prolongation of Gallant Yet Ghastly Battle Elicits Wonder—Fifty Guns Within 2,000 Yards Pour Death on the Boers—No Hope of Escape Seen by Experts—Rumors of the End of the Struggle Unfounded—Severe Losses on Sunday Were Necessary—146 British Killed—Buller's Progress Toward Ladysmith Slow—Reports 120 Loss—White is Helping—Boers Being Driven From Cape Colony.

[Afternoon Dispatches.] London, Feb. 23, 2:10 p. m.—Every hour is expected to bring news of Gen. Cronje's surrender. On all sides wonder is expressed that the gallant, yet ghastly battle at Paardeberg Drift has not yet ended in what is considered to be the inevitable. With fifty guns bearing down on the devoted band within the terrible short range of 2,000 yards, surrender or utter annihilation can be the only result unless all reports of the

which they subsequently discovered to be utterly without foundation.

KILLED ON SUNDAY.

The official report gives 146 men killed at Paardeberg Drift Sunday, Feb. 19, including sixty-three Highlanders and eighteen Canadians.

The severe losses incurred by Gen. Kelly-Kenny Sunday have produced some adverse criticism, but it is pointed out that had he fought less furiously he would have given the Boers the op-

TELLS OF HORRORS OF THE "BULLPEN"

Story of a Prisoner During the Idaho Trouble.

HE WAS TREATED BADLY.

Complaint Against the Military—Sanitary Arrangements Deficient—Allegations of Cruelty.

[Afternoon Dispatches.] Washington, Feb. 23.—The investigation of the action of the military and civil authorities in the Cover d'Alene riots was continued by the House committee on military affairs.

H. W. Stinson testified at length as to life in the "bull pen," where the accused miners were held. His description was illustrated by a large number of photographs showing the prison enclosure, consisting of a number of rude shanties surrounded by a wire fence. The witness was a school commissioner, and was removed for alleged sympathy with the miners and subsequently arrested. He said the "bull pen" was very filthy. The men ate off the ground and the food was bad. There were practically no sanitary arrangements. The witness said his walls were opened. On one occasion when his wife was badly injured and was in a delicate condition he was refused permission to go to her.

Mr. Stinson also told of the guard house, a part of the "bull pen," where he and others were held most of the time. Rain beat through it and the inmates were often soaking wet. The straw had been trampled into the ground and the officers in charge of the United States forces refused to allow hay to be brought in. Many drunken soldiers were put in the guard house with the accused.

An army officer, he said, ordered a corporal to take a cigar from the witness, and when the latter threw the cigar down, the officer reduced the corporal to the ranks for not snatching it. The officer ordered that the men be treated with severity.

Extended discussion occurred among members of the committee over the report of Mr. Lentz and Mr. Sulzer to introduce a newspaper interview with Bartlett Sinclair, the auditor of Idaho. The committee finally voted not to admit that line of testimony.

Mr. Sulzer noted an exception and Mr. Lentz said the House was a superior body to which appeal could be made.

ON BEHALF OF DALY.

Never Interfered with Nolan-Clark Defense Rests Temporarily.

Washington, Feb. 23.—When the Senate committee on elections met today, Mr. Faulkner, for the defense in the Clark case, announced that he had determined to rest for the present. There might be two or three witnesses to be called later, but they were not now in attendance. Mr. Clark was recalled for a few unimportant questions and then Attorney General Nolan, of Montana, was placed on the stand by the protestants. In rebuttal of the testimony adduced by the witnesses for Mr. Clark, Nolan said he had become acquainted with Marcus Daly in 1896 and that while he had been in office since that date Mr. Daly had never in any way attempted to interfere with him in the performance of his duties.

Referring to the grand jury proceedings, Mr. Nolan said that he had told the court that the \$30,000 used by White-side in his exposure was evidence either of conspiracy or of bribery on the part of White-side, and that he insisted on a finding one way or the other.

The witness said that he had participated in the election of 1898 with the aid of the Democratic ticket. The expenses of the State committee were said, about \$3,000, as shown by the official statement.

Recess was then taken.

Meeting of Democratic Clubs.

Washington, Feb. 23.—The executive committee of the national association of Democratic clubs today decided to hold the next annual meeting of Democratic clubs at Indianapolis, Ind., September 5.

Banished for Five Years.

Paris, Feb. 23.—In the senate, sitting as a high court today, Deputy Marcel Habert, who has been on trial charged with inciting soldiers to insubordination at the time of the funeral of President Faure, was sentenced to five years' banishment.

LOST IN THE STORM.

Supposition that the British Steamship Torino Has Foundered.

Pensacola, Fla., Feb. 23.—It is expected here that the British steamship Torino, which left Pensacola Tuesday morning for Havana, was lost in the storm that night. The Torino should have reached Havana yesterday morning but nothing has been heard from her.

Fire Caught Seven.

Baraboo, Wis., Feb. 23.—Seven business firms were burned out at Wone-wee today. The loss is \$50,000.

APPEAL FROM PUERTO RICO.

Cablegram Addressed to the President of the Senate, Asking Relief.

Washington, Feb. 23.—In anticipation of a lively debate on the question of the right of Matthew S. Quay to a seat in the Senate as a member from Pennsylvania, spectators crowded the galleries today.

President pro tempore Frye laid before the Senate the following cablegram addressed to him as president of the Senate, from San Juan de Puerto Rico:

"Commissioned by people, Puerto Rico, attending celebration commemorating the centennial of Washington, request that for humanity's sake a resolution be adopted of the economic problems. Every day represents considerable loss, leading to total ruin. "CANARA COMERCIO."

Mr. Hoar inquired whether the chair held the cablegram to be a petition from citizens of the United States.

The Chair—The chair does not feel called upon to rule upon that question.

But the senator from Massachusetts may judge how the chair feels, as he presented the document to the Senate.

At the request of Mr. Pettigrew, who

has been absent from the Senate for several days on account of illness, his resolution expressing sympathy with the Boers in the war with Great Britain was placed on the calendar without discussion.

The question of the seating of Mr. Quay was then presented by Mr. Penrose, who requested the chair to lay before the Senate the resolution relative to the subject, as a question of highest privilege.

The debate in the House upon the Puerto Rican tariff bill was resumed today at 11 o'clock.

Big Store Burned.

Providence, R. I., Feb. 23.—Fire broke out under a counter on the ground floor of the Paris house, the big dry-goods store of L. D. Newell and Son, Westminster and Eddy streets, at 2:30 p. m. and spread instantly through the four stories of the building.

Girls in upper stories barely escaped, saving some of their personal effects. Newell and Son estimate their loss on stock at \$100,000.

New Philippine Commission.

Washington, Feb. 23.—At the cabinet meeting today, some time was consumed in the discussion of the personnel of the new Philippine commission. It was stated that the President had sent telegrams to Gen. Luke E. Wright, of Memphis, and to Mr. Henry C. Ide, of Vermont, asking them to come to Washington for a conference with him, and there appears to be no doubt that they will be asked to accept appointments on the commission. The last remaining member of the commission will probably be selected from the Pacific coast and there is little doubt that Bernard Moses, professor of political economy in the University of California, will be appointed.

DENOUNCE THE PRESIDENT.

Anti-imperialists Use Strong Language Toward the Administration.

Its Policy Declared to be "The Breaking Down of the American Union."

Philadelphia, Pa., Feb. 23.—The second day's session of the "Eastern" conference of anti-imperialists was characterized by the adoption of a strong resolution condemning the expansion policy of the administration. During the discussion Mr. McKinley was severely criticized and held personally responsible for the "criminal aggression of the country."

Today's proceedings began with an executive meeting of the committee on resolutions, of which Herbert Welch, of this city, is chairman. The resolution drafted by this committee was unanimously adopted with slight amendments. It is as follows:

"Whereas the present administration under the lead of President McKinley has undertaken to extend the sovereignty of the United States over various tropical islands in no case with the consent of their people, and in the Philippines by force of arms, and denied that the inhabitants of these islands have any constitutional rights;

"Resolved, That this policy violates the principles upon which our government rests, and not only subverts the liberty of these islands but also endangers the permanence of free institutions in our country."

"Resolved, That we will support no man for the Presidency or for Congress who is not in the absolute and unqualified possession of this policy, and that we will do our best to defeat all candidates for either office who favor it."

"Resolved, That we request the executive committee of our national league to call a national convention at such time as it sees fit for the purpose of securing united action by all who hold these views."

Several of the delegates objected to the use of President McKinley's name in the resolution, and it was unanimously decided to insert the words "the present administration" were substituted.

In offering the amendment, Mr. Storey said that the members of President McKinley's cabinet who at heart were opposed to the policy of imperialism, but who by their silence supported it, should be made to bear their share in the responsibility. Answering the objections of those who favored striking out the name of Mr. McKinley, Frank Stephens said:

"That murderer is the man who is chiefly to blame for the shame that rests upon this country, and his name should not be removed."

Senator Hoar came in for some criticism. Several of the delegates declared that little assistance could be expected from him, owing to his staunch support of the President.

Mr. Storey, of Massachusetts, said that Mr. Hoar could make an excellent anti-imperialist speech, had done so and would do so again, but when the time came for voting he voted with the President.

"We want it to go out to the world," said Mr. Storey, "that our anti-imperialism is not of that sort."

Herbert Welch, in discussing the resolution, said he regarded the administration's imperialistic policy as "the breaking down of the American Union."

A further resolution was adopted reciting the cable report from Manila that insurgents were hereafter to be treated as bandits and executed. This action was compared with the policy of Gen. Weyler in Cuba.

A demand was made that Congress immediately investigate the report and if it proved true, take summary measures to prevent it.

Kentucky's Legislatures.

Frankfort, Ky., Feb. 23.—The Republican senate and Democratic senate convened simultaneously today, and Lieut. Gov. Marshall and President pro tem Carter again presided from the same stand. The clash over the chair, however, lasted only a few minutes. The Republican senate presided over by Marshall voting to adjourn and leaving the Democratic senate in session.

The senate passed the McChord railroad bill by a vote of 19 to 9. The bill empowers the State railroad commission to regulate freight rates and to punish extortion. It was endorsed in the Democratic State platform and was one of the leading issues of the campaign.

Irish Leader Dead.

New York, Feb. 23.—Edward O'Flaherty, the senior member of the good-firm of McPartland & O'Flaherty, died today of pneumonia. Mr. O'Flaherty was president of the Irish-American club and of the Irish-American League.

GEN. BULLER STILL ADVANCES.

Pushes Over to Fort Wylie and Occupies the Place.

TRANSVAALERS ALARMED.

Retirement of Gen. Cronje the Cause—Boers in Cape Colony Driven Back—British Losses.

[Afternoon Dispatches.]

Colenso, Natal, Wednesday, Feb. 21, via Chieveley Camp, Feb. 22.—The British have crossed the Tugela over a pontoon north of Hlangwana and now occupy Fort Wylie. While the naval brigade was bombarding Grobler's Kloof, the Boers big Creout replying yesterday after the occupation of Colenso, a small party of Thornycroft's horse crossed the river but were driven back by fire from the trenches.

The Boer guns are still shelling the relieving force from the hills south of Ladysmith, but the impression is spreading that they are merely covering the retreat of the entire Boer force. Gen. Buller's casualties Tuesday, Feb. 20, and Wednesday, Feb. 21, were:

Killed: Capt. Crealock and Lieuts. Keith-Falconer and Parry, of the Somersetshire light infantry and nine men. Wounded: 5 officers and 97 men. Missing: Five men.

TRANSVAALERS ALARMED.

Lorenzo Marques, Delagoa Bay, Feb. 22.—The Transvaal government is reported to be seriously alarmed at the defeat of the Boers at Kimberley and the retreat of their famous general, Cronje.

The newspapers are most reticent but the Standard and Diggers News claimed that Gen. Cronje's movement is beneficial as "it increases the mobility of the burghers' army, enabling it to conduct more effective operations on a carefully prepared plan."

There are persistent reports that the seat of the Free State government is being moved to Wynburg. It is said that 6,000 burghers have been sent from Ladysmith to Bloemfontein.

DROVE BOERS OUT.

Arundel, Thursday, Feb. 22, evening.—Col. Henderson's squadron of the Inniskillings, with two guns, reconnoitered westward to Moofontein farm on the direct road to Colenso and Hanover. They got close to the Boers in the hills and were fired on. They quickly got their guns in position and shelled the hills.

Eventually the Boers were driven out, retreating northward when they came under fire of two other guns supported by a company of Australians near the British western post on Dragon hill.

Col. Henderson proceeded to Moofontein Farm, which he now occupies. The British patrole from Hanover also came out to the farm.

The Boers are not in great force. They have been persistently followed all day and have withdrawn a considerable distance northward.

Big Fire in London, Ontario.

London, Ont., Feb. 23.—The Masonic Temple was destroyed by fire today. Nothing remains but the walls. The Great Northwestern Telegraph office, Shea's wholesale liquor store, the office of the Northern Life Assurance company, Banks and Co. bank, barbers, Roach Brothers and C. E. Turner, brothers, E. E. Butler, broker, Keene Furniture Co., the grand opera house, R. G. Dun & Co., and the Dominion Loan and Savings Co., place are all in ruins.

The Masonic Temple was the finest structure in the city. The loss is in the neighborhood of \$200,000.

The fire is said to have originated on the stage of the opera house.

Plague Appears at Aden.

Aden, Feb. 23.—Six cases of the plague and one death have occurred here.

Drastic measures have been taken to prevent a spread of the disease. The infected areas have been isolated.

Same Plan as Jefferson Proposed.

Chicago, Feb. 23.—President Schurmann, Cornell University, and former head of the Philippine commission, delivered an address before the student body at Armour Institute today in which he forecasted the report and recommendations of the commission soon to be published at Washington. President Schurmann said that he had recommended to the President a government and constitution for the Philippines identical to the same as that framed by educated Filipinos, which is practically the governmental policy outlined by Thomas Jefferson for the government of the vast territory acquired by the Louisiana purchase. Mr. Schurmann said further he was happy to state that President McKinley had accepted the recommendations, and was sending out a second commission to put this government in operation.

TROOPS CALLED OUT.

Their Presence is Necessary at a Big Fire in Alabama.

Birmingham, Ala., Feb. 23.—Fire broke out this afternoon in the Metropolitan hotel, a three story brick building located in the heart of the city, and burned fiercely. All the guests escaped from the hotel, several being lowered by ropes. The fire communicated to the Hewlett building adjoining the hotel. The loss will be larger than at first estimated.

At 3:15 p. m. the troops were called out to keep back the crowds and guard the money of the Borneo National bank, which is moving out of the Hewlett building. Montgomery has been telegraphed for aid. The fire now threatens a loss of a million dollars.

Named Fort Lawton.

Washington, Feb. 23.—By direction of the President the new military post at Magnolia bluff, near Seattle, Washington, will hereafter be known and designated as Fort Lawton, in honor of the late Maj. Gen. Lawton, U. S. M., who was killed in action at San Mateo, Philippine Islands, on the 15th day of December, 1899.

Plague Scare Subsiding.

Washington, Feb. 23.—The United States consul at Rio de Janeiro has informed the state department, under date of January 22 last, that the pestilence in Brazil is subsiding, and that the health authorities say that the quarantine restrictions will probably be removed at all Brazilian ports, within a week.

WILL HAVE A JURY TOMORROW NIGHT

That is the Opinion of the Attorneys in the Benbrook Case—Three Jurors Secured at Today's Sessions.

Samuel Allen Jr. Sworn in to Try the Case—Peremptory Challenges Exercised by Both the State and the Defense—

William Boone, of Texas, a Nephew of the Defendant, Joins the Benbrook Group in Court—A Juror Who Would Not Give Full Weight to the Testimony of a Professional Gambler—The Attendance of Spectators Smaller Today Than at Any Previous Session—Several Jurors Excused Because They Had Formed Unqualified Opinions.

Fair progress has been made in Judge Hiles court today in the work of securing a jury. As a result of the morning's operations, one juror was secured and sworn to try the case, making seven men accepted up to the time of the noon adjournment. The new juror sworn in Samuel Allen Jr., who, for several years, an employee of the city street department.

One more relative joined the Benbrook group today. He is William Boone, of Texas, a nephew of the defendant. Mrs. Benbrook and her sister, Mr. and Mrs. Boone, Mrs. Carlisle and the two brothers of the defendant were in attendance throughout the day.

Victor Morris occupied his usual seat behind the State's attorneys, and was joined at intervals by S. I. Clawson and Mr. Hobday.

At the morning session, three jurors stood the ordeal of rigid examination by Mr. Putnam for the State and Judge Powers and Mr. Rogers for the defense. They were Thomas W. Jones, A. L. Simondi and Samuel Allen Jr.

Mr. Simondi was challenged peremptorily by the State and Mr. Jones by the defense.

The attorneys now appear to be entirely confident that a jury will be secured by tomorrow night, so that the taking of the testimony may begin on Monday forenoon.

THEY HAD FORMED OPINIONS.

The further examination of the jurors left in the box on Wednesday afternoon when court adjourned, was resumed, the jurors being William McMillen, Daniel, F. Elton, A. L. Simondi and Samuel Allen Jr. The first named stated to Mr. Putnam that he had heard an opinion expressed regarding the case on Monday last. The juror was standing on the corner when three men, strangers to him, gathered there and discussed the matter. The talk had made some impression upon him, perhaps, but would not affect his judgment should he be sworn to try the case. Outside of this conversation, he had scarcely heard the case mentioned, and had read very little about it.

Judge Powers inquired of the juror if he did not state on Wednesday that from what he had heard, he had formed a slight opinion as to the guilt or innocence of the accused. It would require some evidence to remove the impression, he said, but nevertheless he believed he could try the case fairly and impartially.

Mr. Elton stated to Mr. Rogers that he had formed some opinion as to the guilt or innocence of the accused. He had expressed this opinion several times, and it would require evidence to remove it, but he believed he could try the case impartially.

Mr. Elton was challenged and excused.

A. L. Simondi, who was in Detroit mining district when the tragedy occurred, stated that he did not see any papers concerning the affair until some two weeks after July 17. From what he read he formed some opinion as to the merits of the case. It would take evidence to remove it, but he could start in on the case without bias, because what

A NEW DRAFT.

The box was then filled up by W. G. Margetts, L. B. Rogers, W. A. Halls, W. J. Beattie and Edward McCarrick.

HAD A FIXED OPINION.

W. T. Margetts, a saloon man, had known Burton C. Morris for many years. He had read of the case, talked about it, expressed an opinion, and held it still. That opinion was a fixed and settled one, and went to the guilt or innocence of the accused, and he had some prejudice. He was challenged and excused.

A RELATIVE OF THE DECEASED.

Walter J. Beattie stated that he was related to Burton C. Morris, the deceased. He had read of the case and had a fixed and settled opinion as to Benbrook's guilt or innocence. He could not try the case with entire impartiality.

DIDN'T LIKE GAMBLERS.

Edward McCarrick came here from Albany several years ago, and had been in business in Salt Lake and other

(Continued on page two.)

FORERUNNER OF QUAY'S SUCCESS.

Victory Today Regarded as an Assurance that His Majority Will Be From Six to Ten Votes—How This Case Affects Utah—Attitude of Governor Wells.

[SPECIAL TO THE "NEWS"]

Washington, D. C., Feb. 23.—A preliminary victory was gained by the friends of Senator Quay this morning, when the Senate, by a vote of 34 to 28, decided to take up the case. It is generally regarded as a forerunner of his complete success.

When the vote is taken on the direct question of admitting him it is expected his majority will be from 6 to 10.

Quay's victory will establish the principle that a governor of a State has the right to appoint a senator to fill a vacancy caused by the failure of the legislature to elect. This will give Governor Wells the right to appoint a U. S. senator from Utah to succeed Senator Cannon.

Mr. Havins today voted against taking up the case, Shoup of Idaho voted for it. Heitfeld was paired. Clark of Wyoming voted for it, Warren against.

Governor Wells is in New York, but will return to Washington tomorrow or Monday. It is impossible to elicit any statement from him as to whom he will appoint if Quay is seated.

Washington, Feb. 23.—The Senate has



This is a portrait of the Boer commander whose heroic resistance, with a comparatively small army, to the combined British forces under Field Marshal Lord Roberts, is attracting the attention of the civilized world. Gen. Cronje is regarded as one of the ablest of the Boer generals, the peer of the redoubtable Joubert himself. He is now in a position where surrender or annihilation await his army. He refused to surrender, and the fierce attack was made. The world now awaits news of the result.

length of the Boer reinforcements are strong. The critics canvass every upward contingency that can affect Lord Roberts, and see nothing that can save Gen. Cronje from the terrible vise in which he has been caught. Even an unexpectedly strong attack on Lord Roberts' lines of communication could scarcely, according to these experts, materially alter the results.

Rumors were current this morning that the end of the struggle had actually come, but these emanated from information received by the Rothschilds,

portunity to entrench themselves and perhaps effect further flight to a more advantageous position.

LADYSMITH AND CAPE COLONY.

Gen. Buller's progress towards Ladysmith is so slow that it scarcely appears to be of any importance to the public interest.

Gen. White appears to be still full of fight and to be endeavoring to assist Gen. Buller by a vigorous bombardment.

Advices received at Cape town yesterday said it was reported the British were gradually driving the Boers out of Northern Cape Colony, and that many of the burghers had recrossed the Orange river.

LOW SING HIS OWN EXECUTIONER

Quinaman Who was Sentenced Last Tuesday for Killing a Fellow-Countryman at Corinne Committed Suicide at Brigham City This Morning.

[SPECIAL TO THE "NEWS"]

Brigham City, Feb. 23.—Low Sing, the Chinaman, who was sentenced Tuesday, Feb. 20, to be shot, ended his own life today while the sheriff was at court with another convict to receive sentence.

Low Sing managed to secure a rope and climbed up the lars and tied it to the top of the iron cage and then dropped. When the sheriff returned Sing was dead. An inquest was immediately held and it was decided that death was met by hanging.

The death penalty was pronounced by Judge Hart on Tuesday morning last. The Mongolian appeared perfectly indifferent and stolid during the entire proceeding and listened to the words of Judge Hart without fear or trembling. In pronouncing the sentence Judge Hart said:

FLORISTS INCORPORATE.

The R. C. Morris Company Files Articles With Officials Today.

The R. C. Morris Florist company, by J. H. MacMurdy, V. V. Morris, Thomas Hobday, R. P. Morris, Clara M. Clawson and Pernel Cherrington, trustee, filed articles of incorporation with the county clerk and secretary of state today.

The company succeeds to the business, improvements and property of the late Burton C. Morris, or more fully the R. C. Morris company.

The People's Co-op of South Cottonwood filed several amendments to its articles of incorporation with the county clerk today, chief among which was the changing of the name to the Godfrey-Simper company.