

THE DESERET EVENING NEWS.

TRUTH AND LIBERTY.

WEDNESDAY, FEBRUARY 28, 1900. SALT LAKE CITY, UTAH.

NUMBER 86.

FIFTIETH YEAR.

BENBROOK JURY AT LAST COMPLETE

Ex-Policeman William Carey Sworn in This Morning and the Trial is Commenced—Powers Files a Formal Objection.

The Opening Address for the State Made By County Attorney Putnam—It is Very Brief, but Creates Something of a Sensation—Says the State Will Bring Into Court the Only Eye-Witnesses to the Tragedy, but Discredits Them—The Statement Supposed to be Aimed Particularly at Leda Stromberg—A Strenuous Protest Entered by the Defense—County Surveyor Charles S. Wilkes is the First Witness Called by the State—He is Followed by Several Others.

The long struggle for a jury to try the case of Benbrook is over at last. The twelfth juror was sworn in this morning in the presence of ex-policeman Carey, after the defense had exhausted its last peremptory challenge.

The defense made some formal objections to the failure of certain jurors to appear, and Mr. Putnam then made the opening for the State. The state's case was given, Mr. Putnam promising to prove all of his assertions. He expressed regret that the jury was not complete, but that the state would not be prejudiced by the shooting and the trial would proceed as usual. The statement was made just in time for the noon recess.

The court reconvened the room was filled with spectators, among them being a dozen ladies.

BENBROOK ARRIVES.

A group formed in court this morning as heretofore. The defendant, William Carey, was early, and it was expected before the ladies arrived. Benbrook's sister, Miss Carey, was also present, and she was seen to be very much distressed. She was seated next to her brother, and she was seen to be very much distressed. She was seated next to her brother, and she was seen to be very much distressed.

DEFENSE MAKES OBJECTION.

After proceeding with the case, Judge Powers called attention to the fact that Elmer Hill and J. W. Campbell, two of the jurors who had been summoned, had not yet appeared.

HAD A FIXED OPINION.

Charles W. Whiteley, a merchant, was the first juror to be examined. He stated that he had been on one jury in a murder case, and that he had a fixed opinion as to the guilt of the accused.

HIS RELIGIOUS BELIEF.

Joseph H. Cox, of Forest Dale, a farmer, was the next juror to be examined. He stated that he was a member of the Mormon Church, and that he had a fixed opinion as to the guilt of the accused.

ANOTHER EXCUSED.

Robert Cameron, a brick mason, residing at 11 South Eleventh East, was the next juror to be examined. He stated that he was a member of the Mormon Church, and that he had a fixed opinion as to the guilt of the accused.

THE STATE'S FIRST WITNESS.

County Surveyor Charles S. Wilkes was the first witness called by the state. He testified that he was present at the shooting, and that he saw Benbrook shoot Morris.

DEFENSE EXERCISES ITS LAST PEREMPTORY.

Continuing, Mr. Kemp said he knew nothing about the case, but that he did not know who killed him. He then exercised his last peremptory challenge, and the jury was complete.

HE IS SWORN IN.

"Let the juror be sworn," said Judge Powers, and the oath was then administered. The juror then took the oath, and the trial proceeded.

THE OATH OF SENATOR BROWN.

Senator Brown stated that he would file oath as an assistant county attorney later.

THE OPENING STATEMENT.

The information was then read and Mr. Putnam proceeded with the opening statement for the state. He stated that the state would bring into court the only eye-witnesses to the tragedy.

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HOW THE BOERS FORM A DEFENSIVE LAAGER OF THEIR WAGONS.

When the Boer is surprised or hard pressed by an enemy, as in the recent fighting with the British, he hastily forms his wagons into a hollow square and places his horses and cattle inside. He then throws up intrenchments outside the laager thus formed or piles dirt, rocks and supplies between the wheels, and a very formidable breastwork is the result.

TRAIN ROBBERY CURRY KILLED.

Was One of the Gang that Held Up the Union Pacific Express.

HE IS CAUGHT IN ARIZONA.

Detectives Track Him to a Woman's House, Where He Defies Arrest and Is Shot.

(Afternoon Dispatches.) Kansas City, Feb. 28.—Lon Curry, one of the train robbers who engaged in the Wilcox, Wyo., holdup on the Union Pacific last July, when something like \$20,000 was secured, was shot and killed by officers at Dodge, near here, this morning, while resisting arrest.

Curry was visiting at the home of Miss Lizzie Lee, a woman who had been seen in the Wilcox, Kan., and finally to Dodge.

Early this morning four detectives left here, and arriving at the Lee house surrounded it. Curry, pistol in hand, defied arrest, and made a dash to escape. Before he could raise his revolver, however, two of the detectives fired and Curry fell dead.

Curry, with five companions, held up and robbed a passenger train on the Union Pacific route at Wilcox, Wyo., on July 6th last. Poses that chased the bandits killed all but Curry. Curry came here on Thursday last, but realizing that he was a desperate man the detectives hesitated to attack him until sure of their position. He was a half Indian.

The Big Newark Fire. Newark, Feb. 28.—The dremen were still at work today playing streams of water on the smouldering ruins of the large fire which last night swept through the entire dry goods districts of Newark, N. J. The fire started in S. W. Snyder's department store, and spread rapidly, burning out ten business houses.

A revised estimate of the damage is \$150,000, falling on seventeen different firms and individuals and covered by insurance to about \$54,000.

The injured men, principally firemen, are doing fairly well, and none is thought to be fatally hurt.

Outrage in Kentucky. Frankfort, Ky., Feb. 28.—Unknown persons last night stripped the State capitol building of the emblems of mourning with which the front of the building was draped on account of the death of the late Gov. Goebel. The soldiers were on duty during the night. Captain Cochran, who is in charge, will hold a court of inquiry today.

TREATMENT WAS REVOLTING.

Washington, Feb. 28.—The investigation of the course of the U. S. military forces in connection with the Couer d'Alene mining troubles in Idaho was resumed today by the House committee on military affairs.

Wilbur H. Stewart, publisher of a paper at Mullan, Idaho, a town near the scene of the rioting, testified at considerable length. He said his paper had no official connection with the miners and he had no part in the riots, at the time of the blowing up of the mill. Subsequently, however, he was arrested without warrant at his office by State Auditor Bartlett Sinclair and an army officer. Mr. Sinclair stated to witness that he was accused of publishing seditious matter. A special train took him to Wallace and after a night in jail he was put in the "bullpen." The officer who arrested him wore the uniform of the U. S. army and was in charge of the military forces. Mr. Stewart described the interior of the "pen" along the same line as previous witnesses. He said he was compelled by the negro soldiers to do revolting work.

Stewart testified that when he got sick and refused to do the work on account of illness, the negro soldiers used obscene language and oaths against him until the corporal of the guard made them desist. The general treatment of the men in the "pen" was revolting, he said, to an American citizen. They were frequently insulted.

Mr. Stewart will continue his testimony when the investigation is resumed tomorrow.

At the request of Representative Lentz the following additional witness:

es were subpoenaed: L. J. Simpkins, Wardner; Charles Francis, Montana; Geo. Cornell, Butte.

At the request of Representative Dick, the following were subpoenaed: J. J. Conkley, Weiser, Idaho; William Phipps, Butte; A. Campbell, Spokane; Hugh France, Hugh Burbridge, W. C. Pipes and Roger S. Rogers, Wardner; Henry Hawes, Wallace, and Coulmer Mallott, Spokane.

ATTEMPTED ASSASSINATION.

President Castro of Venezuela Fired at by an Assassin. Caracas, Venezuela, Feb. 28.—During the carnival procession yesterday a Venezuelan fired two shots at President Castro without effect. Prest. Castro was afterwards acclaimed by the populace. The city is quiet.

Gen. Cipriano Castro became president of Venezuela in October last as a result of the successful revolution against Pres. Andrade who fled from the republic, but Castro was not recognized as president by the United States until November 20, 1899. Castro is about 36 years old, is well educated and is credited with being possessed of ample means. He has been a strong supporter of the liberal party.

New Premier in British Columbia.

Victoria, B. C., Feb. 28.—Joseph Martin has been named by the governor as the premier of British Columbia, and will probably announce his cabinet in the legislature today. There will be a general election immediately, probably on federal party lines.

MUST WADE IN MUD, TOO.

Montana Attorney Tells How to Learn What Is in the Mud. We took about sixty prisoners and scattered the enemy in all directions. There seems to be still a considerable body of them left on and under Bulwana mountain. Our losses, I hope are not large. They certainly are much less than they would have been were it not for the admirable manner in which the artillery was served, especially the guns manned by the royal naval forces, and the Natal naval volunteers.

BRITISH PUBLIC HESITATE.

Though Gen. Buller's lengthy dispatch is construed as a victory bravely won, the commander of the forces in Natal has so often reported similar victories without achieving his main objective, that the public has learned to contain its jubilation until victory is actually achieved, while the long list of casualties invariably following any apparent gain by Gen. Buller is always awaited with dread and anxiety which temporarily rob his partial success of its acclaim.

However, it is the generally accepted belief that Gen. Buller is determined to reach Gen. White this time and though the stages are disappointingly slow the nation confidently awaits the relief of those 8,000 besieged troops.

BULLER'S URGENT NEED.

Gen. Buller's report shows there is urgent need of Lord Roberts exerting every effort to still further draw off State.

The Boers from Natal to the Free State he will do so, and likely is doing so by marching on Bloemfontein. It is believed as almost certain by the military critics here.

With the additional 600 Boers reported prisoners at Kimberley, it seems that the number of men captured by Lord Roberts nearly reaches 5,000.

The afternoon papers comment on the hero of Kandahar's achievement, laying special stress on the gallantry of the Canadians, who according to a Paardeberg special, were actually fighting hand-to-hand in the Boer trenches when Gen. Cronje surrendered, though this scarcely agrees with Lord Roberts' dispatch.

The queen has telegraphed Gen. Buller, as follows: "I have heard with the deepest concern the heavy losses sustained by my brave Irish soldiers, and I desire to express my sympathy and admiration of the splendid fighting qualities they have exhibited throughout these trying operations."

ROBERTS REPORTS MORE CASUALTIES.

Lord Roberts has forwarded an additional list of the British casualties during the three days' fighting at Paardeberg, showing twelve killed, eighty-two wounded and four missing, and including seven officers and four Canadian privates wounded.

Paardeberg, Tuesday, Feb. 27, Majuba Day, 3 a. m.—The British camp was awakened by the continued rattle of rifle fire at daybreak, and the news arrived that the Canadians, while building a trench quite close to the enemy, were fustigated at a range of 50 yards. The Canadians gallantly worked forward and occupied the edge of the trenches along the river, entirely enveloping the Boers. This movement was followed by a cessation of fire except an occasional solitary shot.

SAW THE WHITE FLAG.

Suddenly a regiment stationed on the crest of a hill perceived a white flag and burst into cheers, thus first announcing the surrender of Gen. Cronje.

Shortly afterwards a note reached Lord Roberts informing that the Boers' unconditional surrender. Gen. Pretorius was sent to accept the surrender. At about 7 o'clock a small group of men appeared in the distance crossing the plain towards headquarters. The latter being apprised of Gen. Cronje's approach, Lord Roberts went to the front in the modest cart in which he sleeps and ordered a guard of the Seaforth's to line up. A group of horsemen then approached.

GENERAL BULLER REPORTS VICTORY.

Crossed the Tugela, then Back Again, and Captured Pieter's Hill by a Magnificent Assault.

Real Fighting Near Ladysmith—British Troops Crouch Behind Stone Shelters, Under a Galling Fire—Creep Down the River—Charge Up a Steep Hill—Carry the Boer Position—Considerable Force of Boers Left—Buller Hopes His Losses are Not Large—British Public Await Further News—Roberts Must Hurry—Hand-to-Hand Fighting when Cronje Surrendered—Queen Telegraphs Sympathy to Buller—Graphic Description of Cronje's Surrender—British Re-occupy Rensburg.

(Afternoon Dispatches.) London, Feb. 28.—The war office has received the following dispatch from Gen. Buller:

"Headwaters and Landwank, Feb. 28, 5 a. m.—Finding that the passage of Langevaches Spruit was commanded by strong entrenchments, I reconnoitered for another passage of the Tugela. One was found for me below the Cataract by Col. Sandbach, royal engineers, on Feb. 25. We commenced making an approach thereto, and on February 26, finding that I could make the passage practicable, I crossed with the guns and baggage back to the south side of the Tugela, took up the pontoon bridge on Monday night and relaid it at the new site, which is just below the present marked cataract.

A MAGNIFICENT CHARGE. During all this time the troops had been scattered, crouching under hastily constructed small stone shelters, and exposed to a galling shell and rifle fire, and throughout they maintained the most excellent spirit.

Tuesday Gen. Buller with two battalions of the sixth brigade and the Dublin fusiliers crept about a mile and a half down the banks of the river and ascended an almost perpendicular cliff of about 500 feet, assaulted and carried the top of Pieter's Hill. This hill, to a certain extent, turned the enemy's left, and the fourth brigade under Col. Norcott, and the eleventh brigade, Col. Kitchener, commanding the whole, under command of Gen. Warren, assailed the enemy's position, which was magnificently carried by the South Lancashire regiment about sunset.

SCATTERED THE ENEMY. We took about sixty prisoners and scattered the enemy in all directions. There seems to be still a considerable body of them left on and under Bulwana mountain. Our losses, I hope are not large. They certainly are much less than they would have been were it not for the admirable manner in which the artillery was served, especially the guns manned by the royal naval forces, and the Natal naval volunteers.

2:40 p. m.—Gen. Buller's account of the tremendous resistance he is encountering in his efforts to reach Ladysmith is actually relieved, while the sharp turn from complacent contemplation of Lord Roberts' victory to a realization of the serious conditions still existing in Natal.

BRITISH PUBLIC HESITATE. Though Gen. Buller's lengthy dispatch is construed as a victory bravely won, the commander of the forces in Natal has so often reported similar victories without achieving his main objective, that the public has learned to contain its jubilation until victory is actually achieved, while the long list of casualties invariably following any apparent gain by Gen. Buller is always awaited with dread and anxiety which temporarily rob his partial success of its acclaim.

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CRONJE APPEARS.

On Gen. Pretorius's right rode an elderly man clad in a rough, short overcoat, wide brimmed hat, ordinary frock trousers and brown shoes. It was the redoubtable Cronje. His face was burned almost black and his curly beard was tinged with grey.

Lord Roberts walked to and fro in front of the cart until the Boer general arrived, when the British commander advanced gravely and kindly saluted the Boer commander. He then mentioned Gen. Cronje to a seat in a chair which had been brought for his accommodation and the two officers conversed through an interpreter.

Cronje after breakfasted with the British officers.

CRONJE IMPASSIVE.

Cronje's face was absolutely impassive, exhibiting no sign of his inner feelings. Lord Roberts was surrounded by his staff when Gen. Pretorius, addressing the field marshal, said: "Commandant Cronje, sir."

"The commandant touched his hat in salute and Lord Roberts saluted in return."

The whole group then dismounted and Lord Roberts stepped forward and shook hands with the Boer commander. "You made a gallant defense, sir," was the first salutation of Lord Roberts to the vanquished Boer leader.

BRITISH OCCUPY RENSBURG. 4:30 p. m.—A dispatch from Arundel says that the British troops have again occupied Rensburg.

SIGNIFICANT RUSSIAN EXPRESSION. St. Petersburg, Feb. 28.—The newspapers here outdo the rest of the continental press in bewailing Gen. Cronje's defeat and in virulently abusing Great Britain. They declare that the Transvaal has fully demonstrated its right to complete political independence with an outlet to the sea. They suggest that the best help for the Boers would be to create a diversion against Great Britain elsewhere, and then maintain it.

TO SEIZE SUPPLIES. Capetown, Feb. 28.—The governor of Cape Colony, Sir Alfred Milner, has further prorogued the Cape parliament to April 6th.

He has also issued a proclamation announcing that the military authorities are authorized to impress wagons, oxen, provisions and other necessities in Rhodesia, the articles thus taken to be paid for at a fair value.

This is taken to mean that Col. Plumer's column, advancing to the relief of Mafeking, will be enabled to seize supplies.

OFF FOR CAPE TOWN. 8:00 p. m.—The war office has received the following dispatch from Lord Roberts: "Paardeberg, Feb. 28.—Cronje with his family left here yesterday in charge of Major Gen. Pretorius and under the escort of the city imperial volunteers and mounted infantry."

"Later in the day the remaining prisoners went in charge of the earl of Erroll and escorted by the Gloucesters and a hundred imperial volunteers. The women and children are being sent to their homes."

BOERS DISSATISFIED. "I understand that great dissatisfaction was felt by the Boers at Cronje's refusal to accept my offer of safe conduct to the women and children and medical care for the wounded, 170 of whom are now in our hospital. Many of them are in a terrible plight for want of care at an earlier stage."

"I inspected the Boers' laager yesterday and was much struck by the ingenuity and energy with which the position was made almost impregnable."

CONGRESSMEN CONGRATULATE CRONJE. Washington, Feb. 28.—Representative Fitzgerald, of Massachusetts, today passed around among his Democratic colleagues the following cable to Gen. Cronje, the defeated Boer general. Up to 2 o'clock today about thirty of them had signed it:

"General Cronje, South Africa: 'Members of the United States House of Representatives congratulate you and your soldiers on the magnificent display of courage and heroism in your brave fight for human rights.'"

PUERTO RICAN BILL PASSES. Goes Through the House with a Majority of 11 Votes. Washington, Feb. 28.—The Puerto Rican tariff bill passed 172 to 161.

Earthquake in Nevada. Winnemucca, Nev., Feb. 28.—An earthquake shock visited this section at 1:55 p. m. It was especially noticed in the court house. The earth rocked suddenly to startle everyone in the building.