# THE DESERET EVENING NEWS.

# FIFTIETH YEAR.

# TRUTH AND LIBERTY. MONDAY, MARCH 5, 1900, SALT LAKE CITY, UTAH.

Bigamy Committed a Month Ago.

CLAIMS HE WAS DIVORCED.

Violation of Edmunds Law Not a Se-

r.ous Offense in the Copital-Mrs.

Whitehead Prosecuting.

summer and

ISPECIAL TO THE "NEWS."]

Washington, D. C., March 5 .- Leo S.

Whitehead, formerly of Salt Lake, re-

cently arrested and confined in jall to

await a hearing on a charge of violating

the Edmunds law, will be tried in

Whitehead married a young woman in

Wm. H. Ferry Killed.

Mr. Ferry was walting for the Chica-

arr, Ferry was waiting for the Chica-go train when the accident happened. Mr. Ferry also owned a large ranch in California, which he visited at inter-vals. He was for many years a real estate dealer in Chicago, though he had not maintained offices here for some time.

Mr. Ferry's father presented Ferry Hall to Lake Forrest university. He waes at one time owner of large blocks of stock in the Chicago & Northwestern

Expelling Socialists.

has been disposed of.

serious crimes in this city.

his first wife.

# NUMBER 90.

TO THE LAST

# THE STATE RESTS tified before you. I don't refer to Doclan and shall not dignify his testi-mony by any reference to it. He labors under a hallucination, he has been reading dime novels. IN BENBROOK CASE

Attorney Rogers Makes the Opening State ment for the Defense-Says Benbrook Will Tell His Story from the Stand.

criticises County Attorney Putnam for His Opening Address-Outlines the Testimony That Benbrook Will Give - His Version of the Struggle With Burton C. Morris on That Fateful Night-Claim That Keene Met the Defendant as He Was Leaving the House, Placed Him in the Vacant Room, and Sent the Waiter Down Stairs for a Gun-Some Testimony Introduced as to Benbrook's Reputation for Peace and Quietness-Morris' Physical Strength.

The second week of the Benbrook | by Burton C. Morris as clerk at the surder trial opened this morning with floral establishment. "On the evening of the shooting did he court room crowded with spectayou know of his getting a note?" er, as usual, and the members of the Yes, I saw the messenger boy bring He was standing on the sidewalk it.

unous groups in their accustomed places. For a short time in the mornog Hon. Spencer Clawson sat beside In S. I. Clawson and Miss Morris, The jurors came into court looking

whe fresh after their day's rest, with the exception of Julius Cook, who was nite ill yesterday. Judge Hiles asked how he felt today

and the juror replied that he was much better and now felt all right. Judge Hiles himself was suffering

ton an ulcerated tooth and kept a andkerchief to his face much of the

The State soon closed its case, merely realing a few witnesses to testify on revolver?" some point overlooked at the former

The real feature of the day was At-mey L. R. Rogers' statement for the tase in opening the case. The main st of variance between the testimony p far adduced and Mr. Rogers' state-ment is in regard to Steve Keene's story

d the gun. The attorney said that keee on coming upstairs, met Mr. Embrook leaving the house. Then County Surveyor Wilkes gave the hight of the window in the front room of the Merchant's. time directed him to retire to the vaar dining room and sent. Daly or A SLIP OF THE TONGUE. Brew, the walter, for his gun. Senator Brown-I would like to ask Is best estimates that can now be Miss Benbrook-I mean Miss Stromme as to how much time this case ) Mr. Rogers-Your honor this is the third time Senator Brown has made this mistake, and we were in hopes allocupy is that it will go to the jury mont next Saturday. rushes toward Benbrook. OFFICER CHASE RECALLED. that he was not going to repeat the offense this week. It is improper and Officer Chase was recalled by the we ask that the jury be instructed not to consider it. The remark may not have been intended for the purpose of walking or running?" "He was walking leisurely." "From the time when you saw Sanprejudicing the jury, but that might be its offect. er until you heard the shots, how Senator Brown replied that it was mere error, a slip, as it had been on uch time elapsed ?" "Two or three minutes." "Dil you see the clothes worn by Burthe previous occasions, when it was in-Morris when he was shot? young manhood. " dia."

witness

A man accused of crime is not re-quired to go on the stand and testify. If he did not go on the stand, the court would instruct you that he is not re-quired to, and the jury would not be at liberty to draw any conclusion from his failure to go on the stand. In a large percentage of criminal cases, the de-fendant does not testify. In this case, the defendant, having full faithf in his innocence and believing he can throw some light on this depiorable tragedy, this death struggle with Mr. Morris will so as the stand and tail what compared go on the stand and tell what occurred in that room on that fateful evening. It will not differ, I understand, in any naterial respect from the stories told by other witnesses. WHAT BENBROOK WILL SAY On the evening of July 17th last, Ben brook was to have left for San Francis-co. That afternoon he went to the Mer-chant's cafe to see his brother, who was eating there. There he saw Mr. Keene, who asked about the proposed trip and said that "Miss Stromberg was here to-day to lunch and asked where you were. She wants to see you before you go away." Benbrook left with Andrew surt, former Sheriff of this county, and his brother. They went to Hogies, got cigars and were standing on the sidewalk when they saw Miss Stromberg passing on the east side of Mair preet, She went into the Merchant's can and

BENBROOK WILL TESTIFY.

Washington, Mrs. Augusta Whitehead, who claims up stairs, just as Miss Stromberg des-cribed. Benbrook went over and up, stairs. He knocked at the door, entered, put his hat on the rack and engaged in conversation with Miss Stromberg. Mint to be the wife of Whitehead and who came from St. Joseph, Mo., to charge the man with bigamy, is being cared for in the local mission home, and says juleps were ordered and dinner was served. she will remain here until the charge

# MORRIS ENTERS.

While sitting there, there came a knock, the door was sud-denly pushed open and Morris rushed towards Benbrook. With a vile oath on his lips, he struck at him, but Benbrook drew back and escaped. when the note arrived, having been there about fifteen minutes." It was repeated, when Miss Stromberg threw herself between them and by ac-cident received the blow. Benbrook, being a gentleman and used to the ways of polite society, left the room "Talking to me. On receiving the note he went into the store, remained from two to five minutes, and then went down the street towards Godbe-Pitts

drug store." Judge Powers--"While talking to you when Miss Stromberg requested him to, leaving his hat on the rack behind. he did not seem to be in a hurry, to have any engagement, or to have any-thing on his mind?" He was leaving the house when Keene and the waiter Bigelow met him. He told Keene he had been imposed upon by Morris and wanted protection. Keene told him to go into another room

"Nothing particular," answered the Mr. Putnam-"Had he changed his clothes that evening, prior to this and to the waiter Bigelow or Daily said, "You go down and get my gun." Then he said, "You stay in here, I'll go and

"Yes, he had put on a blue or black see Morris, I'll quiet him. Benbrook said quietly, "You get a policeman. I cutaway. 'Was he in the habit of carrying a claim protection in your house." Keene assured him that he would remove the

No Judge Powers-Did he sometimes car-

What had he been doing?"

"I never saw him carry one." "He could have carried one without your knowing it?"

lowed him and went to the head of the stairs. Benbrook still remained in the room where he had been placed by the proprietor. He began to grow nervous and rang the electric bell or annunsuppose so Mr. Putnam-Did Mr. Morris have a gun there at the store?"

ciator. He goes to the door and looks out and sees Mr. Morris returning from some place down the hall. He goes back and closes the door, rings the annuncla-

WHITEHEAD TRIAL after the explosion. The town was entirely quiet, and men went about their work as usual. A week after the demonstration, the wit-IN WASHINGTON. ness was arrested by soldiers, but later released. He was summoned to appear bef re the United States industrial c mmission when he was again arrested by a deputy. He demanded to know what charge was against him, whereupon he said the deputy drew a gun and an ex-citing affray occurred in which the deputy lost his "gun." A soldier interfered and Powers was Escapes Prosecution in Maryland for

arrested and put in the "bullpen." He sent word to the industrial commission that he was there and they notified him that the commission would come to the "pen" and take the testimony of all prisoners. But, the witness said, this testimony was never taken. He said he never learned the nature of the charge against him.

turning from Wardner late in the day

Hin loon

## Senator Bard Sworn In.

Washington, March 5 .- Hon. Thomas R. Bard, the recently elected senator from California, was presented to the Senate when it convened today, by his colleague, Mr. Perkins, He was con-ducted to the desk by Mr. Perkins, where the oath was administered by President pro tempore Frye.

# YAQUIS COMING NORTH.

S. Troops Held in Readiness to Keep Them Out of this Country. San Francisco, March 5 .- A special

from Benson, Ariz., says: Rumors have reached here that a large body of Yaqui Indians is headed for the international line. Orders have been issued by General Merriam, the commanding officer at Fort Huachuca, to hold his troops in readiness for immediate field service to be used to repel any attempt to cross the line into the United States.

RENEW HICHBINDER WAR-



the Tongs in Chinatown was renewed today by the murder of two of the most prominent merchants in this city and the wounding of a third man, all members of the Sam Yup organization.

The victims of today's outbreak are

High Official in Bloemfontein Makes a Statement of What the Boer Re-

# publics Intend to Do.

**MAINTAIN STRUGGLE** 

Beaten in Free State, will Retire to the Transvaal-Reports Concerning Peace Negotiations - Conference of Boer Leaders-Kruger Issues a Religious Appeal-Urges Burghers to Stand Fast, and Strive in the Name of the Lord -Must Have Faith in Him, to Exclude Cowardice -- Boer Loss Before Ladysmith Last Week Aggregated 161-Three British Armies in the Field -Gen. Roberts' Movements are Concealed-Movement From Cape Colony-Activity of Cape Dutch and Basutos Ominous.

London, March 5 .- A special to the | State, one in Cape Colony and the other Times from Lourenzo Marques, dated in Natal.

All that is known about the first and more important is that it is in close touch with a body of Boers estimated to number about 6,000 men. Speculation as to the direction and method of Gen. Roberts' advance into the Free State is quite worthless, so carefully are the plans concealed.

CAMPAIGN IN CAPE COLONY. In Cape Colony Generals Brabant and Clements command the two horns of the army, while Gen. Gatacre holds the main Boer force in check. Gens. Gatacre and Clements will probably combine and advance on Bloemfontein, with Gen. Brabant guarding the right flank with the mobile colonials. This move-ment will be subsequent to securing a line of communications along the lines of the Free State railroads, which, ac-cording to the latest dispatches, seems almost accomplished. With the exception of sorties a serious movement can hardly be expected from the Natal army this week. When it will be ready to advance its movements must greatly depend upon how much distance the retreating Boers put between them-selves and Gen. Buller.

read by all the officers to the burghers, urging them to stand fast and strive in the name of the Lord, for unless they had faith in Him, cowardice would set in, and their position would be hope-less the moment they turned their backs on the enemy. Their past vic-tories, he declared, showed that the Lord was on their side. The president beseeched the burghers not to bring de-struction on their progeny. As an incident of the British main objective, which at least is clearly out-lined as Pretoria, the relief of Mafeking by a force from the south may be ex-pected any day. Col. Plumer's force on the porth scentific force on the north seeming incapable of accompusning it. ACTIVITY CAUSES ANXIETY. Unexpected activity of the Cape Dutch and the reported likelihood of fighting between them and the Basutos aided by other tribes having a gruige against the Boers, is regarded as rather The only other untoward phase of the military situation that the critics can discern is the enforced temporary inac-tivity of the Natal army, an instance of which is contained in the dispatches announcing that the flying column which attempted to intercept the Boer retreat only succeeded in driving the enemy further north.



to Take Decisive Action. Chicago, March 5,-William H. Ferry, owner of the Lake Forrest polo grounds, was instantly killed last night while crossing the tracks of the North-western railroad at the Lake Forrest denot

San Francisco, March 5 .- The war of

Poon Gee, Low Soon and Leong Cheu. members of the pork packing firm of Tuck Wo & Co. The two first named were killed and the third seriously wounded. The store of Tuck Wo had just been opened for the day's business when four highbinders darted out from a small alley, opening up a fusilade on struction on their progeny.

Transvaal republic has opened negotiations looking to the securing of peace. On the other hand, it is asserted the Boers will make a stand at Glencoe and Laings Nek, and that in the meantime entrenchments at Pretoria are being extended in anticipation of a siege.

Sate and Senator Brown said, "When you saw Sanberg on his way to call in officer, was he

# THE CLOTHES IDENTIFIED.

Mr. Chase then brought into cour dedothes which were identified by Jus. he McMaster, who acted as coroner at the inquest. The undershirt, shirt and coat, with the built hole through them, were then offered in evidence.

#### DETECTIVE SHEETS.

Secator Brown here arose and said: On Saturday, a question arose about ling Detective Sheets. We have had heds subpoenaed and he is here, know of nothing that he could testify that comes within the res gestia of case, even under your honor's rulhe But he is here in pursuance of the bromise we made and may be

As Mr. Sheets took the stand, Senaer Brown again remarked, "So far as he evidence of this witness goes, I we he got there after the ocarence and took the defendant into sstody. Mr. Sheets, you heard the hots fired ?"

"Did you see Sanberg go for Chase?" "I saw him go up the street with Case. I was standing on the Wasatch comer as they went up the street; when they got to the telegraph office, I heard the shots. I followed up the street at the first report. There were five or six the first report. There were five or six the difficulty itself was over. Chase had the defendant and turned him over me at the door.'

Judge Powers-Did you then step inthe toilet with him? Senator Brown objected to this as

of cross-examination. at cross-examination. The objection vas sustained and Judge Powers an-hunced that Mr. Sheets would be called as a witness for the defense.

# STEVE KEENE.

At Judge Powers' request. Steve Keene was recalled and stated that he aw Leda Stromberg at the restaurant on the day of the shooting. "Did she ask you where Mr. Ben-

"She asked if I knew where he was "She asked if I knew that she would nd said if I saw him that she would propose to call all the eye witnesses. The attorneys for the State reserved to

ator Brown-"You testified the ther day that when you went up to Bentrack and took him that gun, he is inghtened. Did you testify to any. use of that kind at the preliminary ?" "I cannot remember all I testified to at the prelin ibary.

or Brown then read the testithe set of the particular time when he were to the particular time when he were to the particular time when he were up to Benbrook. This he offered

ng, Senator Brown asked wittes there he first made his statement Training the case leve to Mr. Van Cott or to Mr.

that a guilty man does not escape and that an innocent man is not wrongly borne down and oppressed-the court ruled that witnesses to the res gestia should give testimony, and you will re-call that the court said if the State would not examine these witnesses, the court would examine them himself. That was because he wanted you to "Didn't you make a statement of the "No, I may have said a little to him about t. Believe I did."

Didn't you employ Mr. Rogers in That was because he wanted you to have all the facts that could be pro-"I did not."

"Didn't you recommend the employ-tent of Mr. Rogers?" duced.

To Judge Powers witness testified that he knew no h ng about the err poy-ment of counsel for the defense."

the previous occasions, when it was in-stantly withdrawn. The court said that side bar re-marks were highly improper, but he didn't think it necessary to instruct sensible men not to be influenced by Senator Brown answered that it

vasn't a side bar remark at all, but a mere slip of the tongue, and the incllent closed. Miss Stromberg was not in the court room at the time, but the defense agreed

that she might be examined later. The State rests. "With that reservation," Senator Brown, "we rest." said

THE OPENING STATEMENT.

# Attorney Rogers Tells Court and Jury

# What Benbrook Will Testify To. With the State's announcement that its

brook's throat, and the men arose case was presented, Attorney Rogers arese to make his opening statement for gether. The pistol shot having en-tered a vital part, Morris became weak and fell, Benbrook failing with him. Benbrook, of course, did not realize that he had disabled his agazilant, and with-out realizing that, he perhaps lifted the the defense. He said: This man Benbrook stands here charged with the highest crime known to the law. He is charged with murder

in the first degree. His defense has been apparent from the moment the first witness was placed on the stand. That defense is known to the law, to society and among all men. It is the defense given to us all by God Al-mighty—it is the law of self defense. Gentlemen of the jury, with no intention of being effensive at all, and nothing is further from my thoughts, I do criticise the county attorney here for making the opening statement that he did. Senator Brown-We object to that. reputation for peace and quietness such as all law-abiding and good citizens en-

He has no right to criticise the state-

Rogers-I submit it. The Court-He can criticise as wheth-r the statement was as full as it ought

to have been and counsel stated what he knew would come out before the

themselves the right to pass on what testimony should go in. The court will

that kind is highly important. I believe the law is, and the court will so in-struct you, that if the defendant has enjoyed a good reputation for peace and quietness, you are to give it great Mr. Rogers-I criticise him, but not Mr. Rogers-1 criticise him, but not so much Mr. Putnam, perhaps, as his assistant in this case. The witnesses who have testified here, all testified at the preliminary hearing and that testi-mony was reduced to writing and filed in the records of this court. It is with-in the knowledge of each of the gentle-men, you were told, at the very thresh-old of this case that the State did not propose to call all the even witnesses

weight in making up your verdic EXPECT A VERDICT OF NOT GUILTY.

racy.

the stand.

If we show you these facts, we shall expect from your hands that which is right, fair and just, that we claim, it will be your duty to return a verdict of not guilty, that is the claim we make here, gentlemen of the jury, at the threshold of our defense.

testimony should go in. The court will instruct you that you, and not attorneys for the State, can alone judge of the credibility of witnesses. Notwithstand-ing this is the law, and was before the State's attorneys were born, they at-tempt to usurp the right to pass upon the credibility of witnesses. And so, gentlemen, the court sitting here and actuated by the same motives that should actuate every one of you, to see that a guilty main does not escape and that an innocent man is not wrongly ORIGINAL COMPLAINT OFFERED.

At this point Judge Powers offered in evidence the original complaint in the case, together with the record of the proceedings and the complaint in Justice Pardee's court, of manslaugh-ter. He claimed that it presented a question of jurisdiction. Senator Brown showed that the mo-tion to quash had already been over-ruled by a court of equal authority with this, and after some discussion the offer was overwiled the defense not

offer was overruled, the defense noting an exception.

LIEUT.-COL. CANNON TESTIFIES Said the Late Burton Morris Was an Athletic Leader.

Lieutenant Colonel John Q. Cannon

(Continued on page two.)

# SELF DEFENSE.

It all shows beyond the peradventure of a doubt that the defendant did exthat he knew ho h ng about the en p oy-ment of counsel for the defense." GEORGE DWYER. Mr. Putam then caled George Be testified that he had been employed for a doubt that the defendant did ex-actly what any other man would have actly what any other man would have actly what any other man would have the same situation. We are sit-ting here day after day as critics, re-viewing in eight or nine days' events that transpired in the twinkling of an eye. In reviewing it all I ask you to put yourselves in the place of this de-fendant and of witnesses who have tes-

New York, March 5.-The Central Federated Labor union has adopted resolutions expelling members of the Socialist trade and labor alliance infa the Federated union. (The expelled members belong to the De Leon branch of the Socialist Labor parts. The situation in which he tor again. was placed became more apparent. He becomes more and more nervous. He decides to leave and as he does the door to the other room opens and Morris of the Socialist Labor party.

He doesn't know any more than you do how many shots he fired. He be-lieves his life is in danger and that he is about to be killed.

They struggled around the room,

locked together, until finally they got over near the window. The two men

went down, Morris on top. While there, the pistol was undoubtedly fired

again, and my theory is that at this time the bullet entered Morris. It was this struggle that the witness Abell

BENBROOK'S CHARACTER.

Benbrook has been a gambler for a

disturbing element and Benbrook re-mained in the room. After Keene had seen Morris and come out, Morris fol-

# THE FIGHT IN THE ROOM.

#### Attempted Suicide. Morris held Benbrook's hat in one Oakland, Cal., March 4.-With his broat gashed to the wind pipe and hand and throws it into the room. His right hand is clenched and as he botht wrists nearly severed, by self-inflicted wounds, Ethelbert F. Smith, enters he strikes Benbrook an awful blow, which staggers him. In the language of the day, Morris was pro-ceeding to "make good" his threats. who has wealthy relatives in New York and Japan, was found on a West Oak. land street yesterday. He had at-tempted suicide with an old razor. His morris was the physical superior of wounds are serious, but he will re-cover. He recently returned from the Orient and was en route to his broth-er's home at St. James, Long Island. Dissipation was the cause of his act. Benbrook. He was a man of magnificent physique, in the bloom of young manhood. He grapples with Benbrook and starts to strangle him.

time

railroad.

His grip is so tight that Benbrook's throat is closed up and his tongue sticks out. He has lost his breath. OPEN TO HICHEST BIDDER. The struggle goes on. Benbrook gets his gun out and commences to shoot.

> Sharkey-Fitzsimmons Fight During the First Week of August.

# Men and Club to Put Tp 85,000 Each -Bids for the Fight are Asked.

saw. After the discharge there, Mor-ris apparently relaxed his hold on Ben-New York, March, 5 .- Tom Sharkey and Bob Fitzsimmons signed articles of agreement today for a twenty-five round agreement today for a twenty-five round bout before the club offering the largest purse during the first week of August, winner to take all the purse. Marquis of Oueensherry rules will govern Tha pistol once or twice and struck him then. I do not pretend to give you all these in detail or with absolute accuof Queensberry rules will govern. The men and the club are each to put up a That must be given to you from forfeit of \$5,000.

Bids for the fight will be opened at 8 p. m., March 19th, by Al Smith at the Hotel Delevan in this city, and the club number of years, but notwithstanding that, he has established for himself during his residence in this city, a offering the best inducements will re-ceive the award at that time.

#### Machinists' Strike Failure.

joy. We shall show you by the testi-mony of leading citizens of this city, Chicago, March 5 .- About 200 machinists walked out of the Illinois Steel Co.'s plant at South Chicago today, but a hundred and fifty of them returned to men who have no interest in the re-sult of the trial, that he did enjoy prior to this occurrence, a good reputawork at once, convinced that the strike would be a failure. It was reported that the company had about a hundred men ready to take the places of strikers. tion for peace and quietness, and in a trial of such a case as this, evidence of Heavy reserve forces are being kept at the various police stations for possible emergencies.

### Transport Grant Arrives.

San Francisco, March 5 .-- The United States transport Grant arrived today twenty-seven days from Manila. The Grant brought 201 sick soldiers, 62 dis-charged men and 27 cabin passengers. Six deaths occurred during the voyage. Short stops were made at Nagasaki and Kobe.

# **KEPT IN THE "BULLPEN."**

## One Witness Who Could Not Get Before the Industrial Commission.

Washington, March 5 .- Moses S. SImons continued his testimony before the House committee on military affairs

the House committee of minitary anarrs on the Coeur d'Alene investigation to-day. He testified to the circumstances of his removal from office shortly af-ter the mining demonstration, his ar-rest, and imprisonment in the county jail for five days.

A sharp controversy occurred between Chairman Hull and Representative Lentz, who conducted the examination, #Sit as to whether the witness should state his opinion on the necessity for martial

law. On a vote the committee sus-tained Mr. Hull, and excluded this line of inquiry. The witness sold he did not have a fair trial on his removal

was the next witness. In answer to a question by Judge Powers he said: "During the war with Spain, I was first captain and then lieutenant colonel of troop I. Second United States Volug-teer cavalry." William Powers testified that he was william Powers testined that he was nightwatchman and constable at Mul-lan, Ida, at the time of the demonstra-tion at Wardner. He disclaimed any knowledge of the blowing up of the ig property. He saw two wagonloads of men re- | pital authorities.

Poon Gee, who was standing in the doorway of the store. Low Soon went to see what the trouble was and was also killed. The murderers escaped, after wounding Cheu. The police have been at work for some time trying to rid Chinatown of its horde of highbind. ers, and last week Chief of Police Sul-livan notified the Chinese consul that

struggle to the last. "The Boer casualities at Colenso dur-ing the week ended February 25, are reported to be thirty-one men killed and 120 wounded." he would not further increase the police force in the Chinese district, but would look to the Chinese to do their share in putting down the war, or in case the trouble was not settled he THREE BRITISH ARMIES.

Sunday, March 4, says:

"Persistent reports continue that the

"A conference between the Boer presi-

dents, it is added, and the general com-

manding the Boers in northern Natal,

was hurriedly arranged on receipt of

the news of Gen. Cronje's surrender.

Until Thursday night official confirma-

tion of the surrender was withheld

KRUGER'S APPEAL.

"President Kruger sent a religious

appeal with orders that it should be read by all the officers to the burghers,

FIGHT TO THE END.

from the public.

There are now practically three Brit-

Some decisive action on the part of ish armies in the field, one in the Free

SCHOOL CHILDREN

Question is Argued Before the

Supreme Court Today.

CREATES MUCH INTEREST.

Matter is Taken Under Advisement

at the Conclusion of Ar-

guments.

today, upon the mandamus suit of

the appellant, and Bennett, Harkness,

petitioned the district court for a writ

of mandate against the defendant board

to compel it to admit his daughter

Florence to the Hamilton school.

Among other things he alleged that his

child was not suffering from any con-

tagious or infectious disease and that |

An alternative writ was granted by

fectious, and included types of the most malignant and deadly character.

The answer then went to allege that

of January was wrongful and

of the

Richards & Varian appeared in behalf

of the defendant board, who is also | points:

John E. Cox.

contrary to law.

CONTROL OF THE PHILIPPINES.

would clear Chinatown.

Chief Sullivan is looked for.

VACCINATION OF Retention of Power by Congress Spooner Bill Reported Favorably.

Washington, March 5 .- The Senate committee on Philippines decided today to report the bill introduced by Senator Spooner, of Wisconsin for the control of the Philippines. Senator Lodge, chair-man of the committee, made the report to the Sénate. The bill is as follows: "That when all insurrection against the sovereignty and authority of the United States in the Philippine Islands acquired from Spain by the treaty concluded at Paris on the 10th day of De-cember, 1898, shall have been completely suppressed by the military and naval forces of the United States, all military, civil and judicial powers neces-sary to govern the said islands shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner

### Liberals Win in Chile.

Santiago de Chile, March 5, via Galveston,-General elections were held throughout the country yesterday. held The question as to whether the board of education has the power to exclude George, where the precipitation took Perfect order was maintained. The returns indicate that the liberals are all unvaccinated children from the pubin the majority. lic schools of Salt Lake City came up for argument before the Supreme court | the telegraph lines and it was not until

# DRUNK OR CRAZY.

# Niel Rooney Leaves the Hospital in a Demented Condition.

Officer Barlow was called into the Howat, Sutherland & Van Cott, Har-Comstock salcon this afternoon to rington & Snow and Powers, Straup and Lippman, relator, Mr. Cox. look after some man who was reported dying. Much interest was manifested in the The man's face was covered with

proceedings, the court room being scares and powder burns and he apcrowded with a large number of well peared to be demented. known ladies and gentlemen. The officer called the patrol wagon It will be remembered that Mr. Cox.

and took him over to the station. Upon his arrival at the station

strange individual began to mutter in-coherently and asked to be aljowed to get warm. "Are you a doctor?" he asked of

Chief Hilton. Receiving a reply in the negative, he

"Neither am I, so how the -her exclusion from the school on the night, clear this morning. know what's the matter with me?" When asked if he had been in the 23rd hospital, he replied: Judge Cherry and upon the return day the board, by its attorneys, answered. "Now, what a h- of a question: The board contended that the disease of smallpox was contagious and in-

your imposin' on me, gentlemen, if yez are gentlemen. I don't see what smatter with me.

To Chief Hilton he said:

"You need your betters around to rez. I have a brother bigger'n you, and he can handle yez. I'm not an The only known prevention, recognized and approved by medical sci-ence, the answer alleged, was vaccination or innoculation on per-sons with animal imph or vaccine mat-ly cloudy this morning. yez. After a few moments the man said he had been at the Holy Cross hospital

he had been at the Holy Cross hospital and, left there yesterday. He said his mame was Niel Rooney. Officer Barlow put him on the car and told him to go back to the hospi-tal. By this time he seemed to have gained possession of his senses. Rooney rode about half a block and then jumped off the car. He came flying back to the station and began cursing the officers and everything in general. It was evident that Rooney was about two-thirds drunk. He was locked up pending communication with the hos-pital authorities. last Novermber smallpox was brought into Utab from Montana and spread rapidly until the State health authorities feared the disease might become epidemic in this city. The actions of the State and local boards of health were then set out, and the exclusion of unvaccinated children from the school

in accordance with the resolution adopted by the city board of health. A demurrer was interposed to the answer, which, after the hearing of ar-

guments, was sustained by Judge Cherry, when, counsel for the board declining to amend and electing to stand by the return and answer, final judg-ment was given and the prayed for writ issued.

Today's arguments were similar to those advanced in the court below. Chief Justice Bartch announced that the matter would be taken under ad-visement, and a decision rendered later.

# FALL OF THE BEAUTIFUL.

State Reports Show Storm to Have Been General-Wires Interrupted.

When Salt Lake citizens awoke this

morning they were somewhat surprised

to see the ground covered with snow.

and the trees and wires presenting a

very fantasite though pleasing appear.

ance by being covered with the beauti-

ful. The bright sunshine of the morn-

ing soon melted it away and by night

From dispatches received all over

the State the storm appears to have

been general, reaching as far as St.

The wind and snow combined affected

noon that eastern dispatches com-

menced to come in as usual. The fol-lowing are the reports from Utah

clear and bright, snowed about 3 inches

Kanab-About 3 inches of snow fell last night, clear this morning. Toquerville-Nice shower last night,

Cedar City-Rained few hours last evening, then snowed about 2 or 3 inches, clear and warm this morning.

Beaver-Clear and warm this morn-

Kanosh-Light snow last night, clear

Nephl-Snowed about an inch last

Provo-Clear and pleasant, about half an inch of snow last night.

Mt. Pleasant-Snowed a little last

Spring City-About an inch of snow

Gunnison-Snowed a little last night,

partly cloudy this morning. Salina-Light snow last night, fair

this morning. Richfield-Light snow last night,

cloudy and windy this morning. Manti-Snowed about an inch last night, fair this morning.

Moroni-Light snow last night, part-

Ogden-Clear, cold, about half an inch

of snow fell last night. Brigham City-About 5 inches of snow, clear, melting fast. Logan-Clear and cold, about 4 inches

f snow fell last night. St. George-Gentle shower last night,

Paris, Ida-About an inch of snow, very pleasant this morning. Pine Valley-About 4 inches of snow last night, clear this morning.

Fillmore-Snowed about 3 inches last

morning.

fell last night, fair this morning. Ephraim City-Partly cloudy, little

ing, about 1 inch of snow last night. Parowan-About 2 inches of snow fell

last night, clear and pleasant.

and pleasant this morning.

night, fair this morning.

snow fell last night.

Pioche, Nev.-Fine this morning,

there was little of it left.

yesterday and last night.

clear this morning.

the form of rain.

