THE DESERET EVENING NEWS.

TRUTH AND LIBERTY.

FORTY-NINTH YEAR. TUESDAY, MAY 2, 1899, SALT LAKE CITY, UTAH. NUMBER 136

TWO DIE FROM THEIR WOUNDS.

Brave Battery "B" Boys Who Have Fought Their Last Battle.

UTAH "DEAD" LIST GROWING

Fatal Results Follow the Injuries of Corporal Merritt C. Jensen and Private Fred A. Hamilter.

[SPECIAL TO THE "NEWS."]

Washington, D. C., May 2.—The following deaths of Utah volunteers from wounds in action have been officially reported to the war department from Manila:

Merritt C. Jensen, corporal, Company B.

Fritz Hamilter, private, Company B.

Readers of the "News" will remember the account of the wounding of the two gallant soldiers, whose death is now announced. They were in the last of the corporate fighting between the American and Filipino troops and both received serious abdominal wounds at the time Max Medsker was killed and John Busman slightly injured in the knee.

Corporal Jensen left here as a private under Captain Grant. He was a native of Denmark, unmarried and without relatives in Utah so far as known. His home was at Castle Gate, Utah.

Fred A. Hamilter also enlisted in this city, which was his home. He was 24 years old, a German by birth and without family connections here.

RETURNING FROM THE WAR.

Frank and Leo Foster Coming Home From the Front.

When the war broke out between the United States and Spain, Frank and Leo Foster, brothers, enlisted in their country's cause, the former becoming a member of the Second Regiment of Volunteer Engineers and the latter joining the ranks of the Fourteenth Infantry, and was discharged from the service a month ago on account of ill health. He returned to San Francisco, where he now is, and today his father, W. H. Foster, well known wood turner, received the following telegram from him: "Met Frank; will wait for him and arrive today."

Frank has also reached San Francisco, where he will be mustered out and tomorrow both, it is expected, will be home in a few days.

"KID" M'COY IS IN TOWN.

The Heavyweight Pugilist Came in This Morning and Stops at the Knutsford.

He Proposes to Try Conclusions Once More With Sailor Sharkey Next Fall.

The Knutsford register this morning bore the legend "H. Bothy and wife, San Francisco," and five minutes later every bell boy around the hostelry was promptly posted on the fact that "Kid" McCoy had come to town.

The fighting heavyweight arrived this morning over the Oregon Short Line from the coast. Judging from appearances McCoy is at present living on the shady side of Easy Street and accordingly in his own statement he has not seen anything with his "mauleys" or "mawkers" for the last few months and will continue to sip honey from the Isles Bower until he can induce some of the big men to give him a chance to put them to sleep next November.

Mr. Bothy, alias McCoy, is a gentlemanly appearing young man who wears considerable jewelry and dresses in a most exhibited fashion that he some of his brother sluggers. Furthermore he writes a good hand and talked right up to the generally pleasing department. Today he did not appear to be in the best of health, in fact he looked a little peaky. That was corroborated later when he told the reporter that he was advised by his physician to take a little mountain air as a tonic.

McCoy proposes to tarry in town for a couple of days and visit with his friend H. E. Maloy and otherwise look up old acquaintances that he made when he came here a few months ago to meet and spar some spots a year in this city working at his trade of journeyman painter and decorator. Mr. McCoy has forgotten all he ever knew about that business, and now confines himself mostly to boxing and sparring for the entertainment of his brother sluggers with the bench of an artist. From here the magnet proposes to go to San Francisco, where he will stay a few weeks before going further east.

In the course of conversation with the reporter he related the circumstances that surrounded his bartout with Joe Tetlard and Charley Mitchell. He claims he put to sleep in the approved fashion, together with his encounter with Shickey, on which occasion Shickey was so practically had the entire whipped, but, he added, "I'm going to have a try at him next November. Shucks! He's bad to be like up." McCoy further says he will challenge the winner of the Jeffries-Fitzsimmons fight for the championship of the world.

UNDER A FLAG OF TRUCE.

Gen. MacArthur Sends Money and Free Rations to Prisoners.

Manila, May 2—4:25 a. m.—General MacArthur has sent officers to General Antonio Luna, the Filipino commander, under a flag of truce, carrying money and provisions for American prisoners in his hands, and asking an exchange of prisoners and the names of such as he may have.

It is reported that the insurgents have two officers and sixteen others, and it supposed that among these are Lieutenant J. C. Gilmore and seven men of the crew of the United States cruiser Yorktown, who fell into the hands of the Filipinos last month when the gunboat visited Dalee on the east coast of Luzon.

Major Bell, with a squad of scouts, has captured Marabelo, about four miles southwest of Calumpit, the principal rice belts and shouting "Viva." The American troops are occupying Marabelos instead of Chinese, and the boys are delighted to get 10 cents a day, discharging their duty in the Americas.

Major General Lawton is advancing. He has organized a band of forty recruits to go ahead of the column. The band, which is under William Tung, an old Indian fighter, who killed five Filipinos last week, includes Dagonet, Harrington, Somerfield and Murphy of the Second Oregon regiment.

COL. FRED FUNSTON.

President Appoints Him a Brigadier General of Volunteers for Gallant Service.

Washington, May 2.—The President has appointed Colonel Frederick Funston of the Twentieth Kansas, a brigadier general of volunteers. This appointment was recommended by Major General MacArthur and has commended very strongly by General Otis in a recent dispatch received yesterday.

General MacArthur said the services of Colonel Funston during the campaigns, and especially in the crossing of the Rio Grande river deserved recognition, such as his promotion to be a brigadier general, also that as a soldier of fortune Colonel Funston was especially valuable. The President recognizes the services of Colonel Funston and his official act upon receiving the telegram to Washington was to make him a brigadier general.

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The cable which General Otis sent yesterday says:

"MacArthur strongly recommends Colonel Funston's appointment as brigadier general for signal skill and gallantry in crossing the Grande river and other brilliant services since coming to the front of war. Am in accord with recommendation. Funston able as leader of men and has earned recognition."

THE SITUATION IN SAMOA.

Reuter's Correspondent Thinks Home Authorities Misunderstand It.

Germans and Rebels Jubilant—White People in Dunkirers at Mercy of the Natives.

Wellington, N. Z., May 2.—Advices from Samoa indicate that the instructions received from the powers to cease hostilities make the situation in the islands very serious, as the rebels hold the main food supply and are again near the municipality of Apia.

The correspondent of Reuter's News Agency thinks it is evident that the home authorities have misunderstood the situation in Samoa. The Germans and rebels are already jubilant and claim a victory over the British and American forces. The correspondent says that unless the rebels are made to realize the difficulties will remain unsolved. The white people in the outskirts of the city are at the mercy of the rebels. The American vice consul's store at Faala was looted last week, while a German store is reported to have left untouched. British and American residents all strongly condemn the action of the powers in stopping the operation of hostilities at this stage.

Two days after the last battle at Vailima, Lieutenant H. S. Gaisel, of the British cruiser Porpoise, marched his brigade into Vailima unopposed and was followed by a company of British blackjackets under Captain Stordee, and Lieutenant Cave, inspector of the battalion, shows that the officers erected by the rebels near the home of the late Robert Louis Stevenson were strong and well planned. The force landed by the rebels, it is evident, was much greater than was at first supposed. The main section of Mataafa's followers, who were engaged in the defense of Vailima, retreated westward to Lutumoenga, where they lay in wait for friendlies. Orders had been given them to capture Lieutenant Gaisel's band. The rebels were also making preparations for superior weapons with which his brigade is armed.

It is rumored that thirteen boats filled with armed rebels are approaching from the east. The town appears to be safe.

Gen. Merriam at Boise.

Boise, Ida., May 2.—General Merriam arrived here at 10 o'clock this morning and has ordered Troop F, Fourth cavalry, stationed here, to proceed to Weiser, Ida., at once. There are no other new developments in the situation.

Sheriff Young at Wardner.

Walallo, Ida., May 2.—Sheriff Young and County Attorney Samuels are in Wardner today prosecuting and conducting with State Auditor Sinclair, the governor's representative, who arrived yesterday. Under Sheriff Hurley and numerous Saturday's prisoners are unparalleled. Destruction to property was bad enough, but all the devotees of the law was utterly without excuse. He further says that while punishment should be meted out to the guilty parties that also the Federal Government ought to do as there is not a man in Shoshone county qualified to sit as juror in the case.

Cavalry for Wardner.

Walla Walla, Wash., May 2.—One troop of the Fourth cavalry, under command of Lieutenant Mairs, will leave here today to proceed to the scene of the Wardner riot.

HAYTI AND SAN DOMINGO.

Their Difference to be Referred to the Hague Tribunal.

Washington, May 2.—The following memorandum was given out for publication at the state department today:

"The strained relations existing between the republics of Hayti and Santo Domingo, caused by a dispute over the boundary line between those two countries, it is to be the way to settlement. The whole question, with others involved, is to be referred to the holy see, Pope Leo XIII, at Rome, to adjust. The statement that each country was massing troops on the frontier is untrue."

Asbestos Mine Sold.

Atlanta, Ga., May 2.—The famous Asbestos mine on Soapstone Mountain, in White county, has been sold for $200,000 to Bancroft & Rentick, mining engineers of London.

The sale on the basis of $200,000 is the greatest amount ever paid for a mine in Georgia.

Georgia Monument Dedication.

Atlanta, Georgia, May 2.—Governor Candler and the members of his staff and party to take part in the exercises of the dedication of the Georgia monument Chattanooga, will leave today for Chattanooga. In addition to the regular staff of the chief executive the party will consist of a number of ladies headed by Mrs. Allen D. Candler.

INFORMATION FROM GILMORE.

Lieutenant Sends Word Through Major Argulezes.

CROSSED THE MOUNTAINS.

Luna's Emissaries Press a Request for a Cessation of Hostilities—Filipinos Deserting.

Manila, May 2, 2:55 p. m.—The first authentic information regarding Lieut. J. C. Gilmore and his party of fourteen men from the United States gunboat Yorktown, who were captured by the Filipinos on April 12th, was received today at the hands of Major Argueleses of the staff of Gen. Aniceto Luna. It is in the form of a list of the missing men and is signed by Lieut. Gilmore. The lieutenant reports that he and his party have been brought across the mountains from Baler where they were captured.

HOW INFORMATION CAME.

This information was brought in response to a note which Major General MacArthur sent to Luna by Major Shields and Lieut. Hayne, and which those officers, bearing a flag of truce, carried across Gen. Luna's line on yesterday evening. The note after asking for information regarding American prisoners in General Luna's hands, concluded with the message that he (Gen. MacArthur) would be pleased to meet Gen. Luna.

Major Shields and Lieut. Hayne found a span of the railroad bridge at Calumpit from Ft. Tonna broken.

The officers sent the proclamation for the prisoners on a handcar at the end of the bridge, placing the car in the keeping of Filipinos, whose conduct throughout the various negotiations has been all that could be expected of a civilized nation.

FILIPINOS DESERTING.

Refugees report that the Filipinos are deserting in large numbers, amounting at Ft. Tonos where Gen. Luna's headquarters are located, and that strong entrenchments are being constructed at the side of the railway and on the swamp front, in the best positions possible.

Men of the United States signal corps have established telegraphic communication with Major Gen. Lawton, who is advancing in a westerly course.

Gen. Lawton last night and this forenoon received yesterday near San Rafael, where he strongly entrenches himself. Today Gen. Lawton is searching Bulacan, where a large body of rebels has been congregated.

GENERAL HALE STARTS.

General Hale started at daybreak with the Iowa and South Dakota regiments a report of cavalry and a battery of the Utah battery from Calumpit in a northeasterly direction to cooperate with Gen. MacArthur, who has ordered the Americans to attack them in order that they might fight the Tagals. The Macabebes have already organized a company of linemen to guard the lines. They are to bring the Tagal prisoners to Gen. MacArthur.

Manila, May 2, 6:05 p. m.—Major Maxwell, Lieutenant Kilbourne and Lieut. Jose Bernal, of the staff of Gen. Antonio Luna, returned here today to escape and renew the request of Gen. Luna for a cessation of hostilities. They have found the field of labor a most unpromising one. The two officers were received in conference with Major Gen. Otis.

THE PROPOSALS

The proposals which they had to submit differed but slightly from those which they brought from the Filipino commander in the first place. They desired a little time in which to summon the congress, and expressed themselves as being confident that the congress would decide to accept an armistice. They represent that Aguinaldo is without power to surrender the army, and that the congress must decide that question. Incidentally, the Filipino envoys asserted that Aguinaldo had not yet made a fair test of his strength against the American forces, because only one-third of his army had been assembled together.

ENVOYS PRESENT A LETTER.

The envoys presented a letter from Felez Mabini, president and minister of foreign affairs in the cabinet of Aguinaldo, and who is the backbone of the Filipino organization. The correspondence is in almost the identical terms made Major Argueleses' statements. The envoys will see Gen. Otis again tomorrow. They are to bring tonight to Manila. They landed with Gen. MacArthur at his headquarters on a car of the arrangement made at Calumpit before going to Manila.

IS LUNA SINCERE?

Whether or not Gen. Luna is sincere in his overtures for negotiations and giving the insurgents a much needed opportunity to rehabilitate their demoralized forces. The truth is that despondency among the leaders of the rebels are fasting on the disorganization of the Filipino army almost as much as the American army is elated.

In the course of the conference with the Filipino envoys Gen. Otis agreed with the statement of Gen. Argueleses that the people of the Philippines wanted peace and he added that express for peace are constantly coming to him from all parts of the country.

LAWTON FIGHTING HARD.

Maj. Gen. Lawton was arranged to have fighting early this morning. Telegraph communication was cut off at 9 a. m. and there have been no reports from Gen. Lawton since that time.

London, May 2.—Representatives of the Filipino junta say that they have received a telegram from Aguinaldo, dated April 28th, in which he states that his government has nothing to do with the present peace negotiations, which, he asserts, are being conducted by a group of half-a-dozen civil envoys, who are anxious for peace on the occupation of getting high offices under a new government. Several of these men, Aguinaldo says, are members of the Filipino congress, whom they are endeavoring to corrupt. Aguinaldo also added that he had had frequent negotiations with the Americans since the early days of March, which correspondence passed between Mr. D. C. Worcester, of the American-Philippine commission, and a representative of Aguinaldo to bring about peace based upon independence for the Philippine islands. Aguinaldo disavows the present negotiations and adds that under no circumstances will he accept an American protectorate.

The dispatch concludes with a compliment to Mr. Bryan, referring to Major Argueleses as a Spanish officer who has no more authority to act on behalf of Aguinaldo than has Luna himself.

DEWEY TO LONG.

Says He Has No Further Information Concerning Gilmore.

Washington, May 2.—The following cablegram was received from Admiral Dewey by the navy department:

Manila, May —.—Secretary Navy, Washington: cannot add further information concerning Gilmore and party now. As soon as this information is received will forward. Have not been reached me today from Guam, dated March 30th.

Operations are quiet and contented under the United States flag. When will the Olympic depart?"

DEWEY.

It is stated at the navy department that cipher will not from New York May 15th or 16th.

TWENTIETH KANSAS.

Will Probably Start for Home From Manila Middle of June.

Lawrence, Kas., May 2.—Congressman J. D. Bowersock received a letter from Assistant General Corbin saying that the Twentieth Kansas regiment would probably be started home from Manila about the middle of June. In referring to the work of the regiment the letter says:

"You may assure the friends and parents of the Kansas troops that everything possible will be done by the government looking to the early muster out of the department deeply appreciates the great service it has rendered and sympathizes with any request it might make would not begin to compensate the officers and men of the organization who have taken such a prominent part in the battles around Manila."

TROOPS FOR WARDNER.

Seventy-five Picked Men From the Twenty-fourth Start.

Portland, Ore., May 2.—Seventy-five picked men of Company M, Twenty-fourth infantry regiment, Captain Batchelor, left Fort Spokane today for Wardner, Idaho. They carry fifteen days' rations and 2,000 rounds of ammunition. Many of the soldiers are veterans who fought at San Juan. The men expect no immediate fighting, but are ready for anything.

BAR ATKINSON'S WAR PAMPHLETS.

May Not Go to Philippines in United States Mails.

DISCONTENT AND MUTINY.

Post Office Department Says That Is Their Design—Author Guilty of Assisting Insurrection.

Washington, May 1.—The postmaster-general has directed the postmaster at San Francisco to take out of the mails for Manila three pamphlets issued by Edward Atkinson of Boston, vice president of the Anti-Imperialistic league. This order does not apply to the circulation of the pamphlets by mail in this country, but bars their dispatch from this country to the Philippines. The pamphlets are entitled "Criminal and Seditious," and have been stamped by the department to be the design of those publications.

The three pamphlets are specifically described and in no circumstances are they to be forwarded by mail to the Philippines.

DISCUSS ATKINSON'S CIRCULARS.

Cabinet Meeting Devoted to a Consideration of the New Famous Pamphlets.

Washington, May 2.—The absentees from today's cabinet meeting were Secretaries Gage, Long, Alger and Wilson. One of the subjects of discussion was the circulars which were mailed to the troops at Manila, criticising the Philippine policy of the government and advising voters on whom term of service is about to expire not to re-enlist. A member of the cabinet in speaking of the matter said that Edward Atkinson, of Boston, who is believed to have been largely instrumental in the preparation and sending out of these circulars, was unquestionably guilty of assisting an insurrection against the authority of the United States and was subject to a term of imprisonment or heavy fine, or both. The law which he is said to have violated is section 5,334 of the Revised Statutes, which reads as follows:

"Any person who incites, sets on foot, assists or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be punished by imprisonment of not more than ten years, or by a fine of not more than $10,000, or by both such punishments, and shall moreover be incapable of holding any office under the United States."

What action, if any, will be taken in the matter, has not been determined. It is said that the circulars are to be disposed in regard the acts of Mr. Atkinson as those of a person without any official connection with the army or navy of the United States, and the government may not at this time take action against Mr. Atkinson for the alleged acts. The postmaster general stated at the cabinet meeting that he had ordered the circulars stopped at San Francisco. Members of the administration regard Mr. Atkinson's alleged action as sedition in a high degree, and it is said emphatic that if repeated, prompt and energetic action will be taken.

Parts of the report of the army beef committee were read and matters relating to the Alaskan boundary question were briefly discussed.

MR. ATKINSON'S SPEAKS.

His Pamphlets Compilations From House and Senate Documents.

Boston, May 2.—Hon. Edward Atkinson, vice president of the anti-imperialist league of this city, said he had received no direct communication from Washington about the action of the postmaster general. He explained that the documents were compilations of facts and figures taken from reports in the national House and Senate and calling attention to points mentioned in debate.

"My action of the Senate," Mr. Atkinson continued, "these compilations were published as Senate documents and they are now public documents of the United States. Therefore, any action taken toward keeping them out of the mails would imply that Congressional Records and official documents of the United States are unmailable to be sent to officers of the volunteer regiments now at Manila, whose terms of service have expired and whose return to this country is demanded by officers of certain States who say that the men are entitled to discharge."

Mr. Atkinson said he had sent copies of these documents to Admiral Dewey, President Schurman, Prof. Worcester, General Otis, Generals Miller and Ewa copies to the correspondents of a New York illustrated weekly.

REINFORCEMENTS FOR OTIS.

War Department Making Arrangements to Hurry Them Off.

Washington, May 2.—Arrangements are being made at the war department to expedite the transportation of reinforcements to General Otis as much as possible. It is said that while every practice it has been found necessary to postpone the departure of the transport Pennsylvania, which is now being prepared to sail for Manila on the first inst. The Sixth infantry, which was to have started from San Francisco on the Pennsylvania, will not be able to get away until the Pennsylvania is ready to sail. That regiment is well and strongly equipped, and is in the vicinity of San Francisco, and will start across the Pacific as soon as transportation is provided.

Gen. Corbin said today that no change had been made in the plans to forward the Nebraska regiment, and that the instructions to the officers of the quartermaster corps who are to be detailed to accompany the regiment to the Philippines to take the places of the quartermaster troops who are to be mustered out of the service, will be issued from the order for the movement of the Nineteenth infantry from Porto Rico to the Philippines, which will be at Camp Meade, Pa., will be carried out.

SCORING THE PRESIDENT.

Novelist Stevenson's Widow on the Bombardment of Samoan Villages.

Wants to Know if Mr. McKinley Keeps His Humanity for Civilized Countries Alone.

London, May 2.—Robert Louis Stevenson's widow has written a letter to the Westminster Gazette from Futchel, Madeira, on the bombardment of Samoan villages by British and American warships. Mrs. Stevenson says:

"President McKinley allowed an Envoy on Cuban towns unless they gave active cause of offense, and Commodore Watson was ordered not to attack undefended Spanish cities. Does the President keep his humanity for civilized countries alone?

Mrs. Stevenson declares that the Samoan villages are inhabited in time of war by noncombatants who have to choose between the shells of the warships and "taking to the bush." Under such conditions, she says, delicate women and nearly naked children take to the bush. Mrs. Stevenson's letter concludes as follows:

"Chief Justice Chambers has been commanded into acting in a letter to his brother: 'I never was happier.' He must be a person singularly destitute of humanity who can be pleased to himself the scene being enacted in the feather-heart of those villages, the cattle running, all the people running, nothing kitchen and clothes, shells bursting everywhere, the cries of bewildered and hapless women and children, the men left in their blazing houses, women in the pangs of childbirth, mangled children screaming on the ground, the sea before them and the bush behind them. And we read that the wounds also were fruitful. Who is to be held responsible for those deeds that disgrace both England and America?"

CRUISE OF THE CHICAGO.

The Cruiser Leaves the Azore Islands on Way to Africa.

Ponta Delgada, Azore Islands, May 2.—The United States cruiser Chicago, after having spent four days in port on her cruise to Africa, by way of the Suez canal, sailed away yesterday. During the stay of the cruiser at this port she was visited by all of the local civil and military officials who paid their respects to Rear Admiral Francis M. Bunce, Vice Consul Augusto Nortoro entertained Admiral Howison to the chief places of interest in the city and in the public palace gardens and theater. The band from the Chicago played in the municipal park on the afternoon of the visit, and its performances elicited hearty applause from the public.

OVERTURES FOR PEACE.

Colonel Manuel Arguelleres Presents a Proposition from Aguinaldo.

New York, May 2.—A Manila dispatch to the Journal says:

Colonel Manuel Arguelleres for peace, Colonel Manuel Arguelleres of the envoys sent to the American lines from Aguinaldo's headquarters, has come directly from Aguinaldo. The proposition, the Journal says, was the same as that made to Consul Pratt, in an attempt to get the Filipino congress meets and decide whether the Filipinos will continue fighting. Consul Otis declined, the dispatch says, and told Colonel Arguelleres it was useless to discuss the matter. Colonel Arguelleres then came prepared to surrender to the American demands.

SAMPSON'S SQUADRON.

In Sighted Off the Highlands on Its Return from West Indies.

New York, May 2.—Admiral Sampson's squadron, which is returning from the cruise in the West Indies, was sighted off the Highlands at 11:15 a. m. Admiral Sampson, who is on board the flagship New York, with the battleships Indiana, Massachusetts and Texas in escort, is anchor off Tompkinsville, and from there will proceed to the navy yard to be docked and repaired. The squadron is to remain in the harbor until the end of June, when it is to go to Newport, R. I., and from there will begin its summer cruise.

BANK ROBBERS ESCAPE.

Gave Queer's Evidence Against Bank Thieves and Made to Regret It.

Nanaimo, Col., May 2.—George Pare and W. H. Holden, charges with the robbery of the Dominion bank, and who gave queer's evidence against Bank Teller Holden at the trial, escaped from the jail here during the night. At Holden's trial the jury disagreed, and both prisoners were held to repeat their evidence at their trial to be held here next week. Queer, which their cause were to be dealt with.

The police were quickly notified of their escape, but it is thought they had accomplices on the outside and that both are now in the United States.

The loss was reduced August 21, 1899, and $2,000 was stolen. Pare and Holden were arrested in Boston for complicity in the robbery and brought here for trial.

BANKER STOUTT IS ON TRIAL.

Charged with Making False Entries in Books of Utah National.

A JURY IS EMPANELLED.

Witnesses Testify for Prosecution, Showing Certain Notes, Entries and Bank Reports.

Banker J. M. Stout was put on trial in the district court before Judge Marshall this morning.

The indictment charges that he as President of the Utah National Bank made certain false entries in his report to the comptroller of the currency on July 14, 1898.

The report says that Stout was indebted to the bank in the sum of $76,426.76; whereas, it is claimed that the amount due was "a different and much larger sum" as stated.

The second account upon which Mr. Stout is put on trial, is that on July 12, 1898, he as president of the bank made a certain false entry, crediting himself on the books of the bank with $2,750, on a certain note and collateral and petitions, given for that amount, signed by J. M. Hodges and deposited in the bank.

This account was credited to Mr. Stout's ledger account, Overdrafts Under the heading "Debit, Utah National Bank, 7-12-1898, Demand Loans, No. 328, J. M. Hodges, $2,750."

This note given by Hodges, it is alleged, together with the salary of $2,750 in the false entry made by Stout, was credited himself with the $2,750, "well knowing the said note to be false, fictitious and forged, and that said Stout well knowing the same to be valueless."

The case of Banker Stout was called and defendant, Attorneys Alexander Dickson & Powers, announced that he was ready to proceed. Clerk Lehnert selected from the regular list the following named jurors, who answered to their names and were sworn:

Wm. Glasmann, C. M. Daum, W. F. Lynn, Thos. F. Rountree, Wm. Prescott, Alonzo Argyle, A. H. Kelly, Edwin F. Parry, Jas. A. Beals, Robert Beck, Thos. F. Gibbs, and Thomas Christofferson.

Attorney Whittemore stated to the jury summoned, that the charge is a charge against J. M. Stout to the effect that on the 12th day of August, 1898, he said made a false entry in a book of said Lake City, to the credit of J. M. Stout, 7-12-1898, ..Overdrafts.....$2,750 ..Salary ..... 250 Total, $2,750.

Under the heading "Debit, Utah National Bank, 7-12-1898, Demand Loans, No. 328, J. M. Hodges, $2,750."

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Mr. Lynn had formed an unqualified opinion as to the guilt or innocence of the accused and Mr. Rountree had also an opinion. Both these gentlemen were challenged for cause by the defense and were excused. Mr. Glasmann was excused upon peremptory challenge by the defense.

Four additional jurors were drawn: Wm. H. Streeper, H. T. Duke, R. C. Ewing and Hyrum F. Thomas.

Mr. Duke had an unqualified opinion as to the merits of the case.

"With whom have you talked concerning it?" asked Attorney Whittemore.

"We object to that question," said Mr. Dickson. "The witness has an unqualified opinion, and is therefore disqualified.

Mr. Whittemore thought the question a proper one, but the court ruled that the objection to such questions was good and the server might show in the jury what the opinion is and that it was formed from conversation with some person afterwards called as a witness. Mr. Duke was excused upon peremptory challenge by the defense and excused.

Mr. Streeper had an opinion that he thought might influence his verdict, but he was not challenged for cause. H. T. Hoffman was then called and peremptorily excused by the government and was excused.

John C. Dunn was called and passed.

The jury therefore stands and was sworn to try the case as follows: Wm. Glasmann, C. M. Daum, Alonzo Argyle, Wm. Prescott, A. H. Kelly, Edwin F. Parry, Jas. A. Beals, Geo. W. Ayers, Thomas Christofferson, C. M. Daum, H. Streeper, Hyrum F. Thomas, R. C. Ewing and John T. Smith.

JAMES CHIPMAN.

James Chipman, president of the Utah National bank, and State treasurer, was then called and duly sworn. He identified a number of the books of the bank, and testified:

JOHN A. GROSBECK JR.

John A. Grosbeck was sworn. He is cashier of the bank and also county treasurer. Has engaged for seven or eight years and is for in the Utah National bank. Has been cashier there for part of that year. He identified the debit slips and a credit slip that Hodges had given to the bank. They were in Stout's handwriting, he said, and had been handed to him by Mr. Stout, or left on his desk.

The tickets presented were a deposit ticket of $2,750 and two separate debit slips, one for $2,500 and one for $250.

The deposit ticket gave J. M. Stout credit for $2,750. The other tickets charged expense item and demand loans $2,750.

A. V. JONES.

A. V. Jones was sworn. He was the cashier of the bank. He identified the call made for a report from the comptroller of the currency, dated July 12, 1898, requesting the bank to make a report of the condition up to July 14, 1898. He also identified the report made pursuant to the call. The amount of Mr. Stout's indebtedness to the bank as stated in the report of July 14, 1898, is given in the report at the sum of $76,426.76. This indebtedness, as stated in the report, was upon request of the comptroller, because the notary, Mr. Jones, who had signed the report, was an officer of the bank.

This report says that the excess of indebtedness of J. M. Stout, $76,426.76, had been made good by deposit made by Stout and that the defendant of J. A. Hodges had been made good by a deposit by the latter. According to law the amount owing by the bank from any one individual cannot be more than ten per cent of the capital stock, and Banker Stout's indebtedness exceeded the amount allowed by $26,426.76.

When Mr. Jones was asked to identify