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THE DESERET EVENING NEWS.

TRUTH AND LIBERTY

THE SATURDAY NEWS
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Mortensen Wept In Court Today

Tears Came When Mr. Barnard Stewart Mentioned the Children and Scored the Messrs. Watkins—Theory of the Defense is That the Murder Was Committed by Thugs—Case Will Go to Jury Tomorrow Afternoon.

Peter Mortensen wept in court this morning when Mr. Barnard Stewart made reference to the children of the prisoner, and made uncomplimentary mention of his brothers-in-law and their attitude towards the case. The line of defense was disclosed in the argument of the prisoner's counsel that the murder had been committed by footpads who had overheard at the lumber company's office the conversation about the money. Mr. Stewart's effort in behalf of his client was an excellent one and reflected much credit upon his ability to make the most of the resources at his command.

It is expected that Mr. C. B. Stewart will close the defense this afternoon and that Mr. Eichnor will finish for the state tomorrow morning. In that event Judge Morse will charge the jury, and the case will be finally submitted tomorrow afternoon, with the possibility of an early verdict being reached.

DEFENSE ARGUMENT.

Barnard Stewart, of counsel for defense for Peter Mortensen charged with murder, began the opening argument for the accused late yesterday afternoon and was in the midst of his argument when court adjourned. Mr. Stewart began his address in a low, serious tone of voice but he gradually warmed up to the subject in hand and soon had the attention of the spectators and jury riveted upon him. If earnestness will save Peter Mortensen, then surely his attorney went a long way in that direction. While many of the spectators were unsympathetic and did not give much weight to his argument, they were nevertheless interested in his oratory. For fifteen minutes Mr. Stewart paid his respects to the judge and jury, and in a happy style he paid them a high tribute for the patience and fairness they have exhibited. He said he approached the argument with a feeling of seriousness such as he had never experienced in all his life.

BOTH WERE FRIENDS.

"Hay and Mortensen were close friends. They were both my friends, they were both my neighbors. In this case one man is charged with the awful crime of taking the life of his friend and neighbor. Gentlemen, it has been said that juries are composed of two or three men, but it is mutually agreed between counsel for the state and defense that in this case the jury is composed of 12 men any one of whom we might trust to judge this case and give justice to all. You have a great responsibility. If you acquit this man you do so in the face of public sentiment that is so strong against him. If you convict him you must do so subject to all the perils of circumstancial evidence. It is for you to say whether or not one of your fellow beings lives or dies. I perceive from your faces the seriousness that has characterized you all the way through. I believe you have been called upon for the first time to decide upon a man's life, and your responsibility is greater than that of counsel for defense. We can only do that which appeals to us to be right, to see that proper evidence is put in and then let you decide. Your responsibility is even greater than that of the prosecuting attorney. Mr. Eichnor is the public prosecutor, and he knows that the public is watching him with a watchful eye. If he has overstepped the proper bounds in this case, it is because of his zeal to do his duty. This honorable and just court will give you the law, but you are to pass upon the impressions made by the witnesses. You go to your room and there decide whether this man is guilty or not guilty of this awful crime. Then you go to your homes. You are out of the public eye, but if it should develop that you had made a mistake, then the public would look upon you with the same disfavor that they now look upon this unfortunate man, and they would brand you as cowards."

Mr. Stewart then referred to the time Hay was first missing and called attention to the fact that so many were ready to brand him as an absconder. It shows how uncertain public sentiment is.

"I do not believe this jury will convict this man unless the state proves him guilty beyond a reasonable doubt. If you do convict him I will say you are honest. All we ask you to do is to sit here as honest men. The defendant asks no more, that is all he wants."

WHERE IS THE GUN.

Counsel then read the information and said: "Is there one thing in this information proved? Where is the gun? Where is the man who held the gun? Who saw the shot fired? Who saw the man with the gun? Take the chain that Mr. Eichnor has presumed to present to you and tell me where there is anything that points to this man as guilty." Mr. Stewart paid a glowing tribute to the previous good character of the defendant. He said Mortensen did business with honorable men. He had contracts that amounted to thousands and thousands of dollars. Counsel ridiculed Mr. Romney for being "horrified" over the statement that Mortensen had $3,800 in his house. Counsel thought Romney was more horrified about the money than anything else. As to Romney's explanation that the note should be cancelled because it was secured by mortgage, was characterized as absurd. Romney's instructions to Hay to be sure and cancel the note, was, in the mind of Mr. Stewart, "an afterthought." "Did he have any suspicion that night? Not the breath of a suggestion. Now why did Hay go to Peter's that night? He was a stockholder in the company. Romney was interested in the company and was anxious for the money. Is it not likely that Hay thought to himself: 'I am not afraid to keep that money in my house. I will go over and get it.' Is not Mrs. Hay's visit to Mortensen's natural? Anything strange in that? Then they make so much out of the fact that Mortensen did not turn the light on. Anything unusual in that? He was in his night clothes. A lady was at the door. Did he want to turn on the light and meet a lady in his night clothes?"

THE MONEY QUESTION.

Then coming down to the money, Mr. Stewart argued that the various witnesses had got things sadly mixed, as to the money being loose and in jars and in a sack. When Mortensen spoke of it being loose he meant loose in the jars. The sack is what Hay carried the money away with, and he put the sack of money in his pockets. He did not put it loose in his pockets as Romney testified to. It was not strange if Mortensen made statements that appeared to be contradictory. He was tortured at all hours of the day and night, and might say anything to get rid of his tormentors. But his statements had been garbled. Mr. Stewart explained the use of the settee in this wise: The blind at the north window was not pulled down. Where the folding doors were to be in the east boards were nailed up and there were large cracks in them. The settee was low and by sitting on it Mortensen and Hay could count out the money and not be seen. Mr. Stewart made most of "little discrepancies in the testimony" to show how even honest witnesses could be mistaken.

"Now take Dr. Mayo's testimony. He said there was a great deal of blood from the wound in Hay's head. It is inconceivable that a man could lift that limp body over the fence without being covered with blood. Where is the blood? Have they found it?"

Just before adjournment, Mr. Stewart referred to Allen's testimony and asked the jurors to try after dark, to recognize some person 60 or 70 feet away.

GREAT CROWD TODAY.

The crowd was even greater this morning than at any other session of the trial. Chairs and benches were crowded right up to the attorney's and repoters' tables, and if the trial goes on much longer the newspaper men will have to sleep in their chairs in order to hold them. Some of the ladies were so eager to secure a seat that they made away with the repoters' chairs despite the court's instruction to the baliffs that the chairs were not to be disturbed.

Mortensen appeared very calm when he was brought into court this morning. His father, brothers Henry and Jesse and Mrs. Henry Mortensen were present and took seats near their relative.

At 10:04 o'clock, Atty. Barnard Stewart resumed the opening argument for the defense. He said in part:

MR. STEWART RESUMES.

"Gentlemen, we have taken up the relationship that existed between Mr. Romney, Mr. Hay and Peter Mortensen. Their relationship was business and friendly. We have taken up Mrs. Hay's testimony and considered various conversations testified to by witnesses who have been on this stand. We have discussed where and how the defendant kept the money and how he paid it to James R. Hay.

MR. SHARP'S STATEMENT.

I now desire to take up the testimony of Mr. Sharp: We have the visit of Mortensen and Romney to Mr. Sharp, and his instructions for them to go to the police station, which they do. Mr. Sharp goes to a number of places and we find that he goes to Peter Mortensen's house and has a conversation with Mrs. Peter Mortensen. She tells him of Peter paying the money to Hay and goes and gets him the receipt. After that Mr. Sharp takes Mortensen, Sheets, Romney and his son Heber Sharp and others into the north room and there Peter Mortensen tells how he paid Hay the money. Mortensen shows Sharp where he last saw Hay. He went to the door and saw him when he left the gate. Mr. Sharp insists upon the particular spot where Mortensen last saw his son-in-law. Mortensen realizes that Mr. Sharp is full of feeling and sorrow and he goes down and designates the place he last saw Hay. Then Mr. Sharp said that is the spot where my son was murdered, and naturally Mortensen saks him how he knows that Hay was murdered. Mr. Sharp replied that the proof of it would be that the body would be found in the field not a mile from the spot and within 24 hours. Then he charged Peter Mortensen with the crime. Sheets said he said to Romney and Mortensen "you people are responsible." Sheets said he said it 25 times, and I doubt not he said it 50 times, he was so full of sorrow. Then he goes to the cellar window and looks in and calls Peter Mortensen an inhumane being for keeping the money in the house. Mr. Mortensen went to the cellar to get the money and he took a light, and if anyone was about they could have seen him get the money. On the stand here Mr. Sharp said it was vile and that no honest man would keep that much money in the house.

MONEY ON WALL.

No one could see the top of that wall from the outside, and when you consider it was a very desirable place to keep the money. No one would ever suspect it being there. When he got to the patrol wagon and began talking to the body of his son-in-law, he did not speak to Mortensen, and when he said he murdered you for a paltry piece of paper Mortensen considered his feelings as a gentleman, and said nothing. Mortensen realized that censure was upon him for paying the money. But he went to Sharp's to see what he could do. And Mr. Sharp welcomed him to his home, although he believed Mortensen guilty and had seen blood on the track. Mortensen asked for the receipt. Anything strange about that? He paid the money and without the receipt he would have nothing to show for it. Sharp charged him with the crime because he felt that he was guilty. Mr. Eichnor has told you that Peter Mortensen did not deny it. He put great stress upon it. With all due respect to Mr. Sharp, I ask you gentlemen of the jury if you believe that a man who would come into this sacred place, a court of justice, and assume the righteousness of a sacred communion and tell you that he had that revelation? I doubt not he may have believed he had a revelation, but I am like some of you, I don't believe he had it. Like Mr. Daily said, my God is in higher and loftier business than to meddle with such things. I have no hesitancy in saying that it was the result of feeling, of sorrow and worry. Compare his attitude in this case with his past life. He is a man of honor and integrity, but I say that since Dec. 16 Mr. Sharp has been beside himself. He has been lost in sorrow. He has laid awake at nights until his mind is mystified. I believe he told what he thought true. He made statements under wrong impressions. If not, he was a man lost to honor. It was done to influence you and convict this defendant even if he had to call down the power of the eternal God. He has brought out statements that would be rejected in the councils of his own Church. I don't feel to censure him because he meant what he said.

Mr. Eichnor interrupted to say: "You brought that out yourself, Mr. Stewart."

"Why did I bring it out," thundered the lawyer. "I will tell you why. Because in the preliminary hearing he rose to his feet and pointing his finger at that man, and with all the solemnity of a prophet charged Peter Mortensen with the crime. I was innocent and I asked him how he knew it. He said God revealed it to him. When Sharp said you killed my son, did you not, gentlemen, ask in your own minds how do you know it?" Would I not have been a coward to keep silent through mere sentiment, when they try to convict a man upon revelation and visions. Why did Mr. Eichnor refer to it? Was it not a play to sentiment and feeling? I say gentlemen of the jury that the prosecuting attorney is responsible for bringing out that revelation. Why did he not leave out the soliloquy over the dead body? Sift these statements and see if I am not correct. Why was that play made in the pretence of the dead man's sisters? Was it not to influence you?"

Mr. Eichnor asked how the jury could tell that the sisters were in court. The jury could not read their names from their faces.

IMPRESSIVE PLAY.

"They have eyes," replied Stewart, "and they could see them dressed in black. Now I want to ask Mr. Eichnor if he believes that revelation. Let him tell this jury if he believes it. If he does not why did he put Mr. Sharp on the stand? This is a case where a man's life is at stake and where great principles are at stake, and I care nothing for friendship, I fear neither friends nor enemies. Mr. Eichnor I believe to be an honorable man, but I believe he erred in putting Mr. Sharp on the stand to prejudice this jury. In his opuening statement he said if any witness either for the prosecution or for the defense committed perjury he would have them arrested before they reached the elevator. Did he believe James Sharp? Did he believe Joseph Jensen?"

Counsel then referred to the finding of the body by Torgersen and Mortensen's actions when the body was uncovered. How he telephoned to the police, and asked the jury if his actions were like a guilty man. Mortensen was the first to say "Let's go down." There is nothing in his conduct that points to his guilt. "But if a man is nervous he is guilty, if he is not nervous he is a hardened criminal and is guilty anyway."

ANYONE LIABLE.

Circumstances can cast suspicion on almost anyone. That night when I came home, after hearing of the murder, I began to ask my wife where I was. I was out that night and if anyone had been at my house and I had come home and acted strangely suspicion might have rested upon me. Peter Mortensen had been my client for a number of years and I had transacted a great deal of business for him. Put yourself in his place as he has sat there during this case and you would act strangely.

They put one man on this stand who went down there and opened his eyes. He said there might have been a dozen tracks, that there was a well beaten path in the snow. Yet there were witnesses who said there were only two sets of tracks. I would believe Mr. Royal B. Young in preference to any of them.

Who was it that made the track off towards the slough and on through it and did not return? They didn't explain how that track came there.

ABSENCE OF BLOOD.

How could Peter Mortensen carry that body and get it over the fence, gentlemen, without getting a spot of blood on his clothes? They examined his clothes at the police station and didn't find a spot on them.

AS TO MONEY.

Mr. Eichnor has told you how they have labored to show that Mr. Mortensen did not have the money. That is the link he holds so closely to his bosom. Let us see about it. He was told that unless he could show by his books that he had the money he would be held for the murder. When his brother-in-law asked him if he could show that he had the money, he said yes, but my books are in a bad shape and it will be necessary to show that you loaned me from $1,000 to $1,500. Wouldn't you, under such circumstances, suggest such a thing? He said that he would be able to prove he had the money and that he paid it to James R. Hay after he was out of this trouble.

CHASTISES BROTHERS-IN-LAW.

What did those brothers-in-law do? They proceeded to publish it to the world. Where in this world can you find a brother-in-law who would be so willing to brand the children of his sister with the brand of infamy which would rest upon the children of a murderer? There are those conscientious brothers-in-law! Would you believe such men?

MORTENSEN WEPT.

For the first time during the entire trial Peter Mortensen weakened, and when the above touching reference was made to his children and the actions of his brothers-in-law he wept freely, the tears rolling down his cheeks in rapid succession until checked by his handkerchief. He gave way to his emotions for only a few seconds, when he gained control of his feelings and forced back the tears. Others in the court room were visibly affected.

It is true Mr. Eichnor has stated that the defense tried to manufacture no evidence. He has pointed at Henry Mortensen and said that he tried to bribe witnesses. Henry Mortensen has been with me for days and I know that he has not done one dishonerable thing; he would rather have his brother go to the gallows than to stoop to such a thing.

THE SIGNS.

Mr. Stewart then referred to the incident in connection with the examination of Juror Hemsley, when Mr. Eichnor accused him of looking at Henry Mortensen and some signal passing between them, while the examination was going on. Mr. Eichnor objected to the statement on the ground that the incident was not in evidence in this case because it happened before the jury was completed. Judge Morse informed Mr. Stewart that he could not use that incident in his arguments because it occurred before the jury was completed and hence was outside of the evidence.

FINANCES.

Now in regard to the financial statement the state has introduced. The first evidence is that of Dana T. Smith, who said that Peter Mortensen swore in his court on Sept. 5, that he had no money on hand, but that he had money coming in on some contracts. They then jump to Oct. 6, with no explanation whatever of the inter-

(Continued on page two.)

DEATH SUDDENLY CLAIMS A YOUNG BUSINESS MAN.

Albert E. Walker Dies at the Holy Cross Hospital, Following a Second Operation for Appendicitis—Leaves Wife With Seven Weeks Old Babe.

Photo by Johnson.

ALBERT E. WALKER.

Albert E. Walker, son of the late J. R. Walker, died at 7 o'clock this morning, from abdominal hemorrhage consequent upon an unusually severe case of appendicitis. Death was the more distressing because until yesterday, the prospects were considered excellent for his recovery, and the members of his family who had been watching constantly by his bedside had gone away feeling sure that the point of danger had passed.

The unfortunate young man was at the Walker farm on the 4th inst., when he was seized with pains that clearly indicated appendicitis. He was removed as soon as possible to the Holy Cross hospital in this city, and medical attention given at once to his case. It was found that a most unusual complication of conditions existed. It seems that the patient had suffered from several attacks of incipient appendicitis previously, and from these there had formed two enteroliths, or small stone-like formations in the vermiform appendix. The latter organ was found in a gangrenous condition and through whose disintegrated walls, the stones had forced their way into the peritoneal cavity. The action had resulted in inflammation and the formation in and around the appendix of a sack of pus. The necessary operation was quickly and successfully performed, and the patient showed every indication of recovery. But yesterday morning, after he had eaten a good breakfast, he was seized with severe pains above the pubic cavity, and which increased with intensity. Towards evening, it was diagnosed by the physicians that an intestinal lesion had occurred followed by hemorrhage, and as the gravity of the situation became evident, an effort was made to bring the family together, but by 7 o'clock it was determined not to wait longer, and an operation was performed. The diagnosis was found to be correct. There had been a lesion or breaking away of the omentum and intestinal processes from the walls of the abdomen causing an infiltration of blood, a quart or over of which was removed. The sufferer became unconscious and gradually sank notwithstanding every effort was made to husband his remaining vital force for a final struggle, and he expired at 7 a. m. today, with most of his immediate relatives at his bedside. The remains were removed to Evans' morgue pending preparation for burial.

The sudden and unexpected death of this young man, for he was hardly 27, leaves a gloom over a large circle of friends. He had everything, as it seemed, to live for, everything to encourage and inspire him in the hopes of a useful career. He was one of the heirs, if not the principal heir to the large estate left by his father, and only a year ago married Miss Winnefred Sprague, daughter of the late Lindsay Sprague, one of Salt Lake's old time citizens. She had a host of friends as well as he and when they were united they were as popular a young couple as lived in this city, and the outlook for life appeared the most promising. A beautiful babe, born seven weeks ago, was the result of the union, and now mother and child are left desolate. Mr. Walker had been troubled some with his eyes which induced him to give up active attention in connection with the dry goods store of the Walker Bros. company, and of late he had given special attention to regaining his strength. He was strictly temperate, was addicted to no bad habits, and lived a straightforward and honorable life. He was respected wherever he was known. The wife is prostrated with grief, and the large circle of relatives and friends feel our loss keenly. The sympathy of the entire community goes out to them in their hour of supreme bereavement.

BOERS ARE STILL SURRENDERING.

Up to Date 11,225 Have Come In—Many Are Youngsters of Only Eleven Years of Age—Only Bitterness Observable Among Leaders is Against France and Germany.

Pretoria, Wednesday, June 11.—In all 11,225 Boers have surrendered up to date. Many are youngsters of eleven years old and upwards. The majority are under 30 though some are septuagenerians. Advices from all the districts say that the burghers are increasingly friendly. The only bitterness observable among the leading Boers here is against France and Germany. They declare the war was protracted unnecessarily owing to hopes held out by the French and German press. Some of the Boers are so incensed that they have expressed the hope that some day they will fight on the side of the British against one of these powers.

The anticipated friction between the surrendered Boers and their former comrades of the Natal scouts has not materialized to any extent.

The Boers admit they received ammunition through Portuguese territory.

Gen. Dewet says the youngsters were his best fighters and frequently held positions after the older burghers had cleared out.

The Boers of the Orange River colony are handing in only a small percentage of their ammunition. They explain that they used most of it in hunting game since the peace agreement was signed.

Addressing the surrendered Boers at Kranstadt, Orange River colony, Gen. Elliott said the only wish of King Edward, his government and the British people was to help the burghers and get them back to their farms so soon as possible. The king, the general added, had telegraphed congratulations to the burghers on the good stand they had made. This announcement was greeted with lusty cheers for the king and for Lord Kitchener.

WEST POINT CENTENNAL OVER

West Point, N. Y., June 12.—The centennial celebration of the military academy closed today with the presensation of diplomas to the one hundredth graduating class by Prest. Roosevelt, an addess by Gen. Dick, of the visiting board and remarks by Gen. Miles. The president's party is to leave at 1 p. m. for Washington where the train is due about 9 o'clock.

The weather was fine and the ceremony took place out of doors on that part of the parade grounds known as "Cavalry Place." An open tent over a platform had been erected for the speakers and officials and standing at the front of the platform Prest. Roosevelt presented each new officer with his diploma. It was expected the president would make a few remarks, but he simply shook hands with each cadet. On the platform beside the president Were Gen. Horace Porter, Gen. Miles, Secy. Root, Secy. Moody, P. M.-Gen. Payne, the Chinese minister, Wu Ting Fang, Senator Pettus of Alabama, Senator Quarles of Wisconsin, Gov. Odell, the Italian ambassador, Mr. Des Planches, Gens. Corbin, Young, Schofield, McCook, Brooke, the Rt. Rev. Dr. Conaty, the academic board of the academy, Chekib Bey and Congressman Dick of Ohio.

The audience, comprising ladies in fashionable summer costumes and the entire cadet corps and several hundred visitors, occupied chairs on the lawn under trees and the clear sky and beautiful scenery about West Point gave the exercises a picturesque setting. The speakers were Gen. Dick for the board of visitors, Secy. Root for the government, and Gen. Miles for the army.

Gen. Dick said in part, after giving advice to the cadets:

"The wars conducted by the United States never have been for conquest. Cuba is now a sister republic and Porto Rico has more freedom and contentment than ever before. The war with Spain was unavoidable and we came into possession of the Philippines as a result. Our authority there must be as absolute as our responsibility. That we will succeed gloriously in the work we have taken up in the Philippines, the world now knows."

He said that West Point would last as long as the nation needed an army.

Secy. Root said it was a fundamental principle that the military branch of the government should be the civil branch of the government. He told the cadets to bear in mind that their education was not by any means complete and that they could go on learning to be good soldiers until they retired, if they were lucky enough to live until the age of 64. The regular army in time of war, he said, was a nucleus of a greater organization including the militia and national guard, and he advised the cadets to get the good will of these bodies and of citizens interested in the army.

The secretary told how an old officer in the late war happened to come under the command of a young volunteer officer and yet continued his duty without giving any sign of the feelings he must have had as an old and faithful soldier.

"His conduct," said the speaker, "attracted the attention of the president, who picked him out to lead the American army to Pekin, Gen. A. R. Chaffee. It was because he ruled his own spirit that the president thought he could take a city."

The crowd of visitors left gradually early in the afternoon and after the president had gone there were few left on the academy grounds. The two most talked of incidents of the celebration are the speech of Gen. Horace Porter, which made a deep impression, and the defence of the army in different speeches.

Gen. Miles' remarks today were those of an older to younger officers and referred almost wholly to the business of war. He said there were supreme moments in the life of a soldier, one when an officer knows he is doing just what the enemy thinks he is not, and when he feels one more victory has been added to American glory. Gen. Miles was loudly cheered and applauded when he arose to speak.

SENATE.

Wasington, June 12.—At the conclusion of routine business in the senate today, a resolution introduced by Mr. Carmack, (Tenn.) directing the committee on civil service and retrenchment to investigate the discharge from the war department of Miss Rebecca J. Taylor, a clerk in that department, was called up.

On motion of Mr. Platt (Conn.) the resolution was referred to the committee on civil service.

HOUSE.

Washington, June 12.—When the house met today, Mr. Ray, (N. Y.) chairman of the judiciary committee asked unanimous consent that Monday after the consideration of bills under suspension of the rules and Tuesday be set apart for the bill to amend the bankruptcy act. There was no objection and the order was made.

Mr. Dalzell then presented a special order for the consideration of the senate irrigation bill, one day for general debate and one day for amendment under the five minute rule.

Pending the adoption of the rule Saturday was substituted for Friday for the consideration of private pension bills and the order setting aside Sunday, June 29, for eulogies on the life and character of the late Representative Cummings of New York was modified so as to continue the session on that day so as to permit of eulogies on the late Representative Otey of Virginia. Mr. Robinson of Indiana, opposed the adoption of the rule for the consideration of the irrigation bill. He declared that the bill would be beneficial to the arid land states and dangerous to all the others. He criticized the action of the Democratic congressional committee in adopting a resolution favoring the irrigation bill. He declared that the committee was without jurisdiction and had no power to bind Democratic members. The whole scheme was undemocratic, he asserted, and was in the interest of land grant railways.

Mr. Underwood of Alabama favored the adoption of the rule. He argued that the only method of building up the arid land states was to provide for their irrigation. The bill would not take a dollar out of the treasury he said. It would only use the proceeds from the sale of lands in each state for the benefit of such state.

Mr. Shafroth of Colorado also argued for the adoption of the rule. Mr. Newlands (Nev.) also supported the rule. The house resolved itself into committee of the whole, Mr. Tawney of Minnesota in the chair, and entered upon consideration of the irrigation bill. It was arranged that Mr. Mondell (Wyo.) should control the time for the measure, and Mr. Ray (N. Y.) against it.

Chinese Rebels Defeated.

Canton, June 12.—The rebel force which has been investing Kwei-Lin, capital of the southern province of Kwang Si, has been defeated by the imperial troops.

Shriners Go Sight Seeing.

San Francisco, June 12.—Having concluded the business of their imperial council, the visiting nobles of the Mystic Shrine are devoting their time to sight-seeing. This morning a large number were driven to the Presidio and Cliff house, returning home through Golden Gate park. Various other points of interest were also visited. There was a competitive drill of Arab patrols at the Oakland race track this afternoon but the result will not be announced until evening, when the prizes will be distributed at a promenade concert in the Mechanics' pavilion.

Saw Water Cure Administered.

Washigton, Jnue 12.—Mark H. Evans of Des Moines, Iowa, formerly of the Thirty-second volunteer infantry was a witness before the senate Philippine committee today. He testified to seeing the water cure administered in the province of Batan, also the burning of villages where insurgents were located. He also related incidents where natives were ducked under water for half a minute at a time to compel them to tell where arms were located. With these exceptions he said, the treatment of the natives by the troops had generally been kind.

Morgan May Get Cunard Line.

New York, June 12.—While many positive statements respecting the British anti-Morgan shipping company are printed, it is probable that nothing will be done until the conference of imperial premiers meet, says a London dispatch to the Tribune.

Mr. Morgan is not wasting time in London, however, and shipping men and colonial officials frankly confess that he may succeed in obtaining control of the Cunard and Elder-Dempster interests while the British cabinet is pulling itself together and Mr. Chamberlain and Sir Wilfrid Laurier are seeking to draw Australia into the subsidy scheme.

French Deputies Crowded.

Paris, June 12.—The chamber of deputies and its galleries were filled to the utmost this afternoon when the first debate under the new ministry, and one which was to indicate precisely its strength in the house, opened. M. Brussiere (Radical) moved an interpellation of the general policy of the government and said he hoped it would show the same firmness as its predecessors in defending the republic.

They Eluded Their Pursuers

Tracy and Merrill Slip Through Cordon Formed by Sheriff's Posse—Call at a Farm House, Make No Effort to Conceal Their Identity, Take Breakfast and Then Ride Away.

Portland, Ore., June 12.—Harry Tracy and David Merrill, the murderous convicts who were surrounded in the woods near Gervais by the sheriffs posse and state troops, eluded their pursuers during the night and at 6 o'clock this morning were seen five miles north of Gervais.

The fugitives stopped at a farm house, where they took breakfast and obtained some food to take with them.

CALLED AT A FARM HOUSE.

Portland, Ore., June 12.—Tracy and Merrill, the escaped convicts, eluded the guard of troops and one hundred citizens during last night and left the woods near Gervais where they had been hiding all day yesterday.

At 7 o'clock this morning they appeared at the farm house of A. Akers five miles north of Gervais and demanded breakfast. The men had all gone to work and only Mrs. Akers and her daughter were in the house when the bandits walked up. They made no effort to conceal their identity and Tracy said:

"I suppose you know who we are?"

and without waiting for a reply said: "We are convicts who broke out of the penitentiary."

Mrs. Akers and her daughter prepared a good meal for the outlaws who had their guns across their knees while eating.

Mrs. Akers asked them to lay down their guns while they were eating, but Tracy said he preferred to keep his weapon near him, but assured Mrs. Akers that he would not harm her.

After finishing breakfast they started north and are now supposed to be in the woods on Deep Creek between Marion and Clackamas counties. Mrs. Akers telephoned to Sheriff Durbin at Gervais that the fugitives had taken breakfast at her house and that Tracy appeared to be wounded in the right arm. Sheriff Durbin immediately prepared to follow the trail and with a posse and blood hounds arrived at Monitor postoffice near the Akers farm about 9 o'clock.

Sheriff Cook of Clackamas county organized a posse and took the morning train to Aurora where he will endeavor to intercept the fleeing convicts. So far as can be learned no one knows by what route or at what time the convicts escaped from their hiding place at Gervais.

TRIED TO KILL SUPERINTENDENT.

Striking Coal Miners Fire From Ambush Upon Locomotive Carrying Colliery Boss to His Work—No One Was Hit—About Ten Shots Fired.

Wilkesbarre, Pa., June 12.—An attempt was made last night to kill Supt. Thomas Thomas, of the colliery of the Lehigh Valley Coal company at Old Forge, north of this city. For four days crowds have been gathering morning and evening on a hill which overlooks the colliery and throwing stones at the men at work within the enclosure. The day and night superintendents are taken to and from the colliery on a locomotive. Last night the night superintendent reached the colliery safely. A few minutes later Supt. Thomas came out, and when about 300 yards from the breaker, he says, men in ambush opened fire on the locomotive. Fortunately the engine was traveling so rapidly that it was soon out of range. The officials say about ten shots were fired.

This was pay day at the Lehigh collieries in the Wyoming valley for the engineers, firemen and pump men, fire bosses, clerks and other company employes for the last two weeks of May. Most of the engineers, firemen and pump men are now on strike. The pay cars are well guarded by police.

A boy has been shot fatally, it is said, in a volley fired into a crowd by deputies.

WERE BURIED IN RUINS.

Storm Destroys School House in Which Nine Graduates Took Refuge.

Eight Were Badly Injured, Two Of Them Perhaps Fatally.

Des Moines, Ia., June 12.—A schoolhouse near Washington was destroyed by the recent storm and nine high school graduates who had sought shelter in the building were buried in the ruins. Eight were injured, two of them perhaps fatally.

THE INJURED.

Mildred McAtlin, chest crushed, several bones broken and eyes filled with mortar, causing blindness; will die.

Charles Chance, collar bone broken, badly crushed; recovery doubtful.

Myrtle Stewart, burised badly about the head and face.

Blanche Stewart, shoulder dislocated; head cut, bruised.

Myrtle Shields, leg injured, severely bruised.

Jessie Klein, back wrenched, badly cut.

Gertie Reeves, face cut.

Mary Jerrard ankle dislocated; severe flesh wounds.

The party was returning to Washington in a wagon from a picnic that had been held to celebrate their garduation, Wire communication with Washington was destroyed two days ago and news of the accident reached here today.

Busy Day for American Diplomats.

London, June 12.—This was a busy day in American diplomatic circles. Rear Admiral John C. Watson and Gen. James H. Wilson, who will represent the navy and army of the United States at the coronation of King Edward reached London today from Southampton, called on Whitelaw Reid, the special ambassador of the United States and Joseph H. Choate, the American ambassador and in other ways fulfilled the official preliminaries of their mission.

The new ambassador of Great Britain to the United States, the Hon. Michael Henry Herbert, was also among the callers at the embassy. A large party has been invited to the dinner which Mr. and Mrs. Choate will give to Mr. and Mrs. Reid tonight.

H. Clay Evans, the new United States consul general, spent a quiet day at his hotel. He will probably assume control of the consulate Oct. 16.

Objects to Subsidizing Big Liners

London, June 12.—George Renwick, Conservative member of parliament for Newcastle-on-Tyne and a ship owner, testifying today before the parliamentary subsidies committee, in behalf of the owners of "tramp" steamships, objected to the government subdisizing the great liners instead of subsidizing cargoes, and said the foreign competition which he most feared was the American. The transfer of British ships to foreigners was absurdly simple. All ships in the American combination could be transferred to the United States within a quarter of an hour and at the cost only of a few stamps. Mr. Renwick when asked if he thought the American ship subsidy bill would be dropped in consequence of the Morgan shipping combine, replied that on the contrary, he had good reason to believe it would be pressed on.

One of the most important points in connection with the American combine, Mr. Renwick pointed out, was the fact that sellers were precluded for a number of years from engaging in the shipping business.

Street Car Boycott Causes Trouble

Franklin, Pa., June 12.—As a result of the street car boycott growing out of the trouble between the Venango Power company and its employes, the street car employes both in this city and in Oil City have been sworn in as deputy sheirffs by Sheriff McCallum. Very few people are riding. Up to a late hour last night several hundred men lined the tracks on the principal streets, hooting at the motormen and conductors and endeavoring to dissuade people from patronizing the line. Torpedoes were placed on the tracks in many places, but no serious trouble arose from the demonstration.

Seek News of Baldwin Expedition

London, June 12.—W. S. Champ, secretary of the Baldwin-Ziegler Arctic expedition and Dr. G. S. Hurkley of New York start tomorrow for Tromsoe, Norway, whence they will sail July 1, on the Frithjof for Fransjosef land to take coal to Mr. Baldwin's ship, the American, and obtain news of the Arctic expedition. Mr. Champ expects to find the America in about 82 degrees.

If Mr. Baldwin has succeeded in his dash to the pole he will be brought back. Otherwise the Frithjof will leave a well equipped sledge party to search for Mr. Baldwin. The Frithjof will return Oct. 1, at the latest.

SOLDIERS PATROL PAWTUCKET'S STREETS.

Pawtucket, R. I., June 12.—The city officials having decided to increase the police force to meet the unusual conditions resulting from the strike of the Union Traction company's men here and in Providence. Six companies of infantry and two of cavalry are patrolling the streets today by order of Gov. Kimball.

The action of the governor was precipitated by a serious disturbance last evening when a detachment of 16 special deputies were attacked by a crowd that had held up and demolished a street car. The officers were stoned and a number of persons injured. There was no semblance of trouble this afternoon. The soldiers today maintained a solid line between which cars, with a guard of deputy sheriffs ran on practically schedule time.

There were few passengers.

TINTIC MINER DIES.

Stephen Wilcox Succumbs to Inflammation of the Stomach.

[Special to the "News."]

Eureka, June 12.—Stephen Wilcox, a miner, aged 27 years, died at the Tintic hospital at Robinson this morning, after a two days' illness, caused from inflammation of the stomach. Deceased was a single man and was employed at the Red Rose mine at Mammoth. He has two brothers residing at Butte city, Mont. The remains will be held until they can be heard from.

POSTOFFICES AND PENSIONS.

[Special to the "News."]

Washington, D. C., June 12.—The proposition of Mrs. A. L. Cook to lease the present quarters for the postoffice at Pocatello, Ida., has been accepted by the postoffice department.

E. M. Yearing of Idaho has been appointed superintendent of the Indian training school at Lempi, Ida. Salary, $1,200.

Utah pensions granted—Increase, Adrian E. Turner, Moab, $8; Joseph H. Rockafield, Bear River, $10; restoration, Edith Wilson, Mill Creek, $12.