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LAST EDITION.

THE DESERET EVENING NEWS.

TRUTH AND LIBERTY

THE SATURDAY NEWS
Circulates in Salt Lake City and its suburbs more extensively than any other paper published. It is also read more carefully, and is preserved for Sunday reading in thousands of homes.

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Chas. B. Stewart Finishes Speech

Gives the Story of the Defense to the Jury in the Mortensen Murder Trial Today—Mr. Eichnor Requests Him to Keep Within the Bounds of the Case and the Testimony That Has Been Introduced.

The incident in today's proceedings in the Mortensen trial happened when C. B. Stewart closed the argument for the defense. The defendant and his father tearfully grasped the hand of the attorney and thanked him for his energy and effort.

REPEATED MUCH.

When the "News" report of the Mortensen case closed last evening, Atty. C. B. Stewart was still making the closing argument for the defense. Mr. Stewart went over the same ground several times and made much of little discrepancies, which he claimed had been shown in the testimony of several witnesses. He argued that if a witness was mistaken in one point he was liable to be mistaken in many. In speaking of Hay and Mortensen, he said: "Their friendship was of such a character that it is impossible for me to believe that Peter Mortensen murdered James R. Hay. I knew Jimmy Hay, and I tell you gentlemen that he never would have gone down into that field only in front of a gun.

Now then, the prosecuting attorney argued at some length that it would be absurd to say that Hay started down the track intending to go to the Waterloo car line. Why of course it is absurd. It is silly to think such a thing when he could have got a car right here at Hendries' store."

The attorney dwelt at some length on the character of Mortensen and said: "If I thought Peter Mortensen slaughtered James R. Hay, I would be among the first to hang him."

PELICAN POINT MURDER.

Mr. Stewart then read to the jury what purported to be the facts in the Alfred Hays murder case. The killing of three boys at Pelican Point, and said that the evidence in that case was much stronger than the evidence in this case, and yet a grave mistake had been made. In reference to the defendant going upon the stand, he said that no matter how straight his testimony might be he would not be believed. The public was ever willing, he said, to judge a man once the finger of suspicion was pointed at him.

"Why I heard the best friends of Jimmy Hay say, 'why, he could not look you in the eye.' I knew Jimmy Hay, and I tell you that is as false as hell! They say this man (pointing at Mortensen) can not look you in the eye. Try it and see.

Going to convict a man on that kind of testimony! Why they haven't even proved that Peter Mortensen was out of the house that night. Why didn't they put that little woman on the stand? Mrs. Henry Mortensen. She would have told the truth. Why did they not put Peter Mortensen's wife on the stand?" thundered the attorney, and then he added: "We have not objected."

Mr. Stewart handed out a red hot roast for Loofbourow, Sheets and Hilton for their trifling discrepancies as to the condition of the lumber in Mortensen's cellar.

FUNNY AND NOT SO FUNNY.

"Why they told you gentlemen, that there was not a spot on that wall as big as the point of your finger that was disturbed, where the dust was disturbed." Here the attorney began to laugh. "You'll excuse me gentlemen for laughing, but this is so funny. After testifying to that, Sheets or Loofbourow placed a dollar on the ledge, and yet when Hilton examined the wall, there was no mark of the dollar."

"Mr. Stewart," interrupted Mr. Eichnor, "Mr. Hilton went down in the cellar the day before Sheets and Loofbourow made their examination. It is so funny now, is it?" asked the attorney blandly.

"Oh, is that so? I beg your pardon," said counsel for defense.

As early as 8:30 o'clock this morning, persons were in Judge Morse's courtroom, where Peter Mortensen is being tried for his life, in order to secure good seats. They sat there patiently until 10 o'clock, the hour for opening of court. By that time there was the same crush of humanity. The arguments seem to be a good drawing card. The spectators were very considerate today. They did not molest the court's chair. Peter Mortensen entered the court room with a smiling countenance and took hands warmly with his relatives and two or three friends who were present. After the jury was called, Mr. C. B. Stewart resumed the closing argument for Mortensen. He reviewed to some extent the statements made at the close of his argument last evening. He said:

Gentlemen of the jury, at the close of last evening's proceedings I was speaking of the dangers of the testimony when it has been admitted in this case. I spoke of the depressed condition of a man who is accused of crime. How his statements are liable to be garbled. Persons who heard the statements of the defendant misunderstood them. It is almost impossible for one person to hear the statements of another and repeat correctly. For this reason courts have laid down a rule governing the admission of testimony.

I have given you examples of persons who have been made to confess to crimes they did not commit. I desire to give you this morning an illustration of how a person accused of crime may be injudiciously, and may in fact lay a trap, or the foundation for the trap to convict him." Mr. Stewart then recited the story of a man who kept a country store, but who, on the side, kept intoxicating liquor, which was contrary to the law. A man went to the store and got drunk. The store keeper was afraid he would be seen and that he would be arrested and convicted of selling liquor. The man was too drunk to go home and the store keeper made a bed for him in the cellar and thought he would let him lay there until he slept off his drunk. While the storekeeper was conducting the man down the cellar stairs the latter fell and struck his head against a rock rendering him unconscious. The storekeeper thought the man dead, and for fear that he would be suspected of murder, he proceeded to dig a hole to bury the man. While at this work, he heard a rap at the door. It was a customer. After waiting on the customer he went back to the job of burying the body. In digging he struck water and found that he could not bury the man. He then placed the body on a sleigh and took him to a lake to throw the body there. The body fell from the sleigh and when the storekeeper went to pick him up he found that the man was not dead.

"This merely shows to you gentlemen, how that man was laying the foundation to convict himself of murder, but the man recovered. Perhaps many of you may have been surrounded by peculiar circumstances which would be hard for you to explain. It does not pay to cover up crime. Supposing I should have been riding out on the hill where that old man Collins was killed, and those boys should have kept quiet. Suppose someone should have seen me there? Would they not say right away that I was guilty?"

The attorney then repeated the story related yesterday of the prosecuting attorney who quit his practice because he had convicted an innocent man.

"Now then, in this case where is the gun? The officers have searched and searched. They even went through all the second hand stores."

"Mr. Stewart, is that in the testimony?" asked Mr. Eichnor. "If the court please, I object to the statements of counsel to something that was not brought out in evidence."

The Court—"Counsel will confine himself to the evidence, and not go outside of it."

"If he had purchased the gun," continued Mr. Stewart, "either in Ogden or Provo, or borrowed the gun, they would have learned something of it. But where is it?" Counsel again referred to the Hays case. Pointing to the defendant, counsel said: "That man may be deserted by all save his aged father and the faithful brother who have stood beside him. If his mother were living she would be by his side. Even his little children are not here, and are they to grow up knowing that their father has been branded as a murderer?

Counsel then went after Allen and Chief Hilton again. "The testimony of Allen and Jensen is the only direct evidence. Suppose Allen did see Mortensen with a shovel on his shoulder. Does that prove conclusively that he murdered James R. Hay? Do you know how Chief Hilton got Allen to identify Mortensen? Do you know how impartially he got Allen to identify him? Did he let him pick him out among five or six men? Did he say, 'Now which is the man?' No! He took him there and showed him which was Mortensen. Said 'he is in that room. That man on the chair is Mortensen!' Allen said, 'it looks bad to me.' He did not say he is the man, but he comes in here and swears that he saw Mortensen. He has so little regard for human life.

You remember Busby going to Mortensen's house and crawling in the cellar through the window, and searching the place from cesspool to garrett. Going there without a search warrant, when Mrs. Mortensen would have been justified in shooting him down. A man's home is his castle, and no man has a right to enter it. Then he comes in here with a shovel. I was raised a farmer and my father always taught me to clean the shovel when I had used it. When Busby was asked if he found any blood he said not a drop. When asked if he found any other evidence, he said no. Did you ever hear of such evidence to convict a man upon?

Another witness I wish to call your attention to, Joseph Jensen who said he heard the shot. Do you believe his testimony? I don't believe there is a man on this jury who could tell where a shot come from. You can't even tell which way the train is coming. That man should have been hired by the United States government at a salary of $50,000 a year. He could tell when the enemy was approaching. He could hear a shot from a cannon, a pistol or rifle and say "shoot within 100 feet and you will get the whole bunch." That is a sample of testimony. Salt Lake should hire Allen. He can see so well. He could detect criminals in the dark. It is amusing but it is serious. Amusing that Mr. Eichnor should put such witnesses upon the stand.

Why did not Allen say "I believe I saw him" and tell the truth?"

Mr. Eichnor—"I believe Mr. Stewart Mr. Allen said I told him to tell nothing but the truth."

"Yes he said that," replied Stewart. "If we admit that Allen and Jensen testified to the truth, it is the only thing. All else is what the defendant said. We all deplore the fact that Hay was killed, but how much worse that an innocent man should be convicted, and then to find out years afterward the man who did commit the crime?"

Counsel then related several more stories of how men have been victims of circumstantial evidence and it was found out afterwards that they were innocent.

"The most potent fact in this case is the question of money, his financial condition. Gentlemen I know not what your financial condition is, and you do not know mine. Mortensen worked night and day upon contracts. Did he not make money? If not why did he work? They first put Dana T. Smith on the stand to prove that Mortensen had no money in his possession or under his control. Might not Mortensen's wife have had the money in order to escape an unjust judgment? A man may be in financial straights but he honest. He could have taken the bankruptcy act, and do you suppose he would have committed murder when he could have cancelled every note by that act? Where had all the money gone from October 5, to December 16? If he had no money from other contracts, or if he had money coming, why did not they show it? They only went to one of the banks. How do they know that he did not make those checks payable to himself?

How many instances in this world where we have missed the judgment of mankind.

I will take some of the strongest points on the money question. Take Mr. Cummock's testimony. He said he saw defendant at 12 o'clock at night. Think of it, hounded night after night like this man was. Put yourselves in his position, gentlemen, and see how you can stand the resistance. They say they have no sweat box, yet the way this man was hounded at all hours of the night was worse than a sweat box.

"Are you testifying, Mr. Stewart?" asked Mr. Eichnor, "there is no such evidence in this case."

"No; you didn't put him on the stand," thundered Mr. Stewart.

"Who?" asked the district attorney.

"Tommy Thomas, the jailer at the county jail," was the reply. Counsel then continued his arguments.

Cummock testifies that he and six other officers visited defendant at 12 o'clock at night, and that Peter Mortensen did not say that he had three jars full of money, but said that he had the money in three jars, two in the cellar and one in the pantry.

Mr. Romney testified that when Peter Mortensen enumerated the claims he had coming in, after naming all of them, he said he did not know how much more money he had coming in. Have they proven that he didn't have other money coming in?"

Now, I want to call your attention to the evidence of Brof, Toronto. He said the moon was less than five degrees above the horizon; that it took it four minutes to travel a degree, and that it would have been down in about eight minutes. Then Mr. Young said that the moon was about a half hour high when he went on the car at a little after 9 o'clock. There is no impeachment. Those gentlemen corroborate each other. You know, gentlemen, that when the moon is in the west it is not as light as when it is in the east. You also know that it is hard to recognize a man when the light is on his back, it is harder than when the night is dark.

Gentlemen, when you follow up this testimony closely you will find that the officers have the wrong man. You know that robbers wait around and see when a man has money. Any bad character could have been around and heard the talk about the money in Mr. Romsey's office that night and followed those men home, watched them count out that money and then lie in wait to get that $3,800.

Those men, there must have been more than one for one man could not have done it alone, when Mr. Hay left the house with that money pointed a revolver at him and commanded him to walk down that railroad track and told him they didn't want him but wanted his money. Then after they got him down there, shot him. God knows how they did it. Then, mark you, they carried his body to the highest point in the field and buried it.

Could Jimmy Hay have been induced by any nook or crook to go down on that track to get that money? No, he would have told Peter Mortensen to go and get his money.

The reason this case is so notorious is because they have no evidence to convict this man. It is a mystery to the people. If the officers had done their duty they would have searched in every direction, they would have followed up those tracks and would have gone to the depots to see that those men had not gotten away with that money.

Atty. Stewart then cited a number of instances of convictions upon circumstantial evidence where mistakes were made and the wrong man punished and afterwards the guilty man confessed to the crime.

Thousands of things can be patched up when a man is charged with a crime. Why they have even intimated that this man (pointing to defendant) has been intimate with another woman.

Mr. Eichnor objected to the statement on the ground that it was outside of the evidence. The court held that no such evidence had been introduced and that Mr. Stewart's remark was improper. Mr. Stewart said that his eagerness and earnestness had caused him to make the mistake and apologized for making such a remark.

In this case they have not proven beyond a reasonable doubt, or beyond any doubt, that this defendant is connected with this crime. They have not produced the gun with which Mr. Hay was killed, they haven't proven that this is his shovel, they haven't proven that he did not have the money to pay Mr. Hay.

In conclusion, gentlemen, I ask you to follow the evidence closely from the interview in the office of Mr. Romney to the last interview in the county jail. You must consider this man's character. He has never been accused of a crime. Consider the man he is supposed to have murdered; his close friend, associated with him in religion and in society. The court will instruct you that you must consider defendant's character. Everything goes to show that he was a good citizen, a kind and loving husband and father, and a true and faithful friend.

This man is accused of killing James R. Hay, when he was never shown to have been within 200 feet of the spot where the crime was committed. You can't take the testimony of Mr. Allen. You know that a person couldn't identify his best friend at such a distance on such a night.

Where are the links that complete the chain? They have not one link complete. They have not shown that defendant did not have the money. That link is not complete and yet they come in here and ask you to convict this man on a link that has not yet been forged.

Everything shows that Peter Mortensen paid James R. Hay the money that night. Again how did he get Hay down there on that track? Where is the gun? The shovel is not proven to belong to this defendant. Torgersen said he found the shovel in defendant's barn. It might have been put there to cast suspicion on him. There were no blood marks on the shovel as there would have been if that shovel had been used to handle the snow that was bloodstained.

A murderer don't do that. Where have they shown that this plan was in the brain of Peter Mortensen? If he planned it, he planned it on Saturday, on Sunday, and when you consider the motive that makes it worse than ever when he could have taken the bankruptcy act. Oh, gentlemen, I don't believe it. Where have they forged the links" If you convict Peter Mortensen you must do so upon the testimony of James Sharp. You must imagine he saw the vision of blood. You must discard evidence. You must discard courts and say, "Away with courts, we need no courts for God reveals such things." Can you do it? As I said before, did you ever hear of a murder in your life that some one did not have a dream? Think of James Sharp leaving the body in that grave and going home and sleeping all night and then letting Frank Torgersen find the body the next day. Think of the Hays case. Think of the three boys murdered. Think of the public sentiment aroused against him. Think of the wife going back on him and then think he was an innocent man.

Oh! gentlemen, they have woven, not with an iron chain, but with the rottenest yarn. Send him to the prison and when his form is cold and stiff you may learn of your mistake. Where is the gun? Where the blood? Where the evidence to convict him? They have had to call down the power of the Eternal worlds. My client has a heart. He loves his children, but a victim of circumstances he has been dragged from them and by whom? You know who did it. The Watkins— Mr. Eichnor objected and the court ordered Mr. Stewart to stop until the objection was heard.

Mr. Stewart then denounced the Watkins for their part and said they rushed off when they found something against the defendant, like a child crying for its mother.

"Gentlemen, give this man the benefit of the doubt. If you believe him guilty send him to prison and to the gallows. You men who have silvery gray hairs in your heads, whose years are declining, be sure you make no mistake. You

(Continued on page two.)

The President Makes Appeal.

Sends Message to Congress Urging it to Do Something for The Relief of Cuba—He Cites McKinley's Authority in Support of His Position.

Washington, June 13.—The president today sent the following message to Congress:

"To the Senate and the House: I deem it important before the adjournment of the present session of Congress to call attention to the following expressions in the message which in the discharge of the duty imposed upon me by the Constitution, I sent to Congress the first Tuesday of December last:

"Elsewhere I have discussed the question of reciprocity. In the case of Cuba, however, there were weighty reasons of morality and of national interest why the policy should be held to have a peculiar application, and I most earnestly ask your attention to the wisdom, indeed to the vital need, of providing for a substantial reduction in the tariff duties on Cuban imports into the United States. Cuba has in her constitution affirmed what we desired and she should stand in international matters in closer and more friendly relations with us than with any other power; and we are bound by every consideration of honor and expediency to pass commercial measures in the interest of her well being."

McKINLEY'S RECOMMENDATIONS.

This recommendation was merely giving practical effect to President McKinley's words when, in his message of Dec. 5, 1898, and Dec. 5, 1899, he wrote:

"It is important that our relations with this people of Cuba shall be of the most friendly character and our commercial relations close and reciprocal.

"We have accepted a trust, the fulfilment of which calls for the sternest integrity of purpose and exercise of the highest wisdom. The new Cuba yet to rise from the ashes of the past must needs be bound to us by ties of singular intimacy and strength of its enduring welfare is to be assured. The greatest blessing which can come to Cuba is the restoration of her agricultural and industrial prosperity."

APPEAL FROM PALMA.

Yesterday, June 12, I received by cable from the American minister in Cuba, a most earnest appeal from President Palma for "legislative relief before it is too late and his country financially ruined."

The granting of reciprocity with Cuba is a proposition which stands entirely alone. The reason for it far outweighs those for granting reciprocity with any other nation and are entirely consistent with preserving intact the protective system under which this country has thriven so marvelously. The present tariff law was designed to promote the adoption of such a reciprocity treaty and expressly provided for a reduction not to exceed 20 per cent upon goods coming from a particular country, leaving the tariff rates on the same articles unchanged as regards all other countries. Objection has been made to the granting of the reduction on the ground that the substantial benefit would not go to the agricultural producer of sugar, but would inure to the American sugar refiners. In my judgment provision can and should be made which will guarantee us against the possibility, without having recourse to doubtful policy, such as a bounty in the form of a rebate.

The question as to which if any of the different schedules of the tariff ought most properly to be revised does not enter into this matter in any way or shape. We are concerned with getting a friendly reciprocal agreement with Cuba. This agreement applies to all the articles that Cuba grows or produces. It is not in our power to determine what these articles shall be, and any discussion of the tariff as it affects special schedules, or countries other than Cuba is wholly aside from the subject matter to which I now call your attention.

FEAR OF FREE TRADE CRY.

Some of our citizens oppose the lowering of the tariff on Cuban products, just as three years ago they opposed the admission of the Hawaiian islands, lest free trade with them might ruin certain of our interests here. In the actual event their fears proved baseless as regards Hawaii, and their apprehensions as to the damage to any industry of our own because of the proposed measure of reciprocity with Cuba seem to me equally baseless.

In my judgment no American industry will be hurt, and many American industries will be benefitted by the proposed action. It is to our advantage as a nation that the growing Cuban market should be controlled by American producers.

MUST TAKE BROADER INTEREST.

The events following the war with Spain and the prospective building of the isthmian canal render it certain that we must take in the future a far greater interest than hitherto in what happens throughout the West Indies, Central America and the adjacent coasts and waters. We expect Cuba to treat us on an exceptional footing politically, and we should put her in the same exceptional position economically. The proposed action is in line with the course we have pursued as regards all the islands with which we have been brought into relations of varying intimacy by the Spanish war. Porto Rico and Hawaii have been included within our tariff lines, to their great benefit as well as ours, and without any of the feared detriment to our own industries. The Philippines, which stand in a different relation, have been granted substantial tariff concessions.

ASKS SPECIAL CONCESSIONS.

Cuba is an independent republic but a republic which has assumed certain special obligations as regards her international position in compliance with our request. I ask for her certain special economic concessions in return; these economic concessions to benefit us as well as her. There are few brighter pages in American history than the page which tells of our dealing with Cuba during the past four years. On her behalf we waged a war, of which the mainspring was generous indignation against oppression, and we have kept faith absolutely. It is earnestly to be hoped that we will complete in the same spirit, the record so well begun and show in our dealings with Cuba that steady continuity of policy which it is essential for our nation to establish in foreign affairs if we desire to play well our part as a world power.

We are a wealthy and powerful nation; Cuba is a young republic, still weak, who owes to us her birth, whose whole future, whose very life, must depend on our attitude toward her. I ask that we help her as she struggles upward along the painful and difficult road of self-government and independence. I ask this aid for her because she is weak, because she needs it, because we have already aided her.

GIVE CUBA OPEN HANDED HELP.

I ask that open-handed help, of a kind which a self-respecting people can accept be given to Cuba for the very reason that we have given her such help in the past. Our soldiers fought to give her freedom, and for three years our representatives, civil and military, have toiled unceasingly, facing disease of a peculiarly sinister and fatal type with patient and uncomplaining fortitude, to teach her how to use aright her new freedom. Never in history has any alien country been thus administered with such high integrity of purpose, such wise judgment, and such a single-handed devotion to the country's interests. Now I ask that the Cubans be given all possible chance to use to the best advantage the freedom of which Americans have such right to be proud and for which so many American lives have been sacrificed.

THEODORE ROOSEVELT.

BIG FIRE IN PHILADELPHIA.

Philadelphia, June 12.—Fire broke out this afternoon in the mill odf H. M. Rosenblatt & Co., manufacturers of leather goods, Second and Oxford streets, and destroyed that plant and several adjoining properties, including the Third Reformed Presbyterian church.

A number of employes in the Rosenblatt factory were forced to jump from windows.

Half a dozen girls were taken to a hospital seriously injured. The fire is still spreading.

The police report that eight bodies are in the ruins of the Rosenblatt building. Over 20 persons are injured as a result of jumping from the windows nad by falling walls.

As nearly as can be learned the fire started in the celluloid department of the leather works. Within ten minutes the entire plant was ablaze. The fire escapes proved inadequate to afford exit to the employes, of which there were 200 in the building. A stampede was made for the fire escapes.

Many were knocked down and trampled upon and others, on reaching the fire escape, despite the shouts of the people on the streets, plunged to the pavement.

The girls remaining on the fire escape were carried in safety to the street by the firemen. Eight girls are missing, and it is believed they were trampled upon in the stampede and were unable to reach the fire escape.

The fire at 2:30 p. m., was reported under control.

COAL STRIKERS KEEPING THE PEACE.

Wilkesbarre, June 13.—For the first time this week there was no demonstration in the vicinity of the Lehigh company's William A colliery at Duryea today. The strikers' efforts to have the men keep the peace have been successful and there was no gathering of idlers at the colliery to annoy the workmen. The Lehigh Valley company has followed a policy of keeping its guards in the background so as to avoid any serious clash, but the attempted shooting of its division superintendent on Wednesday night has caused it to change its method and last night and today extra coal and iron police were sent to the colliery and they were distributed around the mine in conspicuous places. It is the company's intention to take no more chances of having its employes injured.

An attempt was made late last night to start up the pumps in the collieries of the Susquehanna Coal company at Nanticoke, but the effort was defeated by the engineers quiting work almost in a body. There is a very large number of armed coal and iron police in that vicinity which fact has caused much uneasiness there.

The strike drags along without any change. Information from all parts of the strike-affected territory shows the situation to be quiet today. President Mitchell had nothing to give out of any importance regarding the anthracite strike. He said the strike was complete, and there was nothing to do but wait. He has received no information from West Virginia that shows any change in the situation there. He repeated his assertion that the suspension in the locality is nearly complete.

SENATE.

Washington, June 12.—Soon after the senate convened today the vote by which the resolution respecting the discharge of Miss Rebecca J. Taylor from the war department was referred to the committee on civil service and retrenchment, and at the instance of Mr. Platt (Con.) was reconsidered and the resolution was made subject to the recall of Mr. Carmack (Tenn.)

A resolution was offered by Mr. Mitchell (Ore.) directing the committee on Pacific islands and Porto Rico to inquire into the general condition of Hawaii, the administration of affairs there, the quality, condition and value of the public lands in Hawaii, the crown lands and the title of the former queen therein; with power to sit during the recess and by sub-committee to visit the islands if necessary and to report at the beginning of the next session.

Mr. Hoar proposed an amendment to this resolution providing that the committee should inquire whether the ex-queen has any claim against the United States legal or equitable, by reason of having parted hitherto with her title.

Mr. Mitchell accepted the amendment and the resolution was referred to the committee on Pacific islands and Porto Rico. Mr. Allison (Iowa,) reported the District of Columbia appropriation bill and gave notice that he would call it up as soon as possible.

Mr. Tillman (S. C.,) presented some advantages of supplying metal mail boxes for rural delivery and showed to the senate a sample box of sheet steel which could be purchased for 49 cents. Boxes now supplied by private individuals cost from $1.25 to $3 each. Such a price, he said, was a serious burden upon the farmers. Already $7,500,000 a year was paid for rural delivery of mail and he believed such rural delivery would expand until it exceeded the cost of city mail delivery.

HOUSE.

Washington, June 13.—The house today immediately after the approval of the journal, resolved itself into committee of the whole and resumed the consideration of the irrigation bill. General debate having closed yesterday the bill was read for amendment under the five minute rule.

Mr. Grosvenor of Ohio offered a substitute for the proviso in the first section providing that no part of the proceeds of the sale of public lands under the act of Aug. 13, 1890, (for the endowment of agricultural colleges and mechanical arts,) should be set apart or diverted to the irrigation fund. The proviso for which the substitute was offered provides that in case of a deficiency from the sale of public lands for college purposes under the act of 1890, such deficiency should should be paid out of the treasury.

Mr. Grosvenor, speaking to this amendment opposed the whole bill. He declared that it would make the present railroad grants four times as valuable as at present and would so change conditions as to materially affect present farm land values.

He cited the case of the growing of sugar beets. All the evidence, he said, was that sugar from beets could be produced a cent a pound cheaper in the irrigated section of the west than in the east or, he stated, that with extensive competition in the west beet sugar growing could not be profitable east of the Mississippi river.

Mr. Burkett (Neb.), followed with a vigorous speech in support of the bill. If the millions spent to prevent the overflow of the lower Mississippi, he said, had been devoted to storing water at the headquarters drowning from floods would have disappeared below and the arid lands above headquarters would bloom like the rose.

Ruling on Coloring in Oleomargarine

Washington, June 13.—Commissioner Yerkes of the internal revenue bureau, has settled the contested question as to whether butter or any other ingredients artificially colored may be used in the manufacture of oleomargarine without increasing the tax from one-quarter of a cent to 10 cents a pound, by issuing a regulation which holds in effect that no artificial coloring matter whatever can be used in any way in the manufacture of oleomargarine without increasing the tax as stated.

More Transvaalers Surrender.

London, June 13.—It was announced here today that 864 Transvaalers surrendered yesterday, bringing the total of surrenders for all the colonies up to about 12,000.

Training Ship Runs Aground.

Baltimore, June 13.—The training ship Chesapeake with naval cadets aboard, which ran aground off Taylor's island in the Chesapeake bay, got off after four hours, and is now proceeding to Annapolis.

Trail of Escaped Convicts Lost.

Portland, Ore., June 13.—The track of Tracy and Merrill, the escaped convicts, has been lost since yesterday afternoon. Three companies of militia and a posse of citizens are still in pursuit with bloodhounds.

Tracy and Merrill, the escaped convicts, spent the night in the woods somewhere in the southern part of Clackamas county. Sheriff Cook with three companies of militia guarded all roads in the vicinity of Needy but no trace of the fugitives was found during the afternoon yesterday or last night. About 9 o'clock this morning a man answering Tracy's description appeared at a store in New Era, a station on the Southern Pacific about five miles south of Oregon City, and bought some tobacco. The bloodhounds were taken to the Graves farm this morning, where the fugitives took lunch yesterday shortly after noon and an effort will be made to catch the trail from there. The convicts took a quantity of bacon from the Graves place so it is not expected that they will appear at any of the farm houses for food today.

Non-Union Men Warned.

Tamaqua, Pa., June 13.—All last night the Panther Creek valley was in a state of excitement. Large delegations of striking miners visited the homes of the non-union men and warned them not to go to work in the morning. Today it is claimed the pumps at five of the mine collieries in the valley are not running. The strikers here are endeavoring to induce all tradesmen to go out. An appeal has been made to the carpenters, machinists and moulders. Feeling is at very high tension and the people are in a state of apprehension.

J. F. Wheelock Executed.

San Quentin, Cal., June 13.—James F. Wheelock was executed in the penitentiary here this morning for the brutal murder of Mrs. Emily Martin at Coutolene, Butte county, on the night of March 3, 1901. The condemned man ascended the scaffold with a firm step and said not a word while the rope was being adjusted. The drop fell at 9:37 o'clock and death was apparently instantaneous, with the neck being broken. In seven minutes the heart had ceased to beat.

River and Harbor Bill Signed.

Washington, June 13.—The president today signed the river and harbor bill.

Deadlock on Cuban Reciprocity.

Washington, June 13.—The situation in the senate regarding the Cuban reciprocity bill today indicated a continued deadlock. There was no conference between the opposing factions and members of the committee on Cuba said they did not know that one would be necessary. It was stated that the Cuba committee would report the reciprocity bill after a caucus of Republicans, and let the beet sugar men take the responsibility of passing the house bill if they so desired.

Smith's Orders To Maj. Waller

He Never Questioned Them With One Exception, Which He Refuses to State—Was to Kill all Insurrectos Caught With Arms—He Declares That it Was the Only Thing That Could be Done.

San Francisco, Cal., June 13.—Maj. L. W. L. Waller, United States marine corps, by far the most interesting personage to reach here on the transport Warren, which brought the battle-scarred ramnant of the fighting Ninth infantry into port, expressed emphatic views in the matter of the war in the Philippines.

"You can't stop the revolution in the Philippines unless you take the severest measures," said Maj. Waller in an interview. "You would hate to see your wounded and dead mutilated. I cannot describe the fearful condition in which we found some of the bodies of men under my command, who were murdered by insurrectos. I received both verbal and written orders from Gen. Jacob Smith to kill all insurrectos who were caught armed, or who refused to surrender. It was the only thing that could be done, and I never questioned Gen. Smith's orders with one exception. This exception I refuse to state. A fair estimate of the number of natives killed by the men of my command would be 400 to 500. These were all killed in battle with the exception of 11 carriers, insurrectos at heart, who were tried by court-martial and shot. There was only one woman shot, and she was only slightly wounded. She happened to be in the breastworks of a fort my men were storming.

"I have fought in every country in the world except Australia," said Maj. Waller, "but Samar—well, hell is a winter resort compared to Samar."

The major spoke huskily through a deep cold that he contracted during the home voyage on the transport, but he was obviously sincere. His dark eyes snapped and his nostrils twitched at the mention of the island that Gen. Jacob H. Smith had ordered him to convert into a howling wilderness.

"I left Samar a howling wilderness. They tried to make it that for us, but we made it a howling wilderness for them."

"Want any more of it?" was asked.

"No, I'm getting to be an old man now."

His face relaxed. "I'm in my fifties. Besides, they have surrendered and it's all over. It's always all over when they surrender in the Philippines," and a sarcastic smile curved under his military moustache.

"Have you anything to say, major, regarding your court-martial on the charge of executing Samar natives without trial? Or was that the charge?"

"The charge against me," he said, "was murder. Yes, one plain word—murder. And as for having anything to say about the court-martial of course I have. I objected to being court-martialed; it was not done at my pleasure; I was not consulted in the matter, I was simply court-martialed.

"I know who caused that court-martial; I know who brought it forward; I know who was at the back of it all, and Washington knows as much."

KING EDWARD'S SPECIAL COURT

London, June 13.—King Edward held a special court at Buckingham palace today for the reception of addresses from the lord mayor, Sir Joseph Dimsdale, and the corporation, and from the London council, congratulating his majesty on the restoration of peace. The king took occasion to express his sentiments on the subject more fully than heretofore, and the tactful recognition which he made of the sterling qualities of the Boers will doubtless materially aid in the work of appeasment in South Africa.

His majesty, surrounded by the household, received the city dignitaries in the throne room, and replying to the lord mayor's address, said:

"I thank you in my own name and in the queen's for your loyal and dutiful address and the congratulations you tender us at the close of the war in South Africa. I heartily join in your expression of thankfulness to the Almighty God for the termination of the struggle which, while it entailed on my people at home and beyond the sea so many sacrifices, borne with admirable fortitude, has secured a result which will give increased unity and strength to my empire. The cordial and spontaneous exertions in all parts of my domains as well as in your ancient and loyal city have done much to bring about this happy result.

"You give fitting expression to the admiration universally felt for the valor and endurance of the officers and men who have been engaged in fighting their country's battle. They have been opposed by a brave and determined people and had to encounter great difficulties. These difficulties were cheerfully overcome by steady and persistent effort, and those who were our opponents will now, I rejoice to think, become our friends. My earnest hope is that by mutual co-operation and good will the bitter feeling of the past may speedily be replaced by ties of loyalty and friendship and that an era of peace and prosperity may be in store for South Africa."

Subsequently in response to the address of the London county council, the king spoke as follows:

"I thank you for your expressions of loyalty and affection toward myself and the queen. I rejoice with you at the thought that the victory which has crowned the perseverance and bravery of my forces will pave the way for the extension to the regions newly added to my empire of that system of government, which, with God's blessing, will bring to South Africa the peace and prosperity that have in every quarter of the globe followed its establishment. The readiness with which my subjects throughout the empire have borne their part in the arduous campaign, now happily at an end, cannot fail to draw them still more closely together in bonds of loyalty and affection, and I confidently believe that the good feeling which is being displayed by those who were so recently our opponents, augurs well for the future of that vast country which has been added to the dominions of the crown."

The Irvine dignitaries proceeded to and from the palace in gilded coaches, attired in their full state robes.

TEMPORARY PEACE REIGNS IN PAWTUCKET

Pawtucket, R. I., June 13.—The first duty today of the militia, who are assisting the local authorities in maintaining order in connection with the street railway strike, was to clear the streets of all debris which had accumulated during the night or had been placed on the tracks to hinder the resumption of traffic. When this had been done, the street railway company was notified by Gen. Tanner, in command of the troops, that the road was unobstructed, and preparations were made for sending out cars.

Although during the latter part of yesterday afternoon and last night there were no serious disturbances, there was no relaxation today in the vigorous measures put in force yesterday.

There is a strong feeling, not confined to one class of citizens, against the deputy sheriffs who have discharged firearms during the strike. This feeling was particularly noticeable after the shooting of the boy, Venner Peterson, yesterday. The feeling towards the militia is more friendly.

Mayor Fitzgerald, who returned last night from his wedding journey, called on the governor today to discuss the situation and to request the withdrawal of the militia. The mayor considers the presence of the soldiers as contributing to disturbances. He says he will guarantee protection to the cars. When asked if he would put officers on the cars, the mayor said he would not.

"The officers on their beats, together with the specials, can protect the cars," he said.

The first car from Providence proceeded through this city at 10:30. It was without the usual deputation of guards. While there was no very serious demonstration, five arrests were made by the soldiers who lined the streets. Some stones were thrown and the driver and conductor were hissed, but these outbursts were quelled by the soldiers before they had assumed serious proportions.

PLUMBERS TROUBLE.

All Firms but Two Have Yielded to Demands.

The Master Plumbers' association met again last night with but indifferent result as far as coming to any definite understanding was concerned. Two of the firms would not give any final answer or make up their minds as to the policy to be followed.

For the time being all the firms effected have yielded to the demands of the men with the exception of David James and Erskine Bros., who have stood out and consequently their men have walked out of the shops. Green & Reeves have also fallen into line and their men have returned to work.

Today all the energies of the masters have been in the direction of cleaning up existing contracts as quicklyy as possible, and they are not contemplating taking any more contracts until the trouble has been settled. Then, it is asserted, those firms which have from three to five members who are handling the tools will tell the union that they will endeavor to get along without its help.

The meeting last night was a protracted one and all agreed not to say anything about it, "as there had been too much publicity given the matter already."

LITTLEFIELD RESOLUTION.

Calls for Information on Uintah Reservation and House Passes it.

(Special to the "News.")

Washington, D. C., June 13.—The house late last evening passed Congressman Littlefield's resolution calling upon the secretary of the interior to transmit to the house the results of the recent surveys and examination of agricultural lands and water resources on the Uintah reservation.

WANTED TO BURN THE WORLD

Dr. Higgins Became Violent and is Sent to the Asylum.

Dr. C. W. Higgins was today adjudged insane, by an examining board consisting of County Clerk James, Drs. Mayo and Keogh, and committed to the insane asylum at Provo. During the entire proceedings he raved furiously; his cries being plainly audible throughout the entire county building. He was handcuffed, and it then required the combined strength of Jailer Thomas and Deputy Sheriff Sloan to hold him in his chair. He talked constantly of burning up the world, but said that he would not burn up. To each person that entered the room during the hearing he would say, "You will be burnt up, but they can't burn me."

This is the second attack that the doctor has had, the first one being in 1896, when he was insane for about three months. The last attack has been coming on since may 31 and he has gradually become more violent each day. He has homicidal and suicidal tendencies which make him very unsafe to handle.