

THE METALS.

Silver, 47c per ounce. Copper, 11 1/2c per pound; New York, 11 1/2c to 11 3/4c per 100 pounds. Lead, 7 1/2c per 100 pounds.

ESTABLISHED JUNE 6, 1870.

LEGISLATOR MISSING AND MAJORITY LACKING

Effort to Elect a Senator Proved Unavailing in the Colorado Legislature Yesterday.

Joint Session Will Be Prolonged Until Noon Today—Important Precedent in the Eustis Case in 1877.

Denver, Jan. 22.—The Democratic members of both houses of the general assembly are tonight holding a joint session in the senate chamber of the capitol. The session began at noon and it is the intention to prolong it until noon tomorrow, unless a United States senator is sooner elected. When the joint assembly was called to order at noon it was found that it lacked one of a quorum, only fifty members of both houses being present. The absentee was Representative Kelley of Montezuma county. Since then twenty-five sergeants-at-arms and deputy sheriffs have been scouring the city in a vain search for him.

At 6 o'clock a ballot for senator was taken, 45 votes being recorded, all for Henry M. Teller. The other five absentees could have been found had Kelley been present. Senator McGuire, who on Tuesday refused to vote for Teller, voted for him today.

PRECEDENT CITED.

The question of the legality of an election by this body, it is claimed, is decided in the case of Eustis of Louisiana, in 1877. The American and English Encyclopedia says in reference to the case: "In that case the senate, as a body, refused to go into an election for senator, but twelve members of the senate met with the members of the house, and, constituting with the house a majority of all the members of the legislature, voted for a senator. The committee on privileges and elections of the United States senate reported that although the senate refused to take part in the election, and only a minority of its members participated in it, there was a substantial compliance with the action of the senate, and the claimant was admitted."

The joint session convened again at midnight and immediately adjourned without taking any more ballots.

APPLAUSE FOR TELLER.

Grand Old Man of Colorado Makes a Speech.

Denver, Colo., Jan. 22.—Prior to the assembling of the Democratic members of the senate and house in joint session at noon today they held a caucus at which they listened to speeches by the leaders of the party in this state. United States Senator Thomas M. Patterson stated that Senator Teller felt keenly the neglect of six Democrats to vote at the joint session yesterday, and that they were defending his election, and that the conference would be held in the senate chamber. Senator Teller might make a statement. Alva Adams, Charles S. Thomas and Thomas J. O'Donnell made speeches declaring that Teller was the only logical candidate, and that the only thing for the party to do was to elect him senator.

Teller Applauded.

Senator Teller was greeted with applause. He said he had not attended the meeting for the purpose of finding fault. He declared that he believed the Democratic party was paramount to the interests of any one man. He stated that he was not writing, and did not intend to, but he thought it was such a pass that the party could not agree upon him he was willing that his support the party's choice.

Continuing Mr. Teller's remarks, the senate acted properly in calling for the joint session yesterday. When the last election was over the Democrats had a majority of one in the senate, and by every precedent in American history the Democrats were entitled to the senator. The senator then criticized the Republicans for their action in the house. He also grilled the Republican senators and held that the question up to the Democrats was whether the majority of the law should be maintained.

Joint Session.

The caucus then adjourned, and at noon the joint session was called to order. Fifty Democratic members of the legislature, long short of a quorum, were present. Representative William H. Kelley of Montezuma county, a Democrat, was absent, and the senate sergeant-at-arms was instructed to bring in absentee. The attendance was made, however, to force attendance of Republican members.

Senator Barlow announced that he had been informed that the action of this joint session would be legal, and he waived the objection which he made yesterday to further proceedings.

Prepared For Siege.

The joint session settled down for a long siege with the evident purpose of taking a ballot for senator. Representative Kelley should be found. It was rumored that he had been kidnaped by agents of Republicans or Democrats who wish to have Senator Teller defeated.

The Democratic senators who hold the senate chamber have agreed, if necessary, to spend the remainder of the ninety days of the session in the chamber. They have adopted a set of rules and regulations which will govern the members as long as the present condition of affairs holds on. Each senator was assigned to do a certain

amount of duty as captain of the guards, and a list was put out giving six senators a night of together.

The Rump Senate.

Lieutenant Governor Haggett's senate held an executive session today and some of its members conferred with Governor Peabody. Various rumors as to the plans of the Republicans are in circulation, but no definite announcement of what they will do has been made. Attorney General Miller is looking up the laws bearing on the controversy, and it is believed that Governor Peabody will be governed by his advice.

A RAILROAD FIGHT.

No Election by Washington Legislature Yesterday.

Olympia, Wash., Jan. 22.—Two ballots cast for United States senator today Levi Ankeny added two votes to his strength, making his total fifty-two, or within seventeen votes enough to elect. Both votes came from Harold Preston's strength, but Preston gained one vote from John L. Wilson, Hamilton shows the loss of only one vote for both Preston and Wilson. Preston now has forty-one and Wilson eleven.

The senate scattered votes do not stay with one man. They are mostly strong railroad commission men and it is claimed that they will go, in the senatorial caucus, where they can secure the best returns for the railroad commission bill.

It is believed Ankeny still has some votes he can draw from other candidates from day to day. Only slight changes are anticipated tomorrow, unless the King county delegation, which is in almost constant caucus, decides how it can reconcile its conflicting desires to see Preston elected and the railway commission bill defeated. The railway and senatorial problems now seem inseparably involved with each other.

The legislature in joint session took the ballot on United States senator today, with the following result: Ankeny 52, gain 2; Preston 41, loss 1; Wilson 11, loss 1; Turner 2; Sharp 1; Allen 1, loss 2; Crow 1, loss 3; Sanders 1. Necessary to a choice, 69.

VOTE IN OREGON.

Fulton Gaining, But Still Shy Several Votes.

Salem, Ore., Jan. 22.—No material change is expected in the senatorial ballot tomorrow. The change of Ginn from Geer to Fulton today was somewhat of a surprise, though it has been generally known that eventually Ginn would vote for Fulton. The latter is generally believed to have at least four more votes than he can get at any time. Fulton's supporters claim that votes will be turned to him gradually. The Multnomah delegation of nineteen is still scattering its votes and shows no signs of giving support to either

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SALT LAKE CITY, UTAH, FRIDAY, JANUARY 23, 1903.

A CARIBBEAN SCHUTZENFEST. Or the Ship That Was Much the Worse for War.



"ACH HIMMEL, THIS MONUMENT IS DEADLY NICHTS KOMME RATS, OR IN OTHER WORDS THERE'S NOTHING DOING IN WAR CIRCLES."



"WHILE WE WAITING LETS HEAVE A FEW TWELVE POUNDERS OVER IN THAT VENEZUELAN PORT LETS WAKE EM UP A LITTLE."



BY THE WAY, GUNNER SEE IF YOU CAN SHOOT THE MIZZEN MAST OFF OF THAT MULE OVER YONDER."



BUT AT THAT MOMENT THE VENEZUELAN WOKED UP AND THE SCHUTZENFEST WAS ALL OVER.

KEARNS WILL HELP SMOOT FOR THE HOMESEEKERS

Arm in Arm the Senator and the Apostle Will March Down the Aisle When the Credentials of the Latter Are Presented.

(Special to The Herald.) WASHINGTON, Jan. 22.—News of the election of Reed Smoot reached Washington this morning, and was the subject of considerable comment at the capitol. Already petitions are arriving protesting against the seating of the apostle. Senator Kearns was asked by a number of party leaders today what he was going to do, and he replied, in substance, that he did not think he was called upon to take any further action in the case. He said to one of the senators that he had been requested by prominent men of the Republican party to present the situation to the legislature, and this he had done. The legislature had seen fit to disregard the

advice, and there was nothing to do but stand by their choice. Your correspondent found Senator Kearns and said to him: "Now that the legislature has elected Mr. Smoot, what do you propose to do, senator?" "I have no personal fight against Mr. Smoot, and have no idea of turning prosecutor."

"Will you escort him to the bar of the senate when the oath is administered?" "Most certainly. He is my colleague and represents my state."

"Will you defend him before the senate if charges are made?" "I shall do my utmost to defend Mr. Smoot's constitutional rights before the senate. He has been elected by the legislature of Utah and is entitled to it."

DARROW MAKES BLUFF THE LESSLER INQUIRY

Offers to Prove That Operators Are Responsible for the Coal Shortage.

Philadelphia, Jan. 22.—The question of who is responsible for the apparent shortage in the supply of anthracite coal was the subject of much debate today by the attorneys representing the parties before the strike commission. It was testified that the miners are not obeying President Mitchell's request to make extra efforts to produce more coal to relieve the situation. This was followed by James H. Torrey and Everett Warren, both of Scranton, who represent several of the large companies, challenging the correctness of Mr. Mitchell's statement that 3,000 men are idle and ready to go to work. C. S. Darrow, for the miners, reported that he would show that it was the operators, and not the men, who are responsible for the shortage in the production.

"If I don't," he said, "I will ask the commission to find against us." The Lehigh Valley Coal company closed its case today, and the Lehigh & Wilkesbarre company consumed a few hours in presenting its evidence. This company closed shortly before adjournment, and the independent officers of the upper region then took up the operators' side of the controversy. It is expected the hearing will last ten days. The commission informed the attorneys on both sides this afternoon that it would like to confine their final arguments to about four or five days. The lawyers will agree among themselves as to the division of time. The miners want half the time allowed by the commission.

SUGAR FACTORY AT BLACKFOOT ASSURED

Blackfoot, Ida., Jan. 22.—The proposed million-dollar sugar factory at Blackfoot now seems assured. Mayor Watson received a letter from Cleveland, O., today, asking about conditions as to living and climate. The letter says that fifteen steel workers, who are coming out at once, desire to know something relative to the country before leaving the east.

FOUND DEAD IN BED.

Butte, Mont., Jan. 22.—William Horgan, president of the Connell company, was found dead in bed this morning. He was 69 years of age and for thirty years in business in Memphis, Tenn.

ANTI-TRUST BILL HAS BEEN DECIDED UPON

Washington, Jan. 22.—Representative Littlefield of Maine, chairman of the sub-committee of the house judiciary committee, to which all anti-trust bills were referred, tomorrow will report to the full judiciary committee a bill which has been drawn and adopted by the sub-committee. Several weeks have been devoted to the preparation of the bill. The sub-committee considered the bill in its entirety, and it is expected to take the bill up tomorrow and decide if it is to be reported to the house as now framed.

VISITED INSANE ASYLUM.

Evanson, Wyo., Jan. 22.—The legislative special, which left Cheyenne Tuesday, reached here today in a blinding snowstorm. The visit was for the purpose of inspecting the state asylum for the insane. The party, consisting of about 150 people, was taken to the institution in carriage from one to two feet of snow having fallen today, which is being piled up by a high wind tonight. Railroads are tied up in many places. The Telluride and other points snowed out are reported, although so far as known no loss of life and very little damage to property has occurred.

EVANS PLEADED GUILTY.

(Special to The Herald.) Evanson, Wyo., Jan. 22.—Robert Evans, charged with robbing the post office at Harder, June 13, pleaded guilty at his preliminary hearing here today and was held in bonds of \$500. In default of which he was remanded to the state's prison at Rawlins, where he will remain pending his trial at the May term of court.

THEIR PAY HELD UP.

Helena, Mont., Jan. 22.—State Auditor Calderhead today refused to issue warrants in favor of twelve members of the legislature whose seats are contested. They each have two weeks pay due them. All of the members whose seats are contested have certificates of election.

CHARGED WITH DESERTION.

Well Connected Young Man Under Arrest at Evanson. (Special to The Herald.) Evanson, Wyo., Jan. 22.—Fred Meyers, who served in the United States navy twenty years, and whose father is a commander in the navy, was arrested here today, charged with desertion. It is said Meyers deserted from his ship while anchored in San Francisco bay. He was staying at a residence in Evanson in company with a woman who had followed from San Francisco some weeks ago. He was confined in the county jail pending the arrival of federal officers.

WEATHER TODAY.

FORECAST FOR SALT LAKE Fair.

PRICE FIVE CENTS.

ALLOBSTACLES ARE REMOVED TWELVE DEAD IN FORT SAN CARLOS

Treaty With Colombia Signed Yesterday Afternoon. Fifteen of the Brave Defenders Badly Wounded.

PRICE WAS NOT GIVEN OUT BLOODY WORK OF GERMANS

UNCLE SAM CAN PROCEED WITH PANAMA CANAL. BATTLE HAD NOT CEASED AT LAST ACCOUNTS.

WASHINGTON, Jan. 22.—The treaty between the United States and Colombia for the construction of the Panama canal by the United States was signed today in this city. No details of the signing of the treaty were obtainable tonight, but the presidential reception at the White House tonight the news that the treaty at last was an accomplished fact leaked out. Later the news was confirmed in official quarters. It had been intended not to make the signing of the canal treaty public until tomorrow, but the news apparently was too good for some of the friends of the canal to keep. Fears had been entertained until this week that Colombia would not be willing to accede to the wishes of the United States in the matter, and that recourse to the Nicaragua canal project might be forced on the government of the United States. But this week events took a more favorable turn, and Colombia transmitted instructions and authority to Dr. Herran, its representative in the United States, that, in possible conclusion, was long negotiations. The principal obstacle for some time to the conclusion of the treaty is understood, the United States price that the United States was to pay in the shape of a cash payment, and by way of annual rental for the canal territory along each side of the canal right of way. It could not be learned tonight what the price finally agreed on. Some time ago there was a hitch over the question of the extent to which control by the United States over the strip of land should go, Colombia objecting on the ground that the provisions required in the treaty by the United States would mean a relinquishment of sovereignty by Colombia over part of her territory, but this difficulty was amicably adjusted, as was a difference as to the lifetime of the lease of the strip of land in question, the final result being a practical cession in perpetuity of the strip to the United States for canal purposes and incidental police control and protection of the canal right of way.

The canal treaty was signed at Secretary Hay's house this afternoon. Mr. Hay, acting for the United States and Dr. Herran, the charge d'affaires of Colombia, who had been specially given full powers to negotiate the treaty, signing it in behalf of Colombia. The treaty will have to go to the senate for ratification, and it is believed it will be transmitted to that body tomorrow. It is stated that the details of the agreement will not be made public in advance of the transmission of the treaty to the senate.

At 7 o'clock Wednesday afternoon the correspondent, who was accompanied by a government telegrapher, left the Panhandle from President Castro to the commandant of San Carlos, landed on the island and was met by the commandant of the fort. The fort was terribly hammered, and there were many evidences of the firing. Twelve dead and fifteen badly wounded men, seriously wounded, were lying on the ground.

CRUSHED UNDER LARGE ROCK

One Man Killed and Another Injured in Oregon. Baker City, Ore., Jan. 22.—A message from Sumpter this morning gives the details of a mining accident at the Oregon Monarch mine, located near the Gold Boy mine, which resulted in the death of John Marsh and the injury of Al Lake. Marsh and Lake were working in a tunnel that was known to be dangerous. The roof of the tunnel when a large piece of rock caved in from the side and moved it. Lake came to the rescue of Marsh, and while he was trying to lift the rock, Marsh fell from the ceiling, weighing about 5,000 pounds, crushing his life out in the process. Lake's arm was caught between the large rock and a timber and crushed at the elbow. As soon as assistance could be obtained, Lake was released and the body of Marsh removed from the mine.

A PARCEL OF PLUMS.

Two Utah Postoffices Go to Reward the Faithful. Washington, Jan. 22.—The president sent the following nominations to the senate: Navy—Civil engineers: Ernest H. Gayler, Rhode Island; Ernest R. Gayer, Missouri; Paul L. Reed, Missouri; Postmasters: California—William G. Hoadley, San Mateo; Thomas J. Byrnes, San Mateo; Lindley M. Baldwin, Nevada; C. Folger Jackson, F. H. Wells, White; E. H. Gregory, Rocking; W. W. Giddings, Newman; F. A. J. Stockton, Nevada—William W. Booth, Butler, Arizona—Julla Mahoney, Winslow; M. B. Holan, Nogales. Delegates were elected to attend the meeting of the national association at Omaha in June, as follows: W. F. Brewster, M. S. Parker, R. Leroux, Mrs. Henrietta Mansfield and Avery C. Moore.

IDAHO EDITORS.

Officers Elected For Ensuing Year at Boise, Idaho. The Idaho State Press association closed its successful two days' meeting today. The following officers were chosen for the ensuing year: President—John A. Republican, Sand Point. President—R. E. Lockwood, Signal, Weiser. Secretary—C. E. Wood, Tribune, Pocatello. Treasurer—A. E. Gipson, Rural, Caldwell. Corner d'Alene was elected as the place for the next meeting, which will be held some time the fall.

ITALY DOES NOT APPROVE.

Bombardment Has Produced an Unfavorable Impression. Rome, Jan. 22.—The second bombardment yesterday of Fort San Carlos by the German warships has produced an unfavorable impression in Italy, as the necessity for a recourse to violence is considered to have passed. Government officials are reported to be of the opinion that property has occurred.

BLIZZARD IN COLORADO.

Denver, Jan. 22.—Specials to the Republican show that a blizzard is raging tonight from Leadville to the western line of Colorado. From one to two feet of snow having fallen today, which is being piled up by a high wind tonight. Railroads are tied up in many places. The Telluride and other points snowed out are reported, although so far as known no loss of life and very little damage to property has occurred.

QUAY HAS THE SENATE ROUNDED UP

(Special to The Herald.) WASHINGTON, Jan. 22.—Senators who oppose the statehood bill are seriously considering the abandonment of filibustering to prevent a vote on the bill. The assent of Senators Beveridge, Spooner, Aldrich and Platt (Connecticut) is said to be all that stands in the way of reaching an agreement for a vote during the second or third week of February. A definite proposition, it is stated, was today made to Senator Quay to accept the second Saturday in February as the date for a vote, and he is quoted as saying he would agree if the agreement was made on the floor of the senate, but he would not make a cloak room agreement. He will do and whether they will agree to vote on that date, Feb. 16, on Monday, unless there is an agreement for a vote. He will use the parliamentary advantage he now holds to block all legislation but appropriation bills, and will insist on a continuous session.

THEIR PAY HELD UP.

Helena, Mont., Jan. 22.—State Auditor Calderhead today refused to issue warrants in favor of twelve members of the legislature whose seats are contested. They each have two weeks pay due them. All of the members whose seats are contested have certificates of election.

CANNOT GET OUT OF THEIR SCRAPE

WASHINGTON, Jan. 22.—The treasury department has received a letter from Customs Collector Cruzen at San Juan, P. R., in regard to other officials charged with bringing into Porto Rico cigars and liquors on government vessels without reporting or paying duty. A list of the officers already indicted is given, and the collector states that a number of others equally guilty have not been arrested. He also says that offers of compromise have been made, but he desires to know what course he shall pursue. In his reply sent today the secretary says that the department declines to entertain the offer of compromise in the cases of smuggling, and that it is desired that all persons implicated should be prosecuted.