The Evening paper is the paper of Today, the morning paper is the paper of Yesterday.

DESERET EVENING NEWS.

5 O'clock EDITION.

TRUTH AND LIBERTY.

NO. 59. WEDNESDAY, JANUARY 31, 1894, SALT LAKE CITY UTAH. VOL. XXVII.

AS IT NOW LOOKS.

The Prospects for a Combined Tariff and Income Tax.

ATTITUDE OF THE TWO PARTIES.

Faulkner, Chairman of the Congressional Committee, Now in Session.—Utah Silver Memorial.

DESERET NEWS BUREAU, 43 B St., S. E.

WASHINGTON, Jan. 31.—[Special.]—The debate in the House the past two days has improved the chances that the income tax bill in its initial stages will receive the support of many Republicans and the opposition of a number of Democrats. The prospect now is that the combined tariff and internal revenue bill will receive nearly the full Democratic vote.

The Democratic congressional committee now in session will make Faulkner chairman.

The Utah legislative silver memorial business is certainly highly inexpedient except as an embarrassment to the attainment of statehood. It requires shrewdness to do such blundering—to wave before the golden bull the silver red rag. C. R.

IN CONGRESS.

The Tariff Debate Today in the House.

By Associated Press.

WASHINGTON, Jan. 31.—The House went into committee of the whole. According to a special order the day was devoted to debate under the five minute rule, the whole internal revenue amendment being open to amendment.

Tate, Georgia, offered an amendment striking out the section relating to taxes on whisky. Increase of the bonded period and manner of collecting the tax. Tate explained that if the amendment was adopted the law would remain as it is.

Outhwaite offered an amendment to the amendment to increase the taxes on whisky from 90 cents to $1; when in bond one year, $1.10; when in bond two years, $1.20; three years the bonded period to cease. At the end of that time, he said he did not intend to press the amendment. The provisions of the bill were wrong. In the interest of reform, a few days ago the bounty on sugar was abolished; now it was proposed to give a bounty to the whisky industry, to increase the bonded period from three years to eight at a cost of ten cents a gallon.

The Outhwaite substitute was lost, 61 to 87.

Dingley's amendment to restore the provisions of the existing laws with reference to the bonded period, making it three instead of eight years, was carried, 105 to 80. This leaves the bonded period as it is, and increases the tax from 90 cents to $1.

The Bland substitute to permit the extension of the bonded period beyond three years by paying into the United States treasury the cost of exportation and reimportation, was lost.

THE SENATE.

WASHINGTON, Jan. 31.—In the Senate the resolution denying the authority of the secretary of the treasury to issue the proposed bonds came up. Allen (Neb.) took the floor to reply to Sherman's argument of yesterday. He declared the authority to issue bonds under the resumption act was not continuing in power, and ceased with its first exercise.

Hoar followed Allen. He said: "It is my opinion the bonds issued and sold by the treasury department under existing circumstances will be illegal and will carry no constitutional or legal obligation on the government for their payment."

Papal Legate.

MINNEAPOLIS, Jan. 31.—The *Journal* says: Mgr. O'Connell of the American College of Rome, not Archbishop Ireland, is to be made papal legate to America when Archbishop Satolli is made cardinal, in March.

The New York Election.

NEW YORK, Jan. 31.—The complete unofficial figures of yesterday's election in the Fourteenth congressional district give Quigg, Republican, 884 plurality, a Republican gain of 9,809. In the Fifteenth district Straus, Democrat, had a plurality of 4,987, a Republican gain of 7,182. Many Democrats did not go to the polls.

Both Were Poisoned.

JACKSON, Miss., Jan. 31.—W. Y. Walker, a well known business man, and wife, were poisoned last night. Both are dead. It is supposed that the poison was administered in coffee. The case is mysterious, as it is not known that there was anybody in the house except themselves for several hours before the poisoning.

THE BRAZILIAN STRUGGLE.

Admiral Benham Lauded for His Prompt Action.

LONDON, Jan. 31.—Naval, political, military and commercial circles heartily applaud the journalistic achievement of the Associated Press in setting the conflicting rumors as to the situation in Rio Janeiro at rest, by obtaining an exclusive interview with Admiral Benham. But for this, conflicting reports to the effect that Admiral Da Gama had surrendered would probably have been current for several days. At the admiralty and the foreign office Benham's attitude was heartily approved. The Brazilian minister said to an Associated Press representative today he believed the end of the revolt was imminent. The fact that DaGama talked of surrender would have the same effect on the insurgent ranks as if he had actually done so. He believes that if the insurgent admiral finally surrenders to Benham he will be handed over to Brazil.

United States Ambassador Bayard said there was not much significance in Benham's action, adding: "If the foreign war ships are not there for that purpose, of what use are they?"

The St. James *Gazette* says: "The precious Monroe doctrine seems to be construed into allowing the United States alone to interfere in South American affairs."

It is now announced that Admiral Mello has captured Curitiba and a large amount of specie.

THE REPORT CONFIRMED.

LONDON, Jan. 31.—The British admiralty office this morning received a dispatch from the British admiral at Rio confirming the Associated Press interview with Admiral Benham except that the British admiral said the Americans were the first to open fire.

PREPARING FOR AN ATTACK.

BUENOS AYRES, Jan. 31.—Dispatches from Rio say the insurgents are preparing for a vigorous attack on Santos and Santa Anna. The news of the firing between the United States warships and insurgent vessels seems to have been greatly exaggerated. The dispatches here say that only signal shots were exchanged. None were fired in real earnest. The insurgents feel greatly discouraged at Admiral Da Gama's practical surrender to the United States admiral. It is reported that the younger officers are in favor of having him replaced by a more energetic commander.

Was Considered Strong, But Failed.

GLOVERSVILLE, N. Y., Jan. 31.—D. E. Jeanne, glove manufacturer, has failed. The liabilities are a quarter of a million. He has been in business for forty years, and was considered strong financially.

GLADSTONE GETTING OLD.

A Report that He Will Resign His Position.

Age, Domestic Influences and Regret at the Rejection of the Home Rule Bill the Cause.

LONDON, Jan. 31.—The *Pall Mall Gazette* announces from reliable source that Gladstone, on account of advancing age and the arduous nature of his duties, has decided to resign before the assembling of the parliament. Domestic influence and deep regret at the rejection of the home rule bill are also elements in his decision.

NOT VERY FEEBLE.

LONDON, Jan. 31.—A letter received from Biarritz, sent by Herbert Gladstone, says his father is in splendid health, and full of fight for the coming session.

Gladstone's secretary has informed an Associated Press reporter that he has no information which would lead him to the belief that there is any truth in the story of Gladstone's intended resignation. The story is generally discredited.

A New Chief Appointed.

WASHINGTON, Jan. 31.—Carlisle has appointed W. P. Hazen of Cincinnati chief of the secret service, vice A. L. Drummond, resigned.

SYMPATHY FOR CARLISLE.

The Conduct of New York Bankers Condemned in England.

LONDON, Jan. 31.—The *Financial News* says the action of the New York bankers toward Carlisle is inexplicably shabby. It declares Cleveland has loyally persevered to overcome the obstacles to the repeal of the Sherman act on condition that eastern bankers should not desert the cabinet, if their help is necessary to reinforce the treasury; but the bankers now resort to a technical objection. It says that Carlisle, if rebuffed, must persevere in the issue of bonds and need fear no failure.

The Execution Postponed.

PARIS, Jan. 31.—The execution of the anarchist Vaillant, which was to have occurred today, has been postponed pending a final appeal to President Carnot. The execution will probably occur tomorrow morning.

In Honor of the Duke and Duchess.

GOTHA, Jan. 31.—The duke and duchess of Saxe-Coburg-Gotha made their state entry into Gotha today with great pomp. The whole town was decorated with German and English colors. The weather was rainy.

Childs No Better.

PHILADELPHIA, Jan. 31.—Childs had a good night. His condition this morning was unchanged.

Nominated by Cleveland.

WASHINGTON, Jan. 31.—The President has sent the following nominations to the Senate: Thomas B. Ferguson, Maryland, minister to Sweden and Norway.

The Bond Issue.

NEW YORK, Jan. 31.—Additional subscriptions to the United States bond issue this morning brings the total up to $30,175,000. It is expected the full amount will be subscribed today.

The Czar Getting Well.

ST. PETERSBURG, Jan. 31.—The czar is improved in every way today.

ON HAWAII.

Samuel Parker Gives a Statement of the Situation.

SAN FRANCISCO, Jan. 31.—Samuel Parker, member of ex-Queen Liliuokalani's cabinet, sailed today for Honolulu, after spending several weeks here on private business.

Before leaving the city he gave the *Examiner* a letter to the American people, which may be a semi-authoritative statement of the purpose of the royalists of his country. Parker, who signs himself premier of Hawaii, defends the monarchy and says all progress of the islands was made during the period of constitutional monarchy from 1866 to 1893. He denied that the rule of the public men was corrupt. The Hawaiians, he says, were satisfied with their government and when given an opportunity to express their opinion will decide by an overwhelming majority in favor of the queen. When the time comes for the Hawaiians to declare their decision, they will be found ready for the occasion. Parker adds: "The ultimate destiny of Hawaii is that it will become associated with the United States by a protective treaty, and that no foreign country other than the United States will have a voice in the affairs, but the time is not yet ripe for the fulfillment of that destiny." He declares that the United States can do but one of two things, either it will restore the queen to the throne, or else leave the settlement of the politics of Hawaii to the people of Hawaii. Whichever course the United States may pursue it is certain the outcome will be satisfactory.

A Schooner Driven Ashore.

HALIFAX, Jan. 31.—The schooner Gertie Foster of Gloucester was driven ashore in a gale last night. Five of the crew tried to reach shore in a dory, but they capsized and were drowned. The remainder were rescued this morning.

The names of the drowned are Martin Devine, James Campbell, August McDonald, George Percy, and J. McFarlen.

A Murderous Policeman.

CHICAGO, Jan. 31.—During a quarrel at a dance hall this morning, Policeman Arado was shot and killed by a fellow policeman, Bacon. The murderer was arrested.

Applying for a Receiver.

ST. LOUIS, Jan. 31.—The Central Trust company of New York has applied to the federal court for a receiver for the Colorado Midland road, which the company avers will default on the interest due tomorrow on $4,800,000 bonds. The court has taken the matter under advisement.

This action makes evident the import of the gathering here within the past three days of the receivers of the Atchison system and trust company representatives. The Colorado Midland is a separately operated portion of the Atchison system, the main line reaching from Colorado Springs to New Castle, Col., aggregating with branches 330 miles. In addition to the mortgage on which interest is likely to be defaulted the road has first mortgage amounting to $6,250,000 and a mortgage of $800,000 and some floating debts to the amount of $2,800,000, which the management has been unable to meet. The bonds in the hands of the Central Trust company, New York, as trustee, and this company has made application for a receiver. Pending the decision Judge Caldwell has issued an injunction restraining all persons from interfering with the road by attachment or otherwise. A decision will be rendered on Friday. This action is taken to permit the defaulting of the interest to become an accomplished fact.

Wanted the Case Tested.

CHEYENNE, Wyo., Jan. 31.—Judge Riner has agreed to hear the railroad men's objection to the order signed by Judge Dundy, next Monday, if Riner signs an order that the case will be carried to a higher court.

ANOTHER DOCTOR ARRESTED.

It is Now Dr. Fredk. Gardiner, for Practicing Without a License.

The "doctors' war" is still being waged. A complaint was filed in U. S. Commissioner Pratt's court last evening by Detective Franks, at the instance of County Attorney Murphy on behalf of the People of the Territory, against Dr. Fredk. Gardiner. He is accused of practicing medicine without having first obtained a license from the board of medical examiners of Utah Territory. The defendant was arrested this morning by a deputy U. S. marshal and taken before the commissioner.

Dr. Gardiner was released on his own recognizance, the hearing being fixed for Friday morning next.

Land and Live Stock Co.

With County Clerk Maloy were filed this morning the articles of incorporation of the Ford Brothers' Land and Live Stock company.

The object of the company is to raise and deal in live stock and its products, including the right to buy, use and occupy, if necessary, real estate in connection therewith.

The general place of business will be at Centerville, Davis county, Utah, with authority to establish branches elsewhere.

The capital stock is placed at $25,000, divided into 25,000 shares of the par value of $1 each.

The incorporators, all of whom reside at Centerville, are—John Ford Jr., Joseph Ford, Hyrum Ford, John W. Ford, Phillip Ford, each of whom has subscribed for 4,000 shares, and Joseph N. Ford and Thomas Ford for 2,500 each.

John Ford Jr. is to be president, Joseph Ford vice-president, and Joseph N. Ford secretary and treasurer.

Caught at Last.

Information has been received from Ephraim, Sanpete county, to the effect that an old man at that place named Bernard Hansen has just been found guilty of a piece of quiet stealing that has covered a period of several years and the gradual turning away of small sums of money until it ran up into the thousands.

Hansen is an old bachelor and a number of years ago was given employment by the managers of the co-op. store. For a long time he was regarded as a model of honesty and trustworthiness. His work was that of cleaning out the store to which he had free and unlimited access.

Some time ago the management became suspicious and marked some of the scrip issued by the store. Later it was ascertained that the marked scrip had been converted into cash by Hansen. His room was searched and $1,800 in gold found in an old trunk. He confessed that all but $400 of this amount had been stolen by him. He now thinks that the money is "windfall" for the store and that he should be exonerated.

He was placed under arrest, found guilty and a fine of $25 imposed.

BUSINESS AND MINES.

Board of Education Has Valuable Business Property to Exchange.

THE SCHOOLHOUSES TO BE BUILT.

Beaver Items—Reducing Wages—Miscellaneous Business and Mining Information.

The city board of education has a number of tracts of valuable business property which it desires to dispose of, and offers a good opportunity for land owners in the outlying portions of the city to secure good real estate close in. Plats of the land now owned by the board and up for disposal may be seen at the office of Clerk Morris, in the Hooper & Eldredge block. In exchange for this property the board desires eligible school building sites in the following locations: Two sites in North Salt Lake, one each in Poplar Grove (west of the river), the Annex (east and south of Liberty Park), the Fourth ward or lower part of the Seventh ward, the Tenth ward, and at the head of either State, East Temple or West Temple streets. The board has no cash with which to purchase these sites, but as it has various properties in the business parts of town there should be no difficulty in making a satisfactory exchange.

It is anticipated that the school buildings to be erected in the various localities named will be about as follows: In North Salt Lake, two buildings, each having two rooms; Poplar Grove, a four-room building; the Annex, a four-room structure; Tenth ward, probably an eight-room school house; Fourth and Seventh wards, a twelve or sixteen-room house; and at the head of State, East Temple or West Temple street, a twelve-room building.

The structures at North Salt Lake and Poplar Grove probably will be of frame. In the event of this being the decision of the board, work will be commenced as quickly as the sites can be secured and proper arrangements made, so as to give employment to local workmen at as early a date as possible. In the other districts, the buildings will be brick, or stone and brick, and while the beginning of work will be necessarily slower than on the other structures, yet there will be no delay in getting down to business. All of the buildings will be substantially constructed, and while the closest attention will be given to convenience and stability, and due regard be paid to appearance, there will be no money wasted on architectural ornamentation. In the interest of economy, also, plain instead of pressed brick will be used.

BEAVER "UTONIAN" NOTES.

One of the greatest unsolved problems which is before the Beaver community is to provide employment at home for the host of young people in our city.

A good number of young men have gone from Minersville to work on the mines near Goode's Springs. Some eighteen are already there working in the mines.

The sheriff sold at public auction a lot of personal property of the Monte Christo Milling and Mining company to satisfy a judgment of the district court in favor of Louis S. Schwab et al. The property realized but $23.10 all told.

Messrs. Keith and Kearns of Park city made the *Utonian* a pleasant call this week. These gentlemen are in Beaver in the interest of the mines here, and express themselves as very much pleased with the appearance of our city as also the prospects for a bright future in mining matters hereabouts.

The cattlemen say this has been an extremely hard winter on stock. A great number of cattle are lying dead upon the range, and it was thought if the cold and disagreeable weather of a few days ago should have continued a couple of weeks longer nearly all the range cattle in this vicinity, at least, would have perished. The sheep, however, where there is feed, are doing very well.

WAGES REDUCTION.

Commencing tomorrow, Feb. 1, the new scale of wages on the Salt Lake City railway goes into effect. The men are brought down two cents per hour. The reduction is not so heavy as on the Rapid Transit line, where the men had to submit to a cut of two and a half cents per hour.

The wages previously paid was 20 cents per hour, and the men had to work twelve hours a day. Now the rate on the Salt Lake road is 18 cents per hour, and on the Rapid Transit line 17½ cents per hour.

NOTES.

The Cripple Creek, Colo., miners and mine owners are endeavoring to settle their differences by arbitration.

The work of building a railroad from Cedar City, Iron county, up Coal Creek canyon to the coal beds there is being crowded ahead. The Utah Coal and Iron company is interested in the enterprise.

Cedar City *Record*: Martin Fay and Thomas Lambert of Panguitch passed through our city on their way home from the terminus of the Nevada Southern, where they had been with three wagon loads of flour and vegetables. They say there is a large number of men and teams at work on the road, and it is being pushed this way with all possible speed.

Emanuel Jandan, who is herding sheep for the Cedar Sheep association at Three Peaks, was in Cedar the first of the week, says the Iron county *Record*, and reports that his flock of 3,000 head is doing well, and that not one of them has died since they were dipped in November. The association owns 19,000 head of sheep, most of which are doing fairly well, with but few losses reported.

Boise, Idaho, *Statesman*: W. M. Nesbit, the well known mining man whose work with the cyanide process has earned for him a wide reputation, has returned to the city after an absence of several weeks. He is accompanied by D. P. Tarpey, of Salt Lake, who is also a prominent mining man. They are here on mining business, the exact details of which they will not make public for a few days.

Denver *News*: One result of the numerous conferences recently held in this city by gentlemen interested in the several large smelters in the state has been the establishment of a general exchange or clearing house on the handling of surplus ore. Franklin Guiterman, for several years the metallurgist of the Chamberlain Ore Buying company, is the secretary in charge. The mode of operation is simple. A smelter, by reason of contracts, has on hand more material of a certain quality than it has a use for its furnaces. The secretary is notified and an exchange is effected with some other smelter short at the time of the classes mentioned. In this way the ore reserves are kept at the lowest practicable limit, losses on silver and lead fluctuations are limited, and the plants are enabled to operate on a larger margin, with less money tied up in ores.

EDUCATIONAL NOTES.

Meetings, Lectures and Movements by Salt Lake Pedagogues.

Lieutenant W. K. Wright lectured at 2 o'clock today, before the students of Utah University, upon the subject "McClellan's Peninsular Campaign."

There are now enrolled three hundred and sixty students in the different departments.

The daily enrollment in the city High school now includes the names of two hundred and thirty-two pupils.

Prof. W. M. Stewart has the following appointments for lectures: County teachers' institute, Saturday, February 3rd; American Fork, Friday evening, February 9th; Centerville, Saturday, February 17th.

Elder David McKenzie this morning delivered the first of a series of lectures before the students of the Latter-day Saints' College. Subject, "The Genuineness of the Bible."

Superintendent Millspaugh's class of teachers in pedagogy had an interesting session last evening. The history of Comenius formed the subject under consideration. Locke will be discussed at the next meeting.

Prof. B. A. Haag of the Latter-day Saints' College has sent quite an exhibit of drawings made by the class under his direction to the Midwinter Fair at San Francisco.

The January number of the University *Chronicle* is a very interesting number.

Prof. Done reports an enrollment of 250 students in the college of which he is principal.

The regular meeting of the Salt Lake County Teachers' Institute will be held in the University building next Saturday at 11:15 a. m. Miss M. A. Hilton will lecture on "How to Secure Expression in Reading," and Prof. Stewart will talk to the teachers on "Moral Training and Incentives." All friends of education are invited to be present.

In the Land Office.

Niels C. Nielsen of Cleveland, Emery county, has filed an affidavit of contest in the local land office against the timber-culture entry of Thomas Edmunds. The entry (filed May 13, 1891) embraces 160 acres in section 5, township 17 south of range 10 east. Nielsen alleges that the claimant has failed to plant any trees or tree seeds or cuttings on the land. Nielsen asks that Edmunds's entry be cancelled.

Howard Carpenter of Weber county has filed an affidavit of contest against the homestead entry of Chas. Archer. The entry was made May 19, 1893, and embraces 80 acres of land in section 14, township 5 north of range 1 west. Carpenter alleges that Archer has failed to establish a residence upon said land and has wholly abandoned said land for more than six months after making the entry. The hearing of the case is set for May 1st.

Amos J. Workman of Hinckley, Millard county, has received a patent for cash entry No. 4402, embracing 80 acres in section 20, township 17 south, range 7 west.

Ludwig H. Berg of Bingham City has filed an application for a homestead entry of 160 acres in section 32, township 8 north, range 2 west.

Jens Jensen, of Wellington, Emery county, has filed an application for a homestead entry of 160 acres in section 23, township 15 south, range 10 east.

Laura A. Owen, of Emery, Emery county, has filed an application for a homestead entry of 160 acres in section 21, township 22 south, range 6 east.

Amendment to the Amendment.

Daniel Tyler, of Beaver, writes under date of January 26:

In your semi-weekly issue of the 22nd inst., under heading "Correcting a Mormon Incident," Elder J. Jaques says: "The rations of flour came down to four ounces per head per day." He should have added, "for adults, children under ten years of age two ounces per day, with one day's rations left when relief came from Salt Lake." Bro. Jaques will doubtless recollect this fact when his attention is called to it. I was company to Bro. Martin and cannot be mistaken.

HAD THEY THE RIGHT.

County Recorder Lippman Disapproves of the County Court's Interference With Him.

Recently the county court appointed two gentlemen to make a copy of a certain dilapidated old book kept in the office of the county recorder. Mr. Lippman, it appears, objected to this proceeding inasmuch as he had not been consulted on the matter beforehand. He seemed to think that he ought to have had some say in it, and so expressed his displeasure at the court's action. The question now arises whether or not the county court had the power to make such an order, and arrangements have been made to have the case argued by counsel in the probate court tomorrow morning. Attorney Murphy will represent the county court and Recorder Lippman will have an attorney on hand to talk in his name, namely, Judge Powers.

Mr. Lippman takes his stand against the court's interference on the general powers given to the county recorder in the various acts passed relating to that office.

DON C. TUFTS ARRESTED.

Sheriff McQueen Found Lodgings for Him Early this Morning.

Between 3 and 4 o'clock this morning Sheriff McQueen was summoned to the residence of Don C. Tufts, situated on Twelfth South street, about a quarter of a mile distant from the county poor house. Upon arriving there he found Don in an intoxicated condition, frightening the wits out of everybody around.

The sheriff took him into custody for disturbing the peace and placed him in the county jail. He will doubtless be heard of again later on.

It may be remembered that divorce proceedings were instituted in the Third district court some ago by Mrs. Tufts, who a few days ago gave birth to a child.

Newsboys' Debate.

President Simpson of the Newsboys' Union has issued the following call: "All members of the Union are requested to attend the regular meeting of the society tomorrow (Thursday) evening at seven o'clock, at No. 105 west Third South street. The session will be enlivened by a debate between two of the boys. The question for discussion will be the wrongfulness of visiting the lake on the Sabbath. Joseph Simpson will assume the affirmative and Willie Roper the negative.

"There will also be a fine supper for the members and a grand three round sparring contest between W. Simpson and Albert Hobbs. The one scoring the most points gets the most supper."

UNDER THE MEDICAL LAW.

The Fight Against the Eclectic School of Physicians Continued by the Medical Board.

This morning Dr. J. W. Taylor, of this city, was arrested on a charge of practicing medicine without a license. The doctor is secretary and treasurer of the Eclectic Medical association, and has been a practitioner for more than twenty years. He is a graduate of the American Health College of Cincinnati, O., and made application to the Territorial board for a license on February 11, 1893, but never received the document. He paid $5 to the secretary of the board, receiving therefor a receipt which was unsigned but had the board's stamp affixed. Dr. Taylor says he was informed by the secretary that the license would be forwarded to him, but later received the news that the board of examiners had decided that his credentials were not acceptable, and that he would be required to pay $20 more and undergo examination before a license would issue. The doctor was taken before U. S. Commissioner Pratt today and released on his own recognizance to appear at the preliminary hearing on Saturday.

THE ENSUING TERM OF COURT.

The Trials of Criminal Cases in the Third District May Begin on February 5th.

On February 5th the new term of the Third district court will be opened and an effort made to take up cases on the criminal calendar right away. Apart from those which will have to be deliberated upon beforehand by the grand jury, several cases which stand over from the previous term will be tried, or re-tried. George Gaylor, Harry Hammond's accomplice in the shooting of the little boy Clyde Rosecrans, will have his trial, in all probability at the beginning of the session, and the defendant's attorneys (Messrs. Whittemore and Waite) will make another hard fight for his acquittal. Gaylor has remained under detention in the penitentiary ever since the Hammond trial, his counsel having been unable to get him admitted to bail.

The criminal calendar is a heavy one and will occupy the court a long time.

From the South.

Elders E. M. McArthur of St. George and Isaac W. West of Washington city, Washington county, are in the city, and will remain until Saturday next, when they will leave to engage in missionary labors. Elder McArthur goes to the Indian Territory and Elder West to the Southern states.

The Old and the New.

Judge Zane has not been seen around the courts much, as yet, since his departure from the bench. The new chief justice is getting along well and handles the business before him with all the ease and dispatch of an experienced judge. His popularity among the members of the local bar is universal.

Malicious Mischief.

The charge of malicious mischief brought by Agnes Edwards against Matilda Hamilton and John A. Hamilton, of Sugar House ward, is set for hearing in Justice Whitehead's court this afternoon. The offense alleged is the partial demolition of a small wooden shanty.

Got Off Lightly.

Philip A. Campbell, who yesterday plead guilty in Justice Whitehead's court to uttering a worthless check to the manager of the *People's* theater, was this morning sentenced by the justice to pay a fine of $1 and costs.

COURTS AT WORK.

A Good Start Made With the Law and Motion Calendar

BY JUDGES MERRITT AND BARTCH.

Results of Cases Called Up During Today: The Long List Gradually Weeded Down.

Both branches of the Third district court were in full swing this morning, Judges Merritt and Bartch centering all their attention upon the call of the law and motion calendar, as printed in the NEWS of yesterday. The bar was largely represented.

BEFORE JUDGE MERRITT.

In Chief Justice Merritt's court the following matters, among others, were passed upon during the forenoon:

H. L. Hall vs. Clara E. Palfeth. Motion to strike out part of complaint and demurrer thereto sustained and an exception taken.

Emma Rose Clinton vs James O. Harris et al. Motion to set aside report of referee argued. Report confirmed and decree ordered. Exception taken.

Great Salt Lake and Hot Springs Railway Co. vs J. S. Cameron. Demurrer to cross-complaint overruled; ten days to answer.

John Wall et al vs the Nigara Mining, &c. Co. Demurrer to complaint dismissed as to O. H. Peterson.

Chas. E. Fish vs the Retribution Mining and Reduction Co. Motion to require to amend and demurrer to complaint overruled; ten days to answer.

Houston Creamery Co. vs R. B. Williams et al. Demurrer to amend cross-complaint withdrawn; ten days to answer.

J. R. Pritchett et al vs the Bingham Canyon Mining Co. Demurrer to amend complaint and complaint as amended sustained; twenty days to amend.

Frank Hoffman vs Wm. L. Pickard. Demurrer overruled; ten days to answer complaint.

M. J. Unander vs John Connelly. Motion for a new trial dismissed.

Wm. Parege vs Wm. H. Dodge et al. Motion to file supplemental complaint allowed by consent; leave given to plead in ten days.

BEFORE JUDGE BARTCH.

The case of the Waterbury National Bank vs the Salt Air Beach Co., was, on motion, dismissed at plaintiff's cost.

Martha Ann Coombs vs the Salt Lake & Fort Douglas Ry. Co. Motion for injunction withdrawn.

George W. Mowry et al vs H. A. Fyler. Demurrer to complaint sustained; ten days to amend.

Jared C. Homer vs the Ontario Silver Mining Co. Demurrer to complaint argued and submitted.

J. W. Carrigan et al vs E. B. Sayers. Motion to confirm report of referee sent to Judge Merritt.

Catherine O. Meyer vs the Salt Lake & Los Angeles Railway Company. Demurrer to complaint sustained; ten days to amend.

S. W. Fuller vs W. T. Knapson et al. Demurrer argued and submitted.

M. J. Franklin vs W. S. Fugate. Demurrer overruled; ten days to answer.

Palin L. Holland vs J. A. Morlan. Motion to dissolve attachment dismissed.

W. S. Thornton vs J. B. Walden et al. Partially argued.

Salt Lake Hardware Company vs Wm Lister. Overruled; twenty days to answer.

T. K. Lloyd vs T. J. Ellis et al. Demurrer overruled; twenty days to answer.

Franz Kunkel et al vs Lewis F. Kelsey et al. Stricken from the calendar.

Homer J. Crandall vs R. H. Baily et al. Withdrawn by defendant.

Louis Weinberger, etc., vs J. H. Hughes, etc. Overruled; twenty days to answer.

Boyd Park vs E. H. Parsons. Referred to Judge Merritt.

Today's Probate Court.

Estate of Leonidas C. Beattie, deceased. Hearing on final account and petition for final distribution. Account allowed, decree of distribution rendered and administrator discharged.

Estate of Betty Blake, deceased. Hearing on final account. Same allowed and administrator discharged.

Estate of Edward Brain, deceased. Hearing on petition for admeasurement of dower. Demurrer overruled and a continuance taken till February 5th, at 10 a. m.

AFTER THE JUDGE.

A Charge that Weber County Funds Have Been Illegally Appropriated.

The following was filed with the Weber county court yesterday, and is self-explanatory:

Ogden, Utah, Jan. 30, 1894.—To the Hon. County court of Weber county: Gentlemen: Your attention is respectfully called to the fact that between March 2, 1891, and August 30, 1892, there was illegally appropriated from the county funds of Weber county to A. C. Bishop the sum of $1,547.10, on account of "salary" as probate judge. Such appropriations were held by the Supreme Court of Utah to be illegal in the case of Barton vs Cutler, decided by said Supreme Court in June, 1893, and reported in Vol. VI, Utah reports, page 409. Therefore, all of said sum of $1,547.10 was illegally appropriated, as it was all appropriated after the decision in the case of Barton vs Cutler was rendered.

I therefore demand, as a taxpayer of Weber county, that you immediately order suit instituted to recover said amount, together with interest thereon from the several dates of payment.

Respectfully,

DANIEL HAMER.

The communication was referred to the county attorney for him to take action in the matter.