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. 43. FRIDAY, JANUARY 12, 1894, SALT LAKE CITY UTAH. VOL. XXVII.

UTAH COMMISSION.

The Resignation of the Members said to be Called For.

THE ALLEGED REASON GIVEN.

Good Government of Utah Requires Harmony Among the Members of the Commission.

CHICAGO, Jan. 12.—A Washington special to the morning papers says Cleveland has called for the resignation of the members of the Utah Commission with a view of increasing its efficiency. It is represented that there are conflicting interests among its members and that good government will be served by a new deal. When the Democrats in Congress come to admit Utah as a state the commission will die a natural death.

DESERET NEWS BUREAU,
G. S. R., R. R.,
WASHINGTON, D. C., Jan. 12.—[Special.]—The speakers on the great tariff debate today were Everett, Massachusetts; Simonds, Kansas; Johnson, Virginia; Payne, New York; Taylor, Tennessee; Grosvenor, Ohio, and Black, Georgia.

The interest in the debate varies with the speaker. Some are crowding the galleries with eager listeners took into the corridors, while others are emptying the seats to a more skeleton.

The Republicans are making a decided impression as to the disastrous effects of the Wilson bill on the wages of the laborers in many protected industries. The Republicans predict economy, the Democrats prosperity. But the die is cast. There is no change in the opinion of the members. With a slight amendment the Wilson bill will pass through with the certainty of fate. C. R.

For Associated Press.

THE SENATE.

WASHINGTON, Jan. 12.—In the Senate, Allen, Populist, of Nebraska, called up his resolution directing the secretary of the treasury to inform the Senate from what source the gold coin of this country, outside the federal treasury, was increased to $65,000,000 during the fiscal year 1893, as expressed in his recent report for that year.

The Senate went into executive session and confirmed Isaac J. Wooten, Delaware, after a long discussion, to be Indian agent in Nevada, also Pinton to be director of the mint. Then the executive session rose and the Senate adjourned till Monday, therefore the Hawaiian message cannot be sent to the Senate this week.

THE HOUSE DEBATE.

The Tariff Discussion Continued by the Representatives.

WASHINGTON, Jan. 12.—The Senate announcement to the joint resolution for the appointment of a joint commission to examine into the personnel of the navy was agreed to.

The foreign affairs committee reported favorably Hitt's resolution calling on the President for all Hawaiian information received since the special message. Objection was made to immediate consideration and the House resumed the tariff debate, Bonton, Pennsylvania, continuing his argument begun yesterday.

Everett, Pendleton, Black and Payne also spoke on the measure.

Jerry Simpson then hoeed a tremendous against protection and trust.

Sailors Drowned.

BALTIMORE, Jan. 12.—During a storm eight sailors, accompanied by a ferryman, started in a boat to go to Locust Point. The boat was upset and five sailors and the ferryman were drowned. The others were rescued by a tug. The names of the drowned sailors, who were on shore leave from the British ship Marana, are: Neal Finlayson, W. H. Nelson, R. J. Wilson, John Hughes, Peter Sadtranck. The name of the ferryman is not obtained.

Frozen to Death.

Special Dispatch to the News.

BUFFALO, Wyo., Jan. 12.—Jack Lett, a well known character in this section, went to Sheridan a few days ago. He started for home Sunday while intoxicated. Yesterday he was found on the road frozen to death. It is supposed he fell from his horse and was too drunk to get up.

Colorado's Legislature.

DENVER, Jan. 12.—The Senate took a hot vote on the question of adjournment this morning on a motion to suspend the rules and take up a resolution for immediate adjournment. The vote stood 20 to 19, but was lost, lacking the necessary two-thirds.

THEY WANT UTAH.

Republicans Pass Resolutions on the Statehood Question.

WASHINGTON, Jan. 12.—The executive committee today did what it considered a fine stroke of policy by passing resolutions, first for the admission of Utah to the Union; second for the admission of all the territories to the Union of states.

A Domestic Drama.

CINCINNATI, Jan. 12.—Edward Lewis, a young carpenter, whose domestic relations were unhappy, this morning shot and killed his wife and then killed himself, falling on his wife's body.

Thai Tonkinese Fight.

JACKSONVILLE, Fla., Jan. 12.—City Council were issued today for the Corbett-Mitchell contest January 25, and for the colored boxers, Perry and Williams, on Monday. The latter is locked down as a hot coon. The Herald, which offers laugh at Governor Mitchell's threats, and say the contest will certainly come off on the 25th inst. Local military officers say that they will be on hand to see to it that the contest will not be interfered with, and that no disturbance will be placed on them, as if the state troops are called out, companies from outside of this county must be called. The situation is at white heat, and all parties are in a ferment over daily arrivals.

A New Coal Mine.

Special Correspondence of the News.

SHERIDAN, Wyo., Jan. 12.—The B. & M. Railroad company is making preparations to open a coal mine at Clearmont. It is said there is a very fine vein of coal there which has never been developed.

GUNS OF BRAZILIAN REBELS

Dangerous to Tormentors Rather than the Enemy.

Deadly Explosions in a Cart and on Board a Ship in the Hands of the Insurgents.

RIO JANEIRO, Jan. 12.—[Copyrighted by the Associated Press.]—The explosions in the rebel fort Villegaignon and on board the rebel warship Tamandare were more serious than at first stated. The explosions in the fort is variously reported as a gun burst or a magazine. Fifteen soldiers were killed and the fort badly damaged.

The explosion of a gun on the Tamandare killed six marines and wounded eight.

The rebels are reported much discouraged by these accidents and Peixoto's adversaries are encouraged.

The report that some of Peixoto's troops caused the explosion in the fort is denied by the rebels. It is reported that the release of the Nictheroy's crew by bail was not due to the mere payment of the wages, but to the demand of payment in advance. The government denies this and says the Nictheroy, Aquidaban, Javari and other vessels at Pernambuco will sail soon as soon as the entire fleet is gathered. It is likewise asserted that it is contributed that the rebels contemplate attacking the government fleet and then Rio Beall. Peixoto is confident of his ability and success in fully defending the city.

Our Murderer Lynn.

WINCHESTER, Idaho, Jan. 12.—Rosina Parker, who murdered an aged couple recently, was lynched by a mob this morning.

THE PARTICULARS.

About a month ago Rosina Parker, a colored boy, brutally murdered an old couple named Ware, with whom he had lived. It was known of Rhine receiving money and the murder was for the purpose of robbery. After the arrest he was taken to Portland to prevent lynching. Last night the sheriff took him to West Union to have a preliminary examination. The fact became known and a secret organization including many prominent citizens, numbering 400, went to West Union, labored down the jail doors, took the negro out and hanged him. They riddled his body with bullets.

Paid the Penalty.

ST. LOUIS, Jan. 12.—Sam Weiner was hanged here this morning for the murder of his mistress, Clementine Manning.

AUSTIN, Tex., Jan. 12.—Ed Nichols, colored, was hanged this morning for the murder of Anna Hunks in March, 1893. The girl was eleven years old and Nichols criminally assaulted her and then beat her to death. He lingered several weeks before dying.

Jesuit College Burned.

ANTWERP, Jan. 12.—The Jesuit college here has been burned. The loss is estimated at a million francs.

New Jersey's Republican Senate.

TRENTON, N. J., Jan. 12.—The Republican senate met this morning and called the roll, and in the absence of a quorum adjourned till Monday.

Later in the day the Democratic senate met, called the roll, and adjourned till tomorrow.

Frozen to Death.

WINNIPEG, Jan. 12.— Robert Miles and a girl, eight years old, were frozen to death in Wednesday's storm.

THE HAWAIIAN DISPATCHES.

The Certain Papers Not Yet Transmitted to Congress.

WASHINGTON, D. C., Jan. 12.—The Hawaiian dispatches are not likely to be sent to Congress today. Demonstrably the steamer Mariposa, which leaves San Francisco tonight, will carry the final instructions to Minister Willis relating to him his conduct in view of the refusal of the provisional government to comply with his demand. It is expected that Congress that these instructions will be included in what is to be transmitted to Congress. The dispatches from Willis were the subject of discussion by the full cabinet meeting today.

It is expected the budget will be ready for Congress after the meeting, but the copying and comparison will take some time and probably delay the transmission to Congress till tomorrow.

Taking the Law in His Own Hand.

GUTHRIE, Ok., Jan. 12.—S. H. Fore, a wealthy citizen, was killed by a young man named Dorr this morning. Fore was being tried for the killing of Dorr, senior, at the time of the killing.

AN ALASKAN PROBLEM.

Wives Must Not be Bought and Sold.

PORT TOWNSEND, Wash., Jan. 12.—Very few white men in Alaska are married, nearly all, according to native custom, having bought their wives. It has been impossible to get the grand jurors to indict, because the members of the juries themselves are guilty. Now, United States Marshal Porter has instructed his deputies throughout the territory to arrest on sight violators of the law. As a result twenty every one on board the Fulton steamer coming from Pilots are in jail at Sitka. Hundreds of others, leading citizens, will be taken in custody.

A Cow Jumper.

PITTSBURG, Jan. 12.—J. O. Hilles, a resident of the Lower Hilles district, found, became drunk by the grip and hanged from a second story room this morning with a revolver in each hand. He ran down the street, firing at everybody he met. He was generally feel though to certainly wounded Sam Crosby on the head the bullet passing over the top of the scalp, leaving the top of his head off, causing his death.

THE INCOME TAX.

A Resolution to Reconsider the Whole Matter.

WASHINGTON, D. C., Jan. 12.—Advocates of the income tax and internal revenue features of the tariff bill met with an unexpected reverse today. After the adoption of the committee of the ways and means member, by a vote of 8 to 5, it was decided to recommit to the income section, including inter-income, and to order the whole bill back to the House. Democratic caucus.

New York Cotton.

NEW YORK, Jan. 12.—Sales were firm up to 4 o'clock, amount 1,14-24. The improved tone was largely due to the announcement that the bill prohibiting the issue of gold certificates against the seigniorage of the bullion in the treasury was likely to become law. The "shorts" begin to cover on this news, the market closed firm, last offer 6.

Trumbull's Affairs.

DENVER, Jan. 12.—Judge Hallett in the United States court today filed petitions of the attorney of the Union Pacific for the removal of Wells, McNeal and Taylor as attorneys for Receiver Trumbull of the Union Pacific. The grounds upon which the petitions were based was that the firm of Wells, McNeal & Taylor were attorneys for the Union Pacific in the application for the appointment of receivers for the Union Pacific.

To Coin the Seigniorage.

WASHINGTON, Jan. 12.—The committee on coinage has decided to report favorably, by a vote of 7 to 4, Blanch's bill directing the secretary of the treasury to coin the silver seigniorage in the treasury. The bill as reported directs the secretary immediately to issue silver certificates to the amount of the seigniorage, to wit: $55,000,000, to be at once available for current government expenses, the seigniorage to be coined as fast as possible to redeem the certificates.

The State Bank Tax.

WASHINGTON, Jan. 12.—The banking and currency committee today decided to make a favorable report on a bill to repeal the state bank tax, but shall be clipped of the tax on the state bank circulation.

Dangerous Sport.

The practice of going upon skates behind vehicles along the streets is very prevalent among boys of the city and neighborhood during the present frosty weather. When tired of being in one direction they lean their arms, and, waiting for another team travel in the direction from which they have come, continue their sport again everywhere and riding back again. The great danger of this is that, in releasing their hold of the moving team another may be coming directly behind them, and then the skater runs the risk of being struck by it without any fault of the driver. There have been many narrow escapes already. One was witnessed today, when a boy stepped and started to cross the road from behind a wagon load of coal. He nearly collided with a passing team. This form of pastime should be stopped before some one's life is lost.

Probate Matters.

Nothing was done in the Probate court this morning. This afternoon the arguments in the Kessel I. Young guardian case are again in progress, and it is hoped that the end of this protracted business will very soon be reached.

Quiet for Twenty-four Hours.

During the twenty-four hours ending this afternoon not a single arrest had been made by the police and accordingly there was no police session held today by Justice Smith.

Harry Leggett Laid Away.

The funeral services over the remains of Harry Leggett, the young man who shot and killed himself at East Mill Creek on Tuesday last, were held in the Twenty-first ward meeting house this afternoon. The services were unusually sad and impressive. The remains were laid to rest in silence. Those who mourned with the grief-stricken parents and relatives were many. The body was laid to rest in the city cemetery.

May Be Lost.

The friends of Peter Cremin and William Shultz, says the Boise, Idaho *Statesman* of yesterday, who left here last week for Snake river, are anxious for their safety. The young men went out to bring in two mules which were lost at a former trip to some place miles on the Snake.

The weather is blustling now and snow has raged on the Snake river plains ever since their departure and that they have been overdue now several days gives rise to the belief they are lost.

A party headed by Harry Cattle will leave today to search for them.

Volunteer Fire Department.

Saturday evening, 13th January, a public mass meeting at the schoolhouse of Second West and near North South of the citizens south of Seventh South and west of West Temple street will be held for the purpose of organizing a volunteer fire department company. All are invited to attend.

THE SUPREME COURT

Banker Whitmore Must Pay His Fine or Go to Jail.

HE PLAINS HIGH COURT CARD.

Mining Companies on the Docket—Something of the Church Case—Dispute About the Funds.

When the Territorial Supreme Court assembled this morning Judge Harris handed down a couple of opinions. All the judges were upon the bench, namely, Chief Justice Zane, Associate Justices Miner, Bartch and Smith.

A JUDGMENT AFFIRMED.

In the case of the Lexington Mining Company, plaintiff and respondent, vs the Old Jordan Mining and Mining Company, defendant and appellant, Judge Smith delivered the opinion. It was an action by the plaintiff company to recover $4,014.99, with interest, being the one-half of certain money paid out and expenses incurred by the plaintiffs in keeping in repair a mine owned in common and jointly by the parties to the litigation. Plaintiff claimed that the money was expended pursuant to a written contract wherein defendant was to pay half. On the trial in Judge Zane's court the jury found for the plaintiff for the amount claimed, and the Supreme Court now affirmed the judgment on this finding. Judges Miner and Bartch concurred.

ABOUT A COW BILL.

The first case argued today was that of Samuel Marks, plaintiff and appellant, vs Ogden City Street railway company, defendant and respondent. The action was for $100 in Justice's court at Ogden, and judgment rendered on the jury verdict against the respondent for $50. Thereupon appellant filed a bill in which he made certain charges in the abbreviate of testimony, amounting to $17. Respondent objected to the bill of exceptions on the ground that the witnesses did not appear before the clerk of the court when in his opinion they should have been. The Supreme court said: "We have not had the bee which had not been so common, and the only question for this court to decide was could the plaintiff be deprived of the cost the bill of exceptions simply because in the bill exceptions there appear within the text cases, as provided by section 3447, page 500, Compiled Laws of Utah, 1888, and whether such cases could be taken under the United States law bill, or under the Territorial law bill.

DISMISSED.

E. H. Jones, plaintiff and appellant, vs Charles H. Dwyer and Charles Davis, the Bingham City Industrial and Manufacturing association, Elias Kimball, F. H. Daly and A. C. Snow, defendants and respondents. From the Fourth district.

IN THE CHURCH CASE.

The Hon. F. S. Richards submitted the following for the court's approval, and there being no objection filed by U. S. District Attorney Judd, the same was passed upon:

U. S. of America, plaintiff, vs the late corporation of the Church of Jesus Christ of Latter-day Saints, et al, defendants.

Whereas it is made to appear to the court that Henry W. Lawrence, receiver of said late corporation, has refused to receive tender his money in his hands as such receiver under the orders of this court; and

Whereas the terms of said tender prevent that the same should be repaid to said receiver after thirty days' notice of an intention to demand repayment of the money; and

Whereas in the month of November, 1893, the said receiver gave said notice, so as to be in a position to comply with any order the court might make for the final disposition of said property; and

Whereas in compliance with said notice the said banks were forced after the thirty days expired to keep on hand the said funds and were thereby prevented from gaining any profit by the loan of said funds; and

Therefore, by the consent of the attorneys for the respective parties to this action, it is hereby ordered that the said receiver be and he is hereby released from said bond, securing after the 31st day of December, 1893, and that said receiver shall not be liable for said funds.

Dated January 12th, 1894.

ICE FORKS AND ICE HOUSES.

The case of John Fair et al, plaintiffs and respondents, vs George H. Griffith, defendants-appellants, came up for argument on appeal from the Fourth district. It was an action for breach of contract. On the part of the plaintiffs it was alleged that in June, 1890, the defendant leased to them and was liable for the period of four years, certain ice houses and ponds in Ogden city, defendant agreeing to supply the ponds with the usual quantity of water during the ice making season; but that during the seasons of 1891-2 he wrongfully failed in this; whereby plaintiffs could not fill their wholesale and retail trade, to their damage in the sum of $5,000. The defendants admitted all the allegations except the alleged breach of contract and damage. A verdict was returned for the plaintiffs for $1,000 and $100 costs. Defendant moves for a new trial on four grounds—error of law, that the verdict was against law, insufficiency of evidence to justify the verdict, and newly-discovered testimony. The motion was overruled by Judge Blackburn, and hence the appeal.

LEFT IN THE COLD.

In the matter of the application of George C. Whitmore, the Nephi banker, for a writ of habeas corpus, Judge Miner delivered the opinion of the court, in which Judge Bartch concurred and Judge Smith dissented.

The petitioner was some time ago adjudged guilty of willful contempt in Chief Judge Zane's court, for violation of an injunction contained in a final decree in a case wherein L. S. Snell (when was plaintiff and Whitmore defendant. He was thereupon ordered to pay a fine of $25 and was in the other hand to be jailed in default of payment, however, Whitmore was ordered to be discharged on his giving a bond for the fine. While on account of the money with a method of appeal from the contempt judgment, the bond was never given, he was released from the imprisonment. The offending injunction which the opinion states was "perpetual in form" was the appeal suspended the judgment and contention, and that the supreme court had no jurisdiction to review the case. The court said: "We think, that the court, upon the case as being, disposed of the case to the 'Dixie' case, and we agree with Judge Thomas in his opinion that the case were illegally imprisoned a penalty without authority of the statute.

It, and their powers (in the matter of a very lengthy column), the court has jurisdiction of the person of the defendant and of the subject matter to which the injunction of the court arose, from the date of issuing of process it is well it follows cause was closed, except in case where error of jurisdiction was clearly apparent. If the contempt had not been in the Third district court it would have been the duty of the First district court, and,