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. 90. FRIDAY, MARCH 9, 1894, SALT LAKE CITY, UTAH. VOL. XXVII.

TOPICS OF THE DAY.

The Side of the Pollard-Breckinridge Case.

GERMANY'S SILVER COMMISSION.

McRae's Bill Concerning Indian Reservations.—The English at Rio. —Stock Market.

WASHINGTON, March 9.—The hearing of the Pollard-Breckinridge suit was resumed in the district court this morning. Miss Pollard was one of the first to appear, accompanied by two elderly ladies. Though subjected to constant scrutiny of the throng which filled the court room she seemed perfectly at ease. Colonel Breckinridge came later, fresh and smiling.

The case opened with a statement of Lawyer Calderon Carlisle to the jury, recalling the contract and the positions of the parties to the suit; rehearsed how Breckinridge took advantage of Miss Pollard's youth, when she was a school girl of seventeen; that under promise of marriage after the death of the then living wife, made before creditable witnesses, he became the father of her three children; how he failed to keep his promise and married another woman; how she endeavored to leave him then, but had been persuaded to continue his mistress, because of love for him.

During the address plaintiff flushed crimson, trembled violently, and buried her face in her handkerchief. Breckinridge chatted unconcernedly with the attorneys.

Carlisle said his client did not claim to be devoid of fault or blame, but there was a breach of promise, which was the issue. He then sketched her life. She was a brilliant girl of common parentage and was anxious to rise. As a country girl she was uneducated. She met J. C. Rhodes, a man of means, though not of high station, who became enamored of her and promised to educate her if she would marry him. She signed an agreement to that effect. Afterwards when he was pressing her for fulfillment of the agreement, she asked Breckinridge's counsel. He came and at once began to take advantage of her youth and lack of knowledge of the world, accomplishing his purpose under promise of marriage after his wife's death, and introduced her as his promised wife into the first families of the city.

Then Attorney Phil Thompson announced that the defense would reserve the opening statement till the conclusion of plaintiff's testimony. Attorney Wilson demanded that certain books, one containing a Christmas card given to plaintiff by the defendant and taken as exhibits for the defense, be returned. The defense asked that the books be more accurately described. The court held the description sufficient.

During the colloquy plaintiff broke into hysterical and inarticulate sobs and exclamations.

Mrs. Julia C. Blackburn, widow of the late Governor Blackburn, of Kentucky, was the first witness. She testified that in the spring of 1893, in Washington, Colonel Breckinridge brought Miss Pollard to her, and asked her kind care and protection for a young lady, adding that as soon as sufficient time had elapsed after the death of his wife he intended to marry her in spite of the fact that he was old enough to be her father, being thirty-one years her senior. At another time he told Mrs. Blackburn, when she chided him for forgetting his devotion to his former wife, that he had discovered that Miss Pollard was in love with him and as a man of honor felt bound to marry her. At another time he asked witness to allay Miss Pollard's jealousy. Mrs. Blackburn asked him if he had given her any cause and he declared on his honor that he had not. This was when he was paying attention to Mrs. Wing, of Louisville, whom he subsequently married. Mrs. Blackburn related how Miss Pollard came in her presence [illegible] urged Breckinridge to fix the day, but he put her off, saying he would fix it later.

On cross-examination Mrs. Blackburn said Miss Pollard on every occasion bore herself as a lady. As to her feeling toward Miss Pollard, she said she felt sorrow for any woman who was compelled to fight her own battle, adding, as she turned her flashing eyes on Breckinridge: "Just sorrow I feel, being compelled to appear here, when, if I had the defense of a husband, it would never have been necessary."

Assaying Ore.

Special to the NEWS.

LARAMIE, Wyo., March 9.—Prof. Knight, of the state university, is assaying a number of specimens of ore from the Morgan Mine at Bald mountain. One piece of quartz showed a value of $411 to the ton. The property was discovered by George Morgan last July, and the indications are that it will prove a rich property. The present strike has been made at a depth of sixty feet beneath the surface, and was reached by means of a drift 130 feet in length.

To Settle a Dispute.

WASHINGTON, March 9.—The question of ratifying the contract made by the Modoc and Klamath Indians and Yahoos and Band Snake Indians of Oregon and their agents, is pending for action by the interior department. The contract stipulates for services to be rendered by the latter in adjusting the claims of Indians against the United States, arising from an alleged error in the survey of the boundaries of Klamath reservation, Oregon. It is provided that the [illegible] is given a commission of twelve per cent of the lands, which are valued at $90,000 to $100,000. Commissioner of Indian Affairs Browning recently recommended a reduction of the commission to five per cent. The boundaries were established by a survey made in 1871, and as a result of the distinction which once threatened to end in a serious conflict between the Indians and settlers, the land commissioner has recommended a resurvey. The case will be decided in a few days.

THE BRITISH AT RIO.

Naval Commanders Said to Refuse to Assist Sufferers.

LONDON, March 9.—Christopher Furness, ship builder and member of parliament, has received a cable from Rio from masters of the British vessels there, declaring that the American navy is assisting in landing yellow fever patients and supplying water; that the British naval commanders refuse such assistance; that the mortality is terrible; that only one hospital is available, it being ten miles from the anchorage. Furness has telegraphed the foreign office to instruct the British commander to render the assistance asked. Furness has threatened to bring the general course of the British navy at Rio before parliament.

SUGAR LESS ACTIVE

Report of the New York Stock Market Today.

NEW YORK, March 9.—Sugar was not so active on the stock exchange this morning. It opened between 87 and 86[illegible], declined [illegible] more to a point 1[illegible] below yesterday's close and then rallied to 2. Other stocks opened strong advancing fractionally in early dealings, with distilling in the lead on account of increases in the spirit tax under the Senate amendments to the tariff bill and extension of the bonded period. The market improved later, sugar rallied, though the general list weakened, general electric losing 1[illegible] and distilling [illegible] on realizing sales. Lead preferred, on favorable tariff prospects, advanced 1[illegible].

The movement in stocks this afternoon was confined to fractions with a downward tendency, with subsequent reaction. The market closed fairly firm.

SERIOUS LOSSES IN INDIA.

English Soldiers Massacred by Abor Tribesmen.

The Expedition in a Most Critical Condition—Reinforcements Sent to the Scene.

CALCUTTA, March 9.—Dispatches from the scene of the operations of the British against the Abor tribesmen announce serious losses to the British. Captain Maxwell, with a force supposed to consist of sixty men, was sent after the tribesmen but was so hard pressed that he was forced to retreat, after the loss of a number of men, after destroying his fortified camps. A detached party of thirty men and four officers, escorting a provision train, was surrounded by thousands of tribesmen, and after two days' resistance all were killed. The entire Abor expedition is in a most critical situation.

Reinforcements are being hurried forward in the hope of rescuing the Maxwell column.

The Jenkins Investigation.

WASHINGTON, March 9.—Chairman Culberson of the House judiciary committee has appointed Boatner, Terry and W. A. Stone a committee to investigate Judge Jenkins's injunction against the Northern Pacific employes.

Gladstone Recovering.

LONDON, March 9.—Gladstone is pronounced on the high road to recovery.

He Will Be Lynched.

ALMA, Tenn., March 9.—G. A. Smith, a farmer, came home drunk and murdered his wife and child and fled to the woods. He will be lynched if caught.

THE ELECTION FRAUDS.

Governor Flower Says They Must Be Investigated.

ALBANY, N.Y., March 9.—Governor Flower has directed the mayor of Troy to sift the election frauds and riot of Tuesday to the bottom, no matter who it hits. Robert Ross, who was killed in the fight, was buried today. The funeral was the largest in Troy in years. Business was generally suspended. The remains lay in state and were viewed by thousands.

VICTIMS OF THE EXPLOSION.

One Unfortunate Dead, Others Near the Grave.

ROME, March 9.—One of the men wounded by the explosion of the bomb yesterday, died this morning. The police is convinced that the intention was to blow up the chamber of deputies, because it was discussing the question of the punishment of the leader of the disturbances in Sicily, and that it was prevented by the fortunate circumstance of an early adjournment, because Premier Crispi had a cold and could not answer questions, notice of which had been given. It appears that the bomb was hidden in a high hat. Two more of the wounded are much worse today.

Jealousy Was the Cause.

SAN FRANCISCO, March 9.—Dr. J. L. Loss, who with Miss Alice Audinsley was found unconscious in the rooms of the latter last Monday, the woman dying afterwards, has recovered sufficiently to say that the woman was insanely jealous of a lady whom he was about to marry, and that he became unconscious soon after taking a dose of cough medicine which she gave him.

THE SILVER COMMISSION.

How Senator Allen Regards its Appointment.

WASHINGTON, March 9.—Senator Allison regards the appointment by Germany of a commission to investigate the silver question as an incident of great significance, particularly because the commission, with the exception of one or at most two, is composed of bimetallists. The creation of the commission, the senator says, is due to the rapid decline in silver. He thinks we see the example of Germany followed by other governments of Europe. "This action of Germany," the senator said today, "ought to give the greatest encouragement to the friends of silver in the United States, who believe that the true solution of the problem is by international agreement."

The advance continued till noon. The prospects of gold shipments tomorrow are growing less.

The U. P. Mail Contract.

Special to the NEWS.

CHEYENNE, Wyo., March 9.—Beginning April 10th, the mails carried by the Union Pacific Railroad will be weighed for thirty-five days to determine the daily average upon which the contract for the next four years will be based.

CONGRESSIONAL REVIEW.

Rumors Regarding Sugar Speculations by Senators.

WASHINGTON, March 9.—In the Senate Peffer introduced a resolution to investigate the rumors regarding the sugar speculation by members of Congress. It went over till tomorrow.

The Bland seigniorage bill came up this afternoon, the pending question being Allison's motion to reconsider the last stage of the proceedings in order that amendments could be offered to the bill.

Harris, who had been opposing the motion, said he was willing to allow the debate to continue up to any day till Wednesday next, but at present he was unwilling that the bill should again go back to the amendment stage. A discussion followed as to the necessity of amendments. Finally all propositions for reaching an agreement to vote on the bill failed and Vilas took the floor, but gave way for a motion that when the Senate adjourned it be till Monday. The motion was defeated 19 to 29.

The opponents of the seigniorage bill voted affirmatively and its friends in the negative. The Senate agreed to vote on the Bland seigniorage bill at 2 p.m. Thursday next.

AN INDIAN LAND BILL.

All for the Benefit of the White Race.

WASHINGTON, March 9.—McRae has introduced in the House a bill providing that all lands included within the limits of any Indian reservation, the disposal of which has been, or may be authorized by treaty with any Indian tribe or by any law of the United States, and not already opened, shall be opened to settlement under the provisions of the bill. The secretary of the interior is authorized to cause public surveys of all lands in the reservations referred to, where not already done. The President is authorized to attach any reservation or any part thereof to any existing, contiguous land district or may organize separate land districts. Provision is made for the disposition of all lands in the reservations not needed for allotment to the Indians.

WILSON'S CONDITION.

The Fever is Gone, but the Patient is Very Weak.

WASHINGTON, March 9.—A telegram from Guadalajara, from Representative Wilson's son, says: "Fever gone; in bed; very weak; much emaciated."

This is not considered as reassuring as the late advices seemed to be.

Postmaster Nominated.

WASHINGTON, March 9.—The President has nominated J. L. Carlisle postmaster at St. Louis.

Postmasters Appointed.

WASHINGTON, March 9.—The President has appointed a number of assistant postmasters in the navy today, including Walter L. Wilson, a son of Chairman Wilson, of the ways and means committee, and Lewis J. Stevenson, son of Vice President Stevenson.

Coming Home.

Rev. Clarence T. Brown, pastor of the First Congregational church, is expected home today or tomorrow from his brief sojourn in San Francisco, whither he went a few weeks ago in quest of health.

A Pleasant Gathering.

The Sixth Ward hall was crowded last evening, by the friends of Elder Joseph A. Battle, who leaves tomorrow on a mission to Great Britain, and a most enjoyable time was spent. The first part of the entertainment consisted of a well rendered program of songs, recitation, music and speeches, and the remainder of the evening was spent in dancing. Elder Battle was presented with a handsome testimonial of the good will of the people.

Complimentary Concert.

The concert given last evening in the Twentieth ward meeting house complimentary to Elder Albert Romney, who starts for Germany tomorrow, drew a very large audience and one that showed their enthusiastic appreciation of the excellent numbers which were rendered. Every number on the program was done exceptionally well and the talent displayed by the different artists gave an evening's entertainment which was greatly enjoyed by those fortunate enough to be present. Elder Romney, in whose honor the splendid affair was given, made a few appropriate remarks, which concluded one of the most pleasant and successful concerts given in the Twentieth ward.

The Blyth Will Case.

The hearing in reference to the Blyth will case, which will come up before Probate Judge Blair next week, is expected to be a very interesting matter.

The Legal Arena.

Tomorrow is the usual weekly motion day in the Third District court, and if the present program is adhered to one or more interesting matters will be sprung. Judge Bartch has returned from Beaver, and he too will hold court.

A NIGHT OF IT.

The Last Legislative Day Indefinitely Prolonged.

TAX LEVY REMAINS UNCHANGED.

Fight on the Medical Bill.—The Council Behind.—Business Done Today.

Yesterday was the 60th and last day of the legislative session, consequently the record must show an adjournment until all the business is transacted, and the adjournment sine die occurs. This makes it necessary to prolong indefinitely the last day of the session, and if the members leave their seats it is only to take an "informal recess." Both houses worked all day yesterday and until about midnight last night, very busily. But about that hour the Council took a recess to allow its appropriation committee to consider the appropriation bill which the House had passed. After this no other business worth mentioning was done in the Council until this forenoon. An hour or so after midnight the members of the House, during an "informal recess," disappeared one by one, bent on getting a little rest, but a quorum was present soon after 9 o'clock this morning. It was 10 o'clock, however, when Speaker Emery called the House to order and business was resumed. Only Council bills and Council amendments to House bills remained to be considered, as the House had kept up with its calendar for several days. The Council, however, had been behind with its work, and on the last day sent a large number of its bills to the House, too late to have them properly considered in that body.

Last evening a long and thorough discussion of the territorial tax levy was had while H. B. 153, to change the levy, was under discussion. The gist of the debate is given below. The loss of the bill leaves the present tax levy unchanged, which means that the weaker counties will continue to draw support for their schools from this county. The Salt Lake county members contended strongly against this, with such good effect that the vote on the final passage of the bill was a tie, which killed the measure.

The fight in the House on Council amendments to the medical bill was hot. A strong minority tried to kill the bill and so leave the present medical law in force, but their efforts to accomplish this were unsuccessful. The Council amendments removed or greatly modified the objectionable features of the bill, and if the Governor will sign it in its present form, the demands of the people for a correction of the evils existing under the present law will be at least partially met.

As will be seen from the record below, H. B. 48, to unite the University and Agricultural College on the site of the latter, of which Nebeker was the author, was lost, the vote being 11 in favor of the bill and 8 against it. The rules requires at least 13 votes in the affirmative on the final passage of any bill by the House. The debate was long, but it only rehearsed the arguments so familiar to the readers of the NEWS. Nebeker changed his vote so as to move reconsideration, and the bill will come up again.

COUNCIL.

After the close of this report yesterday, consideration of the medical bill was continued, and the bill passed.

The Governor sent in the following nominations:

For the Deseret Agricultural and Manufacturing society, John R. Winder, president; Frank W. Jennings, Fred Simon, Herman Bamberger, Nelson A. Empey, S. W. Sears, Amos D. Holdaway, W. G. Cregun, John D. Peters, James A. Melville, Abraham Hatch, David O. Willey Sr., directors.

Trustees of the Agricultural College, Aaron F. Farr Jr., Cache county; W. S. McCornick, Salt Lake county; Alonzo G. Barber, Cache county; William F. Nebeker, Salt Lake county; John W. McNutt, Weber county; Achilles Guerin, Weber county; D. C. Hubbard, Box Elder county.

Directors of the Territorial Insane Asylum, Warren W. Dusenberry, Utah county; Reed Smoot, Utah county; William Creer, Utah county; Lewis W. Shurtliff, Weber county; A. B. Emery, Summit county; W. W. Woolruff, Sanpete county; George C. Whitmore, Juab county.

Trustees of the Territorial Reform School—John Watson, Weber county; Marshal A. Breeden, Weber county; David Thorium, Weber county; James H. Moyle, Salt Lake county; Lyman R. Martineau, Cache county; John R. Wilmer, Utah county; Thomas T. Romney, Davis county.

Board of Medical Examiners—Allan Fowler, Salt Lake county; J. M. Dart, Salt Lake county; Walter N. Pike, Utah county; Joseph S. Richards, Salt Lake; C. C. Shields, Salt Lake; John O. Cornahan, Weber county; Mackenzie N. Graves, Weber county.

Members of the Territorial Board of Pharmacy—Clarence H. McCoy, Salt Lake county, till March 8, 1899; J. B. Farlow, Salt Lake county, till March 8, 1898; George H. Fautmeyer, Beaver county, till March 8, 1897; John S. Baynes, Summit county, till March 8, 1896; W. A. Wade, Box Elder county, till March 8, 1895.

Sealer of Weights and Measures—Fritz E. Ertmar.

The Governor reported that he had signed the following bills: An act to provide for the dissolution of irrigation companies, a memorial to Congress in relation to the extension of time for proving up desert land, and the memorial in relation to woman's suffrage, and in relation to Woman's Industrial Home.

Council concurred in the House amendments to the fire and police commission bill.

H. B. 45, to protect the dairy interests in the Territory, was reported by the conference committee and the report of committee was accepted and the amendment agreed to.

C. B. 124, relating to certain amendments to the session laws of 1892 in relation to the probate law, was passed.

C. B. 126, amending the session laws 1890 relating to probate procedure, passed.

C. B. 80, relating to insolvent corporations and defining how they shall close up their affairs, passed.

C. B. 127, to provide a uniform system of free schools throughout the Territory of Utah, was considered and passed.

H. B. 107, the appropriation bill, was read and referred to the committee.

HOUSE.

After the close of this report yesterday afternoon, Ivins moved to strike out the item of $7,000.25 for the expense of a territorial fair for 1894. In support of his motion, Ivins said the Territory has spent a great amount of money lately for fairs, and they could be dispensed with for a time.

Powers supported the motion, and Johnson opposed it.

Warner offered, as a substitute for Ivins's resolution to strike out, a provision giving $1,500 for heating and caring for the fair buildings for 1894 and 1895. Lost for lack of a second.

Allen called attention to the fact that the fair property was owned by the Territory conditioned on holding fairs there, and he opposed striking out. The motion of Ivins, to strike out, was lost and Warner again offered his substitute, which was also lost.

Powers moved to make the appropriation for the territorial treasurer $1,400 instead of $[illegible]. He said that so low a salary as was provided in the bill, would compel the treasurer to use the Territory's money to his own advantage. Powers's motion was lost.

Ivins moved to make the salary of the private secretary of the Governor $1,600 instead of $900 per year. Varian raised attention to the retrenchments that had been made all along the line, and opposed the increase. The motion was lost.

Powers moved to give each of the district judges $1,500 per year. He said he had formerly opposed such a payment, but he had become convinced that it was both legal and proper.

Varian intimated that Powers's motion was not made in good faith, as he had, about two weeks ago, vehemently denounced such an appropriation, and declared he would oppose it first, last and all the time. Varian asked Powers's reason for changing his position.

The latter said his reason was this: "What is sauce for the goose, is sauce for the gander." "Who is the goose?" asked Varian. "The Republican party," promptly replied Powers. The latter argued that when the judges were Republican they were given this salary, and he thought the salary should be continued now that they were Democrats.

Allen said Republicans in this Legislature had never as such, voted salaries for district judges, for there had never been any Republicans as such in this Assembly until now. He said a United States judge should not receive a salary from any other source. Other members spoke on the question and Powers's motion was lost.

The third reading of the bill was completed, with the understanding that it would be on the table pending the consideration of other matters.

Powers, from the special committee on H. B. 101, the fire and police bill, offered amendments to meet the Governor's suggestions, which were adopted.

H. B. 109, relating to University lands, came up on Council amendments which were concurred in, and the bill went to the enrolling committee.

The following were referred:

C. B. 129, authorizing the disposal of the World's Fair exhibit.

C. B. 123, relating to revenue.

C. B. 108, relating to dower and succession.

H. B. 128, to prevent deficits, was passed by the Council, and went to the enrolling committee.

The Governor approved the act locating the boundary between Tooele and Juab counties, and the act in relation to townsites.

The following were referred:

H. B. 119, relating to the incorporation of cities.

C. B. 114, to tax estates of decedents.

C. B. 109, providing for a lessor's lien.

C. B. 115, to release one joint debtor.

H. B. 44, relating to school lands.

H. B. 155, the fish and game bill, came up on Council amendments, in which the House refused to concur.

A number of House bills, passed by the Council without amendment, went to the enrolling committee.

C. B. 45, to protect the dairy interests, came up on the refusal of the Council to concur in House amendments. Clark and Hubbard were appointed a conference committee.

H. B. 159, the medical bill, came up on Council amendments. The House concurred, though Allen opposed concurrence. He moved to strike out the enacting clause. Parsons said the Council amendments to which the House had concurred had emasculated the bill.

Hatch, Tolton and Ivins spoke against striking out the enacting clause, and Wines favored that motion. The motion was lost.

When the reading of the bill had been completed and all the Council amendments had been concurred in, Allen moved that the further consideration of the bill be indefinitely postponed, his object being to kill the bill and leave the present medical law in force.

Hubbard spoke against the motion to postpone indefinitely, and in favor of the bill, as did Ivins. Nebeker supported the motion to kill the bill.

Speaker Emery called Nebeker to the chair, took the floor and spoke against the bill. He stated that the Council amendments adopted by the House had destroyed all the good there was in the bill, and given full license to quacks.

Tolton spoke in defense of the bill, and hoped the motion to kill it would not prevail. The motion was lost by a vote of 11 to 9, and the bill went to the enrolling committee.

Warner from the committee on enrollment reported a number of bills that had been sent to the governor.

Recess till 8 o'clock.

8 p.m.

The House was called to order, and consideration of the appropriation bill was resumed.

Tolton moved to amend by inserting an item giving $250 for the redemption of a [illegible] in the second judicial district for 1891 and 1892. Carried.

Parsons moved to amend by giving $500 for the contingent expenses of the Executive office. Carried.

Mousen moved to amend by allowing $2,532 for surveying and appraising of University lands for 1892 and 1893, and for making up the balance of the costing of these lands, balancing the surveying yet to be done, $1,500.

Allen objected on the ground that the committee on claims had not investigated the matter. Mousen spoke in favor of allowing the item, as did Nebeker. The matter was tabled pending a report on it from the ways and means committee.

Stanford, from the committee on ways and means, reported the amount necessary to relieve court strip in the several districts, $20,000.17, and Parsons moved to insert the sum in the bill conformable to this amount. On motion of Tolton the amount was segregated among the districts.

Hatch moved to amend so as to make the appropriation to the University conditional on a title to the land being vested in the Territory. Lost.

A motion by Hart to insert an item of $7,100 for Salt Lake county, for maps, occasioned a warm debate, resulting in the loss of the motion.

Hatch moved to amend so as to make the appropriation to the Reform school conditional on a title to the property being given to the Territory. Carried. "Thanks!" exclaimed Hatch. He made the same motion respecting the Agricultural College. Powers opposed the amendment, urging that it was proper that a deed to lands designed for a certain purpose should be conditioned on the land being so used. A debate ensued, during which Hatch made a speech showing how the Territory was placed at a disadvantage by not having title to the land on which public buildings had been erected. His motion was lost.

H. B. 107, the appropriation bill, was then passed by a vote of 16 to 3.

Powers introduced a resolution thanking J. H. Hooy for services as public printer. Adopted.

H. B. 153, relating to revenue came up. It makes the territorial general tax three mills, the territorial school tax two, and the county school tax five mills.

Johnson argued against reducing the territorial school tax, and Parsons in favor of so doing. A debate followed in which several members participated. Hatch moved to make the territorial general tax and the territorial school tax 2[illegible] mills each, and Stearns moved to amend so as to make the former 2[illegible] mills and the latter 2[illegible] mills, but later withdrew his motion, leaving Hatch's amendment the pending question. It was lost by a vote of 9 to 12. The bill was lost in a tie vote, 12 to 12.

Pending the vote on Hatch's amendment, the message from the Governor was read announcing that he had approved H. B. 101, the fire and police bill.

Nebeker called for a report from the committee on education on H. B. 48, uniting the University and Agricultural College at Logan. Allen, the chairman, replied that the committee would meet at 8 a.m. today. Holcard, a member of that committee, offered a report signed by a majority of the committee. Allen objected to having the report received, claiming it was irregular, as the committee had never met. Hubbard replied charging Allen with having tried to smother the bill in committee, and Allen defended himself against the charge.

Nebeker, moved to put H. B. 48 on third reading, regardless of a report from the educational committee. Carried.

C. B. 63, relating to city school tax was passed.

H. B. 122, the banking bill, came up and was tabled.

Parsons offered a resolution to pay each chief clerk $25 for work on the journals after the close of the session. Tolton moved to make the amount $50. Carried, and the resolution was adopted.

Johnson called up the resolution to pay Donn J. Shields, the House page, $2 per day. Allen opposed the resolution, on the ground that the compensation previously fixed, $1 per day, was sufficient. The resolution was lost. An informal recess was taken, when Powers headed a subscription for the page with $20.

The Governor announced that he had signed the following bills: In relation to county and precinct officers, the mechanics' lien bill, the bill relating to territorial board of equalization, the memorial relating to the boundary between Utah and Arizona, the bills relating to post mortem examinations, witness fees, and kindergartens.

Varian, from the judiciary committee, reported a number of bills without recommendation, from lack of time to properly consider them.

C. B. 111, relating to record evidence of title, was passed.

C. B. 50, amending the present law relating to street railroad franchises, passed.

C. B. 119, to release one joint debtor, was lost.

TODAY'S PROCEEDINGS.

COUNCIL.

The Council resumed business about 10 a.m., after an "informal recess," which extended over the latter part of the night.

H. B. 55, relating to estrays, was passed.

Taylor presented the claim of Arthur Staynor for $15. Refused.

Lund presented a report from the committee on fish and game.

H. B. 133, relating to oils for illuminating purposes, was favorably reported.

The committee on claims reported a number of claims, among them was that of W. McQueen, sheriff of Salt Lake county, for clearing of Council anemisses, $10. This claim occasioned a long discussion, and was at length rejected.

H. B. 141 was further considered. This is in relation to kalsomining etc. It was rejected. On motion of Hart the vote was reconsidered and Seaman spoke in favor of the bill, when it passed.

H. B. 108, authorizing the sale of University lands, was referred.

C. B. 92, providing for the union of

(Continued on page 8.)

THE DISTRICT COURT.

Another Case Springing Out of Disputed Boundary Line.

AN ACTION AGAINST THE CITY.

The Damages are Laid at $25,000, and the Surplus Canal is the Cause.

In Chief Justice Merritt's court this morning the day's business opened with the case of George Canning vs Sena Berlan, Attorney Frank Pierce appearing for the plaintiff and Attorney C. O. Whittemore for the defendant. It was an action in ejectment—another of those disputes arising out of a recent land survey in this city.

Plaintiff is the owner of part of lot 3, block 62, plat "A," Salt Lake City survey, and alleges that on Oct. 3rd, 1892, the defendant, without right or title, entered into possession of the same, ousted him therefrom and still unlawfully holds it. Damages for this were claimed in the sum of $500, together with $100 as the value of rents; costs of suit, etc.

In her answer the defendant puts in a denial of the plaintiff's claim.

At three p.m. the hearing was in progress.

THE CITY AGAIN SUED.

The next case on call is that of Peter F. Goss vs Salt Lake City, an action for damages, in which the sum of $25,000 is claimed by the plaintiff, for whom Attorneys Richards and Moyle appear. The defendant corporation is represented by City Attorney Hoge.

Goss is the owner of the east half of the southwest quarter of section 34, township 1 north of range 1 west, and lots 2 and 3, section 3, township 1 south of range 1 west, Salt Lake meridian, upon which a dwelling-house, barn, etc. stand. Since the year 1873 defendants have been in possession of a strip of land about four rods wide and forty long, running through plaintiff's area, and on which there is a stream of water known as the surplus canal. Plaintiff's dwelling is located near the bank of this stream and his land lies on both sides of it. During the spring of 1892 the defendants constructed a sewer from the city to a point near his premises, and from about the month of May in that year until now have conveyed the city sewage through such sewer and discharged it into the surplus canal at a point adjacent to his dwelling and upon his land. Mr. Goss avers that this "so-called canal" is neither a natural stream nor an artificial channel constructed to convey water, but that from the place where the sewage is discharged into the canal, through his land, the canal consists of a series of natural hollows which are from ten to forty rods in width; that the canal has but little fall, so that the water flows very slowly and the sewage matter discharged through the sewer has settled in the bottom of the canal, where it runs through his premises, as well as at other places on each side of his land to a depth of several inches, instead of flowing through the canal. Because of the discharge of the sewage into this defective canal he states that a nuisance has been occasioned, causing "noxious and offensive smells" which have "tainted and corrupted the atmosphere," rendering the premises in question totally unfit for habitation, compelled plaintiff to abandon the same and prevented their rental. It is also set forth that the property, through the cause set forth, has consequently become greatly depreciated in value, "besides injuring the live stock and other things thereon." In addition to the damages asked for, plaintiff prays for an injunction restraining the defendants from the further use of the canal.

On the part of the defendant corporation an almost general denial is given to the allegations made by the plaintiff.

AMUSEMENTS.

DAMON AND PYTHIAS. — Warde and James were paid the highest kind of tribute any actor can receive in Salt Lake City last evening, when their engagement closed to a house that loomed far in advance of any they had previously drawn during their engagement. The receipts were not far short of a thousand dollars. The beautiful, if somewhat old fashioned play, of Damon and Pythias received a presentation at the hands of the stars, close to the line of perfection. We have occasionally had single star who essayed the role of Damon and others who chose that of Pythias, but not during this generation of theater goers have we had two actors of such nearly equal strength portraying both roles. John McCullough and Edwin Adams gave a magnificent and memorable presentation here long ago, and last night's performance was reminded of that notable event in the grandeur with which the two leading parts were played. Both Warde and James received hearty curtain calls, and Mr. Warde made a most felicitous speech, which was immensely applauded by the large number of Knights of Pythias who were present.

Mr. Warde's lecture on Shakespeare in the afternoon drew out an immense audience, and a handsome sum was netted for the Young Ladies' Aid Band. The lecture was a most admirable effort throughout and it was greatly appreciated by the audience.

Probate Court Today.

Only one order was made in the Probate court this morning. It was in the matter of the estate and guardianship of Blanche Irene Houghton, a minor. Hearing was had on petition for letters of guardianship, and Fred E. Houghton was appointed guardian on filing a bond of $1,000.