

# THE DESERET EVENING NEWS.

TRUTH AND LIBERTY

THURSDAY, JANUARY 3, 1901. SALT LAKE CITY, UTAH.

NUMBER 37.

FIFTY-FIRST YEAR

## PURPOSE IS TO KILL AN INDUSTRY

What Mr. Springer Says of the Oleomargarine Bill.

## DISCUSSION GREW WARM.

National Live Stock Association Representative Has a Hearing Before the Senate Committee.

Washington, Jan. 3.—The Senate committee on agriculture today resumed its hearing on the oleomargarine bill. Hon. Wm. M. Springer, representing the National Live Stock Association, was the first person heard. He said the association for which he appeared represented a combined capital of \$600,000, and that it holds annual conventions. He read a memorial from the association in opposition to the oleomargarine bill as an effort to build up one industry at the expense of another. He quoted figures to show that whereas the milk cows of the country are valued at \$14,000,000, the other cattle foot up an aggregate of \$68,000,000 in value. He said that the oleomargarine industry, and that there was little effort on the part of the promoters of the bill to conceal this purpose.

Two gentlemen present, named respectively Adams and Knight, interrupted Judge Springer while he was quoting from reports of the House, to say that they had been entirely misquoted. Mr. Knight said that a letter had been printed in the Congressional Record which purported to have been written by him, which was an absolute falsehood.

Mr. Springer was also interrupted by Mr. Board of Wisconsin, who reiterated his charge of attempted bribery of merchants by oleomargarine manufacturers.

Continuing, Mr. Springer charged the friends of the bill with interfering with the friends of the bill. He quoted a letter from Mr. Knight, who is secretary for the National Dairy Union, with headquarters at Chicago, directed to a constituent of Congressman Wadsworth, saying that his re-election, unless by a great majority, would be a "triumph of the stockyards and oleomargarine frauds."

Mr. Knight, who was present, said that Mr. Wadsworth's majority had been reduced 2,000.

## TWENTIETH CENTURY SENATE

Attendance Was Notably Large—On the Army Bill.

Washington, Jan. 3.—At the first session of the Senate in the twentieth century, work was taken up just where it was left off when Congress took recess for the holidays. The attendance was notably large. President Pro Tempore Frye called the Senate to order. The time just before the session convened and just after was occupied by many remarks in exchange of greetings. That was the only evidence that there had been a recess.

The Senate proceeded to the consideration of the army reorganization bill. Consideration was limited to the morning hour, (the time before 2 o'clock). At 2 o'clock today the army reorganization bill was displaced by the unfinished business of the Senate.

## With Transatlantic Liners.

New York, Jan. 3.—Arrived: California, Glasgow, Mannheim, Copenhagen, London, Jan. 3.—John Alexander Dowie, the faith healer, has sailed for the United States on the Cunard liner Saxonia.

## Kruger is Better.

The Hague, Jan. 3.—Mr. Kruger was disturbed during the night as a result of the slight attack of bronchitis, but he was better this morning. Reports are that the bronchitis is following the normal course.

## German Consul at Dawson.

Berlin, Jan. 3.—The appointment of Walter Wensky as German consul at Dawson City is announced.

## The Weather.

Chicago, Jan. 3.—Temperatures at 7 a.m.

New York 12; Boston 6; Philadelphia 15; Washington 20; Chicago 12; Minneapolis 16; Cincinnati 16; St. Louis 18.

## Died of Apoplexy.

Chicago, Jan. 3.—Word was received here today of the sudden death from apoplexy, in Newark, N. J., this morning, of Huntington W. Jackson, one of the best known lawyers in the West. Mr. Jackson was formerly receiver for the Third National bank and was connected with several public institutions, including the Crerar library. He was 55 years of age.

## Nevada and Utah.

Nevada—Rain in northern portion tonight and Friday, cloudy in southern portion; warmer tonight in southern portion.

Utah—Cloudy tonight and Friday, probably light rain or snow tonight in extreme northern portion; colder Friday, high southerly winds.

## Glassworks Strike.

Barnesville, O., Jan. 3.—Over 300 employees of the New Eastern Ohio Window Glass factory have gone on strike. They complain of the quality of glass produced and refuse to work longer unless there is an improvement. They claim they are unable to work satisfactorily with it.

## Presidential Nominations.

Washington, Jan. 3.—The President today sent the following nominations to the Senate: Oscar P. Williams of New York, to be consul general at Singapore; Frank R. Mower of Ohio, to be consul general at Antigua; W. L. Frederick E. Rittman of Ohio, to be auditor for the war department; James E. Harlan of Illinois, to be attorney general of Porto Rico; Capt. H. A. Shaw, assistant surgeon, U. S. A., to be surgeon of volunteers; U. S. A., rank of major; Corporal George Scumberger, Troop A, Eleventh U. S. A., cavalry, to be first lieutenant; Commander Augustus G. Kellogg, U. S. A., retired, to be transferred from the full pay to the retired pay list in accordance with the provisions of section 1549 of the revised statutes.

## CREATION OF A NEW ARMY TO EARL ROBERTS

Commander-in-Chief of Britain's Army Receives Grand Welcome.

## HONORED BY THE PEOPLE.

Great Scenes at Southampton and in London—The Small Soldier Is a Great Hero.

Southampton, Jan. 3.—A dense fog this morning disarranged the program here for the reception of Field Marshal Lord Roberts, and it was an hour after the appointed time when he arrived. The enthusiasm of the large concourse of people, however, was in no way dampened by the thick pall of mist and amid scenes of great jubilation commingled with cheering and the singing of patriotic airs in accompaniment of the bands of music, Lord Roberts landed and drove through the profusely-decorated streets to the Hartley institute, where the mayor, surrounded by the members of the corporation in full robes of office, presented him with the freedom of the city in a gold cake. The institute was crowded to its capacity, and there was a remarkable demonstration as the field marshal, in the uniform of his rank, stepped on the raised platform. Lord Roberts, in a few words of thanks, referred to the war in terms similar to those which he used yesterday. On returning to the railroad station he was greeted with continuous plaudits from the assembled throng.

## CROWDS TO SEE ROBERTS.

London, Jan. 3.—Crowds flocked to the station to see the return of the city volunteers from South Africa. The authorities today furnished barriers to prevent crushing, and 15,000 regular troops in addition to thousands of police lined the route, blocked the side streets, and were concentrated in the wide spaces to guard against danger.

## ARRIVAL IN LONDON.

Lord Roberts reached Paddington station only twenty minutes behind the schedule time. As he descended from his saloon carriage to the platform of the elevated railway station, he was greeted by the prince of Wales, the princess of Wales, the duke and duchess of York, the duke of Connaught and the duke of Cambridge. The members of the royal family shook hands heartily with the field marshal, while the bands played the national airs. The princess of Wales engaged Lord Roberts in a conversation of some length.

The scene was altogether brilliant. Everywhere were masses of bunting, troops in bright costumes, cabinet ministers and staff officers. The people on the stand opposite the carpeted platform could see little but cocked hats and ladies' bonnets.

The first captain of the empire, five feet, two inches high, was invisible but from the front of the crowd. After congratulations had been exchanged, Lord Roberts walked with the prince of Wales, the duke of York and the adjutant general, Sir Evelyn Wood, and then viewed the guard of honor. The veteran field marshal, who appeared to be in perfect health, and pink cheeks, bore himself jauntily and with evident enjoyment. He walked down each rank, saluting with his left hand, as his right hand is still in a sling as a result of his fall from his horse in South Africa, speaking to the sergeants and occasionally picking out a private for a few words, recalling previous service together.

## ON TO BUCKINGHAM PALACE.

After the inspection Lord Roberts had a few minutes' conversation with his old comrades before he went into the station enclosure to meet London's multitudes.

The prince of Wales, with Lady Roberts, left the railroad station in a royal carriage drawn by six horses and escorted by life guards, preceding Lord Roberts to Buckingham Palace. The retiring field marshal was then presented with an address from the municipality of Paddington. After Lord Roberts had replied the procession was formed, the headquarters of the field marshal, followed immediately behind the field marshal, who occupied a state carriage escorted by Indian cavalry. The secretary of state for war, Wm. St. John Broderick, and the secretary of state for foreign affairs, the marquis of Lansdowne, were seated in another carriage. A detachment of cavalry brought up the rear. The party proceeded to Buckingham Palace by way of Hyde Park and Piccadilly. Deafening cheers greeted the field marshal and new commanders-in-chief of the nation along all parts of the route. The ladies admitted to the club houses thronged the windows and balconies. The hotels and other buildings were all lavishly decked, and all crowded from top to bottom with cheering spectators.

## ROAR OF WELCOME ROLLS.

The roar of welcome rolled on unceasingly until the veteran commander entered the gates of the palace. A few distinguished people were waiting wearily within the sombre palace quadrangle in which the gas lamps vainly tried to disperse the foggy gloom.

The foot guards on duty, wearing their overcoats, were drawn up within while some 50,000 persons were packed together in an effort to get a view of the hero of the hour.

The royal party arrived half an hour before Lord Roberts, who was driven into the quadrangle amid a salvo of cheering from the crowds and a dignified waving of handkerchiefs on the part of the guards. Accompanied by the prince of Wales again warmly greeted the field marshal.

Everybody by that time, 2:30 p. m., was very hungry, but Lord Roberts would not go to luncheon until he had inspected the guards. Accompanied by one or two officers, he walked between the lines of men towering over the tiny commander-in-chief, making him appear smaller than ever—almost overwhelmed by the immense plumes of his field marshal's hat.

When the inspection was over Lord Roberts, the members of the royal family and the generals went into the palace and had a private luncheon, whereupon the crowds dispersed.

## WONDERFUL COW IN SOUTH AFRICA

Milk Condensed Proves to be Bullets, Detonators and Dynamite.

## KITCHENER WELCOMES AID.

Comments the Calling Out of Volunteers to Shut Off the Door Invasion.

Capetown, Jan. 3.—A station master of the Frazerburg road has seized a number of cases marked "Condensed Milk" addressed to Frazerburg, which contained 3,000 split bullets, 500 detonators and 150 pounds of dynamite.

## KITCHENER MADE GLAD.

Capetown, Jan. 3.—General Kitchener has sent a dispatch to General Forester-Walker, in command of the British forces at Capetown, saying: "I am glad to hear of the ministers' action. Give them all the assistance in your power. Use trains to get these colonists south of the enemy. Ask the president to inform me if I can help in any way. Well mounted men are most required to surround them, or drive them north."

The action of the ministers of Cape Colony referred to by General Kitchener is the calling on the loyalists to assist the military by the formation of a paid defense force.

## FIGHTING REPORTED.

London, Jan. 3.—There is an unconfirmed report from Capetown current that fighting has occurred 80 miles north of Matjeston.

## VOLUNTEERS START.

Capetown, Jan. 3.—A number of volunteers for the defense of the colony were started today with the utmost enthusiasm. The millionaires and the beggars are enlisting with ardor.

## War Vessels Collide.

Brest, Jan. 3.—The French gunboat *Menou* collided with the English cruiser *Fleurbaey* at the entrance of the bay. The *Fleurbaey* was badly injured, having two men in her port side. The use of collision mats enabled her to be towed into the harbor, where she was docked.

## Found Dead in Bed.

Detroit, Mich., Jan. 3.—Bishop W. X. Ninda, aged 65 years, of the Methodist Episcopal church, was found dead in bed at his home here today. It is thought the cause of death was heart trouble. He attended a funeral yesterday and caught a cold. He had been a bishop of the Methodist Episcopal church since 1884. He was at one time a missionary in India. He leaves a widow, three sons and one daughter.

Yesterday the presiding elders of Michigan held a conference and decided to sell the Episcopal residence here, now occupied by Bishop Ninda's family, because the churches of Michigan in aid of Detroit and other cities failed to contribute sufficient funds to maintain it.

## Venezuelan Rebel Defeated.

New York, Jan. 3.—A dispatch to the Herald from Caracas says: "It is announced here that General Celestino Peraza, formerly secretary general of Venezuela, who proclaimed a revolution recently at Losmina, in the Miranda district, has been defeated. He said to be flying with a few followers toward Colombia. No details of the engagement have been received. He had gathered 700 followers at La Pasqua after beginning the rebellion."

## WOMAN BURNED TO DEATH.

Others are Severely Injured—Hardships of a New York Fire.

New York, Jan. 3.—Mrs. Mary Devine, aged 60, was burned to death, and Mrs. Annie Arnickie, aged 27, was driven from bed while ill and three other persons were injured at a fire which destroyed a row of three-story frame tenement houses on Bushwick street, Jersey City, early today. The damage by fire was \$50,000, partially covered by insurance.

Mrs. Arnickie was in the hands of a doctor when the flames reached the house. She was placed in an ambulance and hurried to the home of her mother, where she gave birth to a child.

Twenty-eight families were driven from bed into the bitter cold night and rendered homeless.

## BATTLE WITH ROBBERS.

Latter Succeeded in Escaping After Robbing a Store.

Van Wert, O., Jan. 3.—A gang of nine robbers blew the safe of William Hoagland's general store at Cavette, six miles north of here today, took \$500 in cash and valuable papers and escaped after a desperate battle with the citizens. Soon after the robbers had entered the store they were discovered by Mr. Hoagland, whose dwelling adjoined. He succeeded in opening the safe to prevent its destruction, but his offer was declined. Hoagland summoned a posse of citizens, who arrived in time to hear the explosion of the safe. They opened fire on the robbers, and over 100 shots were exchanged. As the robbers fled they treated toward the edge of the village where they had stationed several buzzies, stolen from farmers. In these they escaped. The posse followed for several miles, but the robbers outdistanced them. None of the citizens was hurt. It is thought one of the robbers was wounded.

## Exclude Unvaccinated Pupils.

Pierre, S. D., Jan. 3.—The supreme court has decided that a board of education had power to exclude from the schools a pupil who had not been vaccinated. The case was that of George Glover, a grandson of the noted Christian Scientist, Mrs. Eddy. The supreme court holds that the board has full power to act.

## Harrison Not Retained.

New York, Jan. 3.—In answer to a telegraphic query as to the report that Gen. Harrison had been retained in the insular test cases before the supreme court the Mail and Express today received the following dispatch from the former president: "Indianapolis, Ind., Jan. 3.—I have no employment in any of the insular test cases."

(Signed) BENJAMIN HARRISON.

## ABRIDGING THE RIGHT TO VOTE.

Resolution Thereon Awakens Democratic Opposition.

## A SURPRISE WAS SPRUNG.

But the Small Number of House Members Present Checked Its Success.

Washington, Jan. 3.—When the House reassembled today after the holiday recess, not more than 75 members were present. It had been arranged before the House met that the consideration of the reapportionment bill was to be entered upon today.

Immediately after the reading of the journal, Mr. Olmstead of Pennsylvania sprang a surprise by offering as a matter of privilege a resolution receding the alleged abridgment of the right to vote in Louisiana, Mississippi, South Carolina and North Carolina, and instructing the committee on census to inquire into the subject and report the facts to the House.

The reading of the resolution caused a flurry on the Democratic side. Before it had proceeded far, Mr. Richardson, of Tennessee, the minority leader, jumped to his feet and interrupted the reading to ask whether the resolution required unanimous consent.

"It does not," replied the speaker. "It is offered as a matter of privilege."

"I make the point that the resolution does not constitute a matter of privilege," said Mr. Richardson.

"The reading has proceeded far enough to determine that point," replied the speaker.

Mr. Richardson took his seat, but before the clerk could proceed, Mr. Underwood of Alabama was on his feet.

"I make the point that there is no quorum present," said he.

The speaker glanced about the house. Evidently there was no quorum present. "The chair will count," he said.

The House was counted and when the speaker announced 141 present, not a quorum—Mr. Underwood immediately moved an adjournment. The ayes and noes were demanded and obtained on this motion. During the roll call there were several consultations on both sides of the House.

The motion to adjourn was lost—48 to 55; present but not voting, 14. The speaker included himself in order to make up the quorum.

Speaker Henderson held the Olmstead resolution privileged. The minority raised the question of consideration against it, which forced another roll call. The vote to consider the Olmstead resolution was 11 ayes and 82 noes, five percent and not voting, to quorum, and the House adjourned.

At 2 o'clock the House adjourned. The Olmstead resolution remained unacted upon owing to the lack of a quorum.

## THE DUKE HENRY IS ANGRY

Wants Not Only the Queen, but Money as Well.

Objects to Being Dependent on His Dutch Spouse for His Pocket Money.

London, Jan. 3.—A special dispatch from Berlin reports that Duke Henry of Mecklenburg-Schwerin, whose marriage to Queen Wilhelmina of Holland has been announced for February 7, has left The Hague, indignant at the tone of the parliamentary discussion on the question of his future position. Whether this is true or not, there is no doubt that there has been endless trouble connected with the projected marriage.

Queen Wilhelmina has contrived to get up as much fuss about the style of presents as she has about the date of the wedding. She said to be flying with a few followers toward Colombia. No details of the engagement have been received. He had gathered 700 followers at La Pasqua after beginning the rebellion.

There is a feeling in Holland that no allowance for the duke should be asked from the country. Duke Henry's private fortune is inadequate for his position as prince consort, and he will, practically, be dependent on his spouse.

## APPROVE QUEEN'S MARRIAGE.

The Hague, Jan. 3.—The second chamber of the Dutch parliament today approved the queen's marriage to Duke Henry of Mecklenburg-Schwerin, by 79 to 10 votes.

The 79 to 10 votes. Others regretted that an annual allowance was not made.

## Gen. Bachelder Worse.

Washington, Jan. 3.—A change for the worse is reported today in the condition of Gen. Richard M. Bachelder, formerly quartermaster general of the army.

## Passenger Train Wrecked.

Minneapolis, Minn., Jan. 3.—The Chicago Great Western passenger train from Chicago, due here at 8:25 a. m., was wrecked near Sargeant, Minn., today. Two engines were pulling eight cars 55 minutes and the second engine struck a defective rail and was overturned with the baggage car. The latter was burned. The seven coaches left the track but were not overturned. Baggagemen Green, Conductor Healey and Buffet Porter Hudson were seriously injured.

The funeral of Thomas J. Kirk, who died yesterday of diabetes, will be held from the Fourth ward meeting house tomorrow evening, at 8 o'clock. The remains may be viewed between 11:30 and 1:30 at the home, 713 south First west on day of funeral.

Frederick T. Zahler, a fireman on the Rio Grande Western, called at the "News" today and stated that he desired it understood that the new arrival at the home of Apostle Woodruff and wife was not the only New Century baby born in this city yesterday, as a little girl also put in an appearance at his home at 10:40 Tuesday night. He readily admitted, however, that the distinction of priority in this case belongs to Miss Woodruff, by a margin of a good many hours.

## Wrecked by a Boiler Explosion.

Wataeka, Ill., Jan. 3.—Bishops Mills, controlled by the Pure Food Milling company, was wrecked by a boiler explosion today. John Spohrle, a member of the firm, and Luke Mallott, the engineer, were instantly killed, and Era Jones, miller, slightly injured. The boiler was thrown 200 feet, demolishing the hardware store. The cause of the explosion is not known.

## EXPEDITIONS ARE LOOTING PARTIES

Imaginary Crimes Used as a Pretext for Plundering Chinese.

## COURSE OF THE GERMANS.

Americans Refuse to Co-operate in Their nefarious Business—Customs Station Robbed.

New York, Jan. 3.—A dispatch to the Herald from Peking says: "The punitive expeditions of the powers prove to have been simply looting parties."

Lieut. Col. Wint of the Sixth cavalry met the Germans at Tang Hin, where the latter taxed the villagers 4,000 taels (\$2,700) and 100 pony loads of furs as punishment for the alleged murder of imaginary Christians. He had express orders from Gen. Chaffee to co-operate with the Germans, but withdrew.

The ulterior motive and object of the Germans in reducing the powers to a despot and in destroying the last vestiges of Chinese authority is apparent, but why the American forces should be ordered to assist in the work is not clear.

## ROBBERS GET \$3,000.

Hongkong, Jan. 3.—It is reported that robbers recently attacked the customs station at Kowloon, in the West River country, and obtained loot valued at \$3,000.

## Engineer Kills Himself.

Pensacola, Fla., Jan. 3.—Wm. DeHaas, a civil engineer in the employ of the United States engineering department here, shot and killed himself today. Cause unknown.

## NEW TELEPHONE LINE.

President Wallace of the Rocky Mountain Bell Talks.

Telephoners of the Rocky Mountain Bell Telephone company do not apparently feel any great amount of alarm in regard to the proposed invasion on their territory by a rival telephone system. If there is to be another company operating in this city it will have to put its wires underground throughout the business districts or the present corporation in the field will know the reason why.

When President Wallace of the Rocky Mountain Bell Telephone company was seen in his office this afternoon he expressed himself as being not at all disturbed in regard to the outlook. He said: "It makes some of us smile when we read that the new telephone company is to be a strictly Utah affair, especially in the face of the fact that it is being financed in Chicago. I knew about this move some weeks ago and I was informed at the time that those who were approached on the subject were given to understand that providing their name could be used that they need not trouble too much about the stock, as that would be provided for in Chicago. There is one thing," he added, "we will do, and that is to put all their wires underground as we are doing."

"If this company is established here, will you fight it on a toll charge basis?" was asked.

"No, we will not cut the rates," was the answer. "If anyone thinks that we are charging too much our books are open to inspection at any time, and it will be demonstrated that we are not making any heavier profits than any other legitimate corporation. If it should be judged that we are making too much money it will then be time to talk about reducing the rates."

Continuing, he said, "When it comes to being a home company we consider that we are just as much an home industry as any other. We are not making any heavier profits than any other legitimate corporation. If it should be judged that we are making too much money it will then be time to talk about reducing the rates."

Mr. Wallace then proceeded to declare that it was practically impossible to run two telephone systems in one city. He said that it had been tried in the East, and that the subscribers were pretty well sick of the annoyance and delay that were occasioned, for in order to successfully use the telephone a man had to subscribe to the two systems and have two instruments in his office in order to get into communication.

## LATE LOCALS.

A farewell entertainment is to be given in the Farmers' ward meeting house tomorrow evening, in honor of Elder William H. Smith, who is about to leave for a foreign mission.

County Superintendent of Schools Ashton reports that all of the county district schools, as far as he has learned, are going to enforce the order of the health board excluding all unvaccinated children from the schools when they open up next week.

The county clerk today issued a marriage license to William Elquist, age 26, of Grantville, Tooele county, and Sarah Bell, age 20, of the same place.

Dana T. Smith, justice of the peace of the Fifth precinct of Salt Lake City, and Henry C. Montzer, justice of the peace of the Sixth precinct, filed their respective bonds today with the county clerk in the sum of \$500.

A fire occurred last evening near Germania Smelter by which a dwelling house was razed to the ground. The cause is said to have been a defective flue.

The funeral of Thomas J. Kirk, who died yesterday of diabetes, will be held from the Fourth ward meeting house tomorrow evening, at 8 o'clock. The remains may be viewed between 11:30 and 1:30 at the home, 713 south First west on day of funeral.

Frederick T. Zahler, a fireman on the Rio Grande Western, called at the "News" today and stated that he desired it understood that the new arrival at the home of Apostle Woodruff and wife was not the only New Century baby born in this city yesterday, as a little girl also put in an appearance at his home at 10:40 Tuesday night. He readily admitted, however, that the distinction of priority in this case belongs to Miss Woodruff, by a margin of a good many hours.

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## SUPREME COURT OPINIONS TODAY.

One a Land and Water Case Handled Down by Judge Miner.

## THE M. R. WILLIAMS ESTATE

Action Brought Upon Contract by the Administratrix—Lower Court Judgment Affirmed.

Judge Miner of the Supreme court today handed down an opinion, concurred in by Judge Baskin, in the case of James A. George, respondent, vs. Almon Robinson and Josephine Robinson. The parties live at Kanosh. On October 25, 1894, the Robinsons conveyed certain real property to Mr. George, but the water which had theretofore been used upon the land was included in a corporation and represented by stock in that corporation, and no reference was made in the deed to the water or the stock representing it. Soon after the conveyance the Robinsons refused to allow Mr. George to use the water on the land, whereupon he brought suit in the district court for the use of the water and damages, recovering judgment in sum of \$15, and costs, from which an appeal was taken. The only phase of the case decided by the Supreme court today was that no reference having been made in the deed to the water used upon the land in question, and the water belonging to a corporation represented by stock of that company, it was personal property, could be transferred independently of the land like other personal property, and did not go with the land unless conveyed in the deed or sold like other personal property, hence the judgment of the lower court was set aside.

ANOTHER CASE.

The Supreme court also passed upon the case of Kate Guthrie, administratrix of the estate of Moroni R. Williams, deceased, vs. J. T. Gilmer, Monroe Salisbury and O. J. Salisbury, partners as Gilmer, Salisbury & Company, and affirmed the judgment of the lower court.

The action was brought upon a contract by the administratrix against the defendants to recover \$5,500 for the sale of the Peabody mining claim, but which was not paid as agreed. The decision, was today affirmed by Judge Miner, Judge Baskin concurring.

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