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LAST NIGHT'S NEWS

The Daily Railway Disaster Does but Little Damage This Time.

The Famous Breach of Promise Case of Campbell vs. Arbuckle Closed.

Smith and Kilrain Issue a Challenge to Sullivan on Conditions.

South Dakota's Knocking at Last Receives Attention in Congress.

The Maxwell Case Before the Supreme Court.—Doings of Congress, Etc.

By Telegraph to the NEWS.

Casualties.

INDIANAPOLIS, January 9.—Near West Lebanon, Indiana, this morning, a freight train on the Wabash Railway broke in two and a train west-bound ran into one section. Both engines were badly smashed but only two persons were seriously hurt, Mrs L. M. Rhett of Fort Wayne, and L. M. Helm, mail agent.

WATERFORD, January 9. — The inquest in the case of the Captain of the American ship *Alfred D. Snow*, from San Francisco for Liverpool, recently wrecked off this harbor, adjourned today in consequence of the allegation that the master of the life-boat refused to go to the rescue of the ship's crew because of the roughness of the sea. A witness stated that the crew of a fishing vessel burst open the boat house and manned a life-boat, but too late to be of any use. Accused must be summoned to give an explanation.

THE COFFEE MAN.

The Campbell-Arbuckle Case Closed.

NEW YORK, Jan. 9.—The great case of Miss Campbell against Charlie Arbuckle was given to the jury this afternoon. In an hour and a half after the judge's charge the jury returned a sealed verdict. During the afternoon the interest was so great that hundreds of people were turned away from the court room. Miss "Bunnie" Campbell sat at her counsel's table under escort of her elderly chaperone, and cast scornful glances from time to time at "Baby Bunting" Arbuckle, who was seated far away, but who never raised his eyes in the direction of plaintiff.

LAWYER PARSONS

opened the formal proceedings by an argument for the defense. He insisted that Miss Campbell had always been after Arbuckle's money. When she saw he was sick, perhaps unto death, she urged a speedy marriage in order to get hold of the man's wealth Parsons asserted that his client had never broken the engagement. He not only said, "I am engaged to you, "but "I stand by the engagement." His letters show that he is fond of plaintiff, and the very terms of endearm nt therein had made him an object of derision as he passed along the street.

"The characteristic of this case," said the lawyer, "the like of which was never heard before, is that plaintiff carefully kept a copy of every letter that could bear on the case. She said she distrusted him. Why, then, did she pretend to wish to become his wife? Did she hope for happiness? I tell you no."

MISS CAMPBELL

here leaned one elbow on the reporter's table, covered her eyes with a handkerchief and had a good cry After recess ex-Judge Fullerton began his address on behalf of plaintiff. He alluded in glowing language Arbuckle's courtship. He then took up the free use of quinine and whisky with which the defense had so obstructed the mental powers of their client that he did not even know that he was engaged. Yet he was pursuing his business as one of the largest, and had the respect of, the coffee merchants in this city. He referred to the bleached hair and dyed moustaches episode, and read a couple of verses of rhyme on the subject signed "M. M Q." He related how Mr. Arbuckle turned from his love when he heard that her father had failed. How she went ninety miles to tell him that her father, though he failed, did so honorably and had come out of the ordeal unscathed.

JUDGE BEAL

in his charge to the jury, held that the contract of marriage was conceded whether or not Arbuckle broke it. The contract rests not upon the presence or absence of a verbal or written refusal of Arbuckle to perform the contract. If you think defendant plainly broke his contract, then plaintiff is entitled to a verdict. If you find to the contrary, then you must give a verdict to the contrary. The question of the amount of damages is a difficult one. You must consider all things fairly and return a verdict accordingly.

There is a rumor to the effect that the jury has found a verdict for Miss Campbell for $25,000.

The Champion Hippodromers.

LONDON, Jan. 9.—Smith and Kilrain sparred three rounds in Westminister Aquarium. Each announced his willingness to meet Sullivan, provided the latter should defeat Mitchell. The attendance was not equal to that at Sullivan's exhibition.

They Protest.

BALTIMORE, Jan. 9.—In the Methodist preachers' meeting today Rev. Mr. Clemmen read a paper entitled "A protest against the action of President Cleveland in sending a copy of the Constitution of the United States to Pope Leo XIII, on the occasion of the recent jubilee." The protest excited some considerable discussion, the members being about equally divided. It was insisted by some of those who favored the protest that it was an official recognition of the Pope's office, when he is only the head of a church, which the Constitution by implication prohibits. The matter was referred to a committee, who are expected to report next week.

Going After Platt.

ALBANY, Jan. 9.—There was an array of well known legal talent in the circuit court and a large attendance when the attorney general moved to take up the case of the People vs. Thos. C. Platt, an action to oust the ex-senator from the office of quarantine commissioner at New York. The trial was by jury, and when the court ordered the jury called, Harris, of Platt's counsel, interposed a challenge to the jurors, on the ground that they were drawn by the county court less than fourteen days previous to the convening of the circuit court, as required by law, and for other irregularities. The remainder of the session was consumed by counsel in presenting arguments for and against granting the motion.

Deep Snow.

ST. PAUL, Jan. 9. — A Jamestown, Dakota, special to the *Pioneer Press* says the snow there is twenty inches deep on the level and the drifts are enormous. Teams plunge into drifts up to their necks and have to be dug out with shovels. However, there is much rejoicing over it, as heavy snows secure plenty of water for next season.

Dakota's Demand.

ST. PAUL, Jan. 9.—The *Pioneer Press* learns that the constitutional convention of Dakota, in session at Huron today, adopted a memorial to Congress reciting its creation by the territorial legislature of 1885; that it again comes together to emphasize the request of the people of South Dakota for a division of the territory and the admission of South Dakota as a state. It is recalled that for eighteen years the question of division has been contemplated by the people of the territory. The resolutions of the last Republican and democratic territorial conventions favoring division are cited; also the recent vote of the people of the territory, which, it is asserted, gave a

DECISIVE MAJORITY

for division. It is claimed that South Dakota has a population of 360,000, an area of 77,000 square miles, and every requisite for a strong and safe state. The people of South Dakota would be false to the cardinal principles of the republic if they should now accept admission as a whole. Even the territorial government with its privations is declared preferable. It is requested that the territory be divided on the 47th standard parallel instead of the 46th, and the state be designated South Dakota.

WASHINGTON.

Important Supreme Court Decision. —The Maxwell Case, Etc.

WASHINGTON, Jan. 9.—A decision was rendered in the Supreme Court in the case of James F. Whitney and others against Wm. A. Robertson, collector of the port of New York. The question presented by this case is the force and scope of certain provisions contained in the treaties concluded between the United States and the Republic of San Domingo and the Kingdom of Hawaii, respectively. Plaintiffs in error, who are merchants of New York City, imported in 1882 from the island of San Domingo, a large quantity of centrifugal and molasses sugars, the same kind of sugars imported free of duty from the Sandwich Islands. The collector exacted duties on the San Domingo sugars to the amount of $25,000. The importers paid this under protest and then brought this suit to

RECOVER THE MONEY

so exacted on the ground that, by virtue of the ninth article of the treaty between the United States and the San Domingoan Republic the United States was debarred from imposing any higher duty, or any other duty upon the products of San Domingo than should be imposed upon similar products of other countries with which the United States might have commercial relations. Sugars of the kind here in controversy, were imported free of duty from the Sandwich Islands under the treaty provisions. Therefore, it was contended, they should be admitted free of duty from the Islands of San Domingo. This court, in an opinion by Justice Field, holds: First—That the ninth article of the treaty between the United States and San Domingo was

MERELY A PLEDGE

of the contracting parties that there should be no discriminating legislation against the importance of articles which are the growth, product or manufacture of their respective countries, in favor of articles of the like character from any other country. It was never designed to prevent special concessions, like those made to the Kingdom of Hawaii, upon sufficient consideration for important and specific articles. It would require the clearest language to justify the conclusion that the government of the United States intended to preclude itself from such engagements with other countries which might in the future be of the highest importance to our interests. Second, that the act of Congress under which the duties in this case were collected authorized their exaction. It was of general application and made

NO EXCEPTION

in favor of foods of any other country. It was passed after the treaty with the Domingoan Republic, and if there be any conflict between the stipulations of the law, the latter must control. If the country with which the treaty is made is dissatisfied with the action of the legislative department, it may present its complaints to the executive head of the government and take such other measures as it may deem essential for the protection of its interests. The courts can afford no redress when the law is clear in its provisions; its validity cannot be assailed before the courts for want of conformity to the stipulations of a previous treaty not already executed. The judgment of the United States Circuit Court in favor of the collector is affirmed. A similar decision was rendered in the case of Hugh Kelly vs. Edward L. Hedden, collector, which presents nearly the

SAME QUESTION.

A decision was also rendered in the patent case of Benjamin Dreyfus vs. Sophia Searle, executrix, on appeal from the United States Circuit Court for the district of California. This was a suit for the alleged infringement of a patent granted July, 1885, to John Searle for an improved process of imparting age to wines by means of steam heating. This court holds that the application of artificial heat for the purpose of imparting age to wines was old and that there was no novelty in the process. The decree of the circuit court is reversed and the case remanded with direction to dismiss the bill.

A decision was also rendered in the postmaster's case in the United States ex rel J. K. McLean vs. Wm. F. Vilas, Postmaster-General. This was a suit for a writ of mandamus to compel the

POSTMASTER-GENERAL

to readjust the salaries of the postmasters of the lower grades in accordance with the acts of July 1, 1864, June 12, 1866, and March 3, 1885. This court agrees with the Postmaster-General in his understanding and construction of them and holds that Congress did not contemplate the readjustment of the salaries of any of these offices oftener than once in two years as a legal duty on the Postmaster-General. The judgment of the supreme court of the District of Columbia denying the writ is affirmed.

The attorney-general of Missouri submitted a motion to dismiss for want of jurisdiction, the case of Hugh Martin Brooks, alias W. H. Maxwell, who is now in prison in St. Louis, under sentence for the murder of Charles A. Preller. The attorney general maintains that the case does not present a

FEDERAL QUESTION

and that the court cannot take jurisdiction over it. Counsel for prisoner argue in a voluminous brief that the case does present a federal question. Many of the reasons given are similar to those which were urged in the case of the anarchists. The motion of the attorney-general of Missouri has the virtual effect of bringing Maxwell's case before this court at once on its merits, and if the motion to dismiss be granted, it will, of course, be equivalent to an affirmance of the sentence of death pronounced by the state court. Court will adjourn on February 20th until the 9th of March.

The conference of the fishery negotiators was resumed at the Department of State this afternoon with all the members in attendance.

The committee on territories this morning instructed the chairman to report favorably on the

DIVISION OF DAKOTA,

and the admission of Southern Dakota as a state.

The Corean embassy arrived in this city tonight and are quartered at the Ebbitt, where they will remain until residences for their accommodation have been secured.

A Heavy Failure.

NEW YORK, Jan. 9.—Wm. H. De Frost, wholesale dealer in silk, today assigned to Geo. R. Sheldon, giving preferences of more than $800,000. De Forest was the agent in this country for the silk manufacturing house of Aguinet & Co., Lyons, France. He was considered a very shrewd merchant, and was thought to have made a large amount in real estate. He owned the old Alexander Hamilton property in the upper part of the city on the west side, which he has subdivided and made a large sum on.

HIS STATEMENT

to Bradstreet last year in April, places his assets at $1,026,000 over and above a mortgage of $27,000. He also estimated the other real estate equities at $35,000, making a total of $1,388,000; on his business, $17,000; net worth, $824,000. Since he made this statement, his real estate was supposed to have improved, and he has received $180,000 for one block of it. Deponent was also engaged in extensive building operations on his property. Through builders he endorsed largely, and it is said the notes are about to fall due, and he was unable to raise he money to meet them. What his liabilities are, is a matter of conjecture at present. He has been winding up his business for some time past, and expected to go out of it January 1st.

FIFTIETH CONGRESS.

SENATE

WASHINGTON, Jan. 9.—In the Senate a number of bills and memorials were offered. Among them were:

By Jones, of Nevada, a concurrent resolution requesting the President to negotiate a treaty with China containing a provision that no Chinese shall enter the United States except embassadors and others engaged in diplomatic service, and merchants engaged in trade between the United States and foreign countries. Laid on the table.

Mitchell offered a resolution calling on the Secretary of State for the copies of the correspondence with the American minister to Corea relative to the recent alleged attempts on the part of the Chinese government to dethrone the king and to absorb Corea. Referred to the committee on foreign relations.

Teller, from the committee on public lands, reported bills granting to the city of Colorado Springs, in the State of Colorado, certain lands for water reservoirs, and granting rights of way through public lands for irrigation purposes. Placed on the calendar.

By Sherman, to provide for the investment of certain funds in the treasury. It directs the Secretary of the Treasury from time to time to invest not exceeding 80 per cent of the fund now held in the treasury for the redemption of national banks that have failed, "in liquidating and reducing the circulation," by the purchase in open market of any bonds of the United States bearing interest. It further provides that whenever the money on hand to the credit of said fund shall fall below 20 per cent. of the funds deposited, the Secretary of the Treasury is directed from time to time to sell, in the open market, any portion of the bonds purchased for said fund that may be necessary in his opinion to enable him to pay as presented any notes of national banks for the redemption of which the fund is held, the purpose being to have remain in the treasury for such redemption, not less than 20 and not to exceed 30 per cent. of the money deposited. Any national bank authorized to issue 90 per cent. of the bonds deposited by it for circulating notes, is authorized, after the passage of this act, to issue circulating notes to 100 per cent. of the par value of the bonds of deposit.

By Senator Farwell, to authorize the President to appoint a commission which shall be known as the Lake and Gulf Waterway Commission, and which shall mature and submit a plan for water connection with Lake Michigan at Chicago, with the Mississippi, by way of Illinois and Desplaines rivers.

By Senator Cullom, to pension at the rate of $8 per month all surviving officers and enlisted men who actually served sixty days in the northwest in the Blackhawk Indian or in the south in the Florida Seminole war. Pensions are also granted to the widows of deceased soldiers of these wars. A special proviso declares that this act shall not be so construed as to grant a pension to Jefferson Davis.

By Senator Reagan, to amend a bill introduced by him to regulate immigration so that the right of immigrants to remain in this country may be challenged within twelve months after their arrival.

By Senator Brown, to establish a mint at Denver.

The Senate then took up the resolution offered by Brown on the 4th of January, for the repeal of the internal revenue laws. Brown addressed the Senate in favor of the resolution and moved its reference to the committee on finance. Beck objected, and the resolution was laid on the table.

Blair's educational bill was taken up and Vest spoke in opposition. If he was called upon, he said, to frame a title for it, he would call it "an act to erect a monument to the memory of Alexander Hamilton, and to encourage mendicancy in the Southern States." He expressed his surprise and regret that democratic senators who had given their lives to an eloquent defense of a strict construction of the Constitution and the Jeffersonian doctrine that all the powers of appropriation were given to Congress under express (or necessarily implied) guarantee of the Constitution, were now found to have surrendered all the land marks of their party, in the presence of that great temptation in the proposed law. If the dead were permitted to take any interest in the affairs of the living, what, he asked, must be the surprise of the majestic spirit of John C. Calhoun, when he saw his former followers, strict constructionists and state right democrats of the South, yelling in both houses of Congress for "the old flag and an appropriation." In his judgment the enactment of the pending bill would be a greater calamity to the southern people than war, pestilence and famine.

At the close of his speech the Senate went into executive session and adjourned.

HOUSE.

WASHINGTON, January 9.— Baker, of Illinois, from the committee on accounts, reported a resolution designating the committees entitled to employ clerks. Shaw demanded the previous question, but the House refused to sustain the demand.

Hooker, of Mississippi, offered an amendment assigning clerks to the committee on expenditures in the State Department, on expenditures in the Navy Department, on expenditures in the Department of Justice, on the Mississippi improvements, and on ventilation and acoustics committees, which had not been allowed separate clerks by the report of the committee on accounts. Hooker spoke in support of his amendment.

Barrows, of Michigan, said to assign clerks to the committees named would be a profligate expenditure of public money.

Lanham, of Texas, offered an amendment authorizing the committee on claims to employ an assistant clerk.

Perkins, of Kansas, offered an amendment providing that every member of the House not a chairman of a committee shall be allowed a clerk during the session who shall receive a salary of $100 a month.

Ruled out on a point of order, as not germane.

Perkins then changed the phraseology of the provision so as to bring it within the rules without changing its effect.

Brumm, Strubble, Dougherty and Houcks favored the amendment, and Browr, of Indiana, Herbert, Blount, Matson, Kerr and Stewart opposed it.

Bayne, of Pennsylvania, contended that the members needed clerks, and that they ought to have the courage to say so, and not beat the devil around the bush by giving clerks to committees that had nothing to do.

After further debate the report and pending amendments were recommitted to the committee on accounts.

The Speaker then proceeded to call the states for the introduction of bills and resolutions, under which call the following were introduced and referred:

By Oates, Alabama, a resolution directing the committee on judiciary to report what legislation is necessary to limit and restrict the numbers of foreigners annually emigrating to the United States, and to secure the better protection of the people of this country against the evils arising from the indiscriminate admission to domicile and citizenship of paupers, outlaws and turbulent persons from other countries.

By McKenna, California, authorizing the purchase of tools for Mare Island navy yard.

By Thompson, California, for the development of silk culture in the United States.

By Symes, Colorado, for the erection of a custom house at Denver.

By Springer, Illinois, proposing a constitutional amendment prohibiting polygamy.

By Anderson, Iowa, a preamble and resolution reciting that the Pacific railroad companies have persistently refused to comply with the various acts of Congress passed for their regulation, and that the act of 1878 provided that if the companies failed to perform all the requirements of that and previous acts, the Attorney General should take steps for the forfeiture of all grants, privileges and franchises derived from the United States, and directing the Attorney General to report to the House what steps have been taken by him to secure the judicial enforcement of the forfeiture, and if none have been taken, his reason for not proceeding as directed by law.

By O'Donnell, Michigan, to repeal the duty on sugar and to provide for the payment of a bounty of $2,000,000 a year for two years for the cultivation of sugar in the United States.

The further call of states was then postponed until tomorrow, and the House adjourned.

Worth Knowing.

Mr. W. H. Morgan, merchant, Lake City, Fla., was taken with a severe Cold, attended with a distressing Cough and running into Consumption in its first stages. He tried many so-called popular cough remedies and steadily grew worse. Was reduced in flesh, had difficulty in breathing and was unable to sleep. Finally tried Dr. King's New Discovery for Consumption and found immediate relief, and after using about a half dozen bottles found himself well and has had no return of the disease. No other remedy can show so grand a record of cures, as Dr. King's New Discovery for Consumption. Guaranteed to do just what is claimed for it.—Trial bottle free at A. C. Smith & Co's Drug Store. (4)

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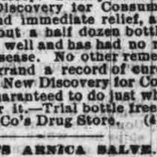

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NOTICE TO CREDITORS.

In the Probate Court of Salt Lake County, Utah Territory.

In the matter of the Estate of Johanna N. S. Willingbeck, deceased.

NOTICE IS HEREBY GIVEN BY THE undersigned, Administratrix of the Estate of Johanna N. S. Willingbeck, deceased, late of Salt Lake City, Utah, to the creditors of, and all persons having claims against the said deceased, to exhibit them with the necessary vouchers, within seven months after the first publication of this notice, to the said administratrix, at the office of Charles R. Pearson, Attorney-at-Law, 115 S. Main Street, Salt Lake City, the same being the place for the transaction of the business of said estate.

AMALIA C. H. WILLINGBECK,
Administratrix of the Estate of Johanna N. S. Willingbeck, deceased.

Dated at Salt Lake City, Dec. 15, 1887. d sat tw

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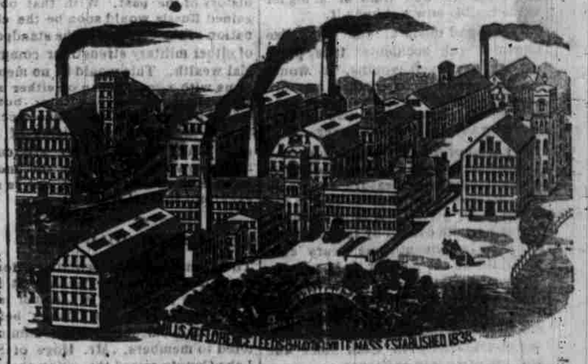
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