# THE DESERET EVENING NEWS.

FIFTY-SECOND YEAR.

TRUTH AND LIBERTY. TUESDAY, DECEMBER 11, 1900, SALT LAKE CITY, UTAH.

an Explanation.

ONLY A MISUNDERSTANDING

VACCINATION

ORDER AT PROVO.

den City.

COMMANDED BY DR. BEATTY

Vaccinated or Keep Away

from School.

[SPECIAL TO THE "NEWS."]

Provo, Dec. 11 .- Dr. F. W. Taylor,

He orders Dr. Taylor to

all schools of whatever character or un-der whatever jurisdiction, shall be closed to teachers and children who shall fall to show signs of having been

viccinated within seven years. The order is to take effect on and after Jan-

uary 1st, 1901. Dr. Beatty further urges that health officers to inspect the children and teachers and furnish them with certificates if they are en-

titled to them. Dr. Taylor has replied that the order shall be enforced, and that the heads

of all the schools in the city have been notified to that effect,

Accused of Burglary.

Last night Detective Sheets arrested

DEATH OF PIONEER WOMAN

Mrs. Mary Ann Malin Expires Suddenly

at Advanced Age.

Jim Hamilton.

PORTUGAL AND

NUMBER 18

## **GEN. CHAFFEE AND COUNT WALDERSEE.**

The Latter Refuses to Receive Former's Letter Because of Objectionable Phrases -Are Withdrawn-They Then Dine.

foreign office authorizes the Associated Press to make the following statement regarding the Waldersee-Chaffee incident based upon a cable dispatch just received from Field Marshal yon Waldersey

"Gen. Chaffee wrote Field Marshal von Waldersee a letter in a rough Field Marshal von Waldersee refused to receive it, returning the same to Gen. Chaffee. The latter then wrote a second letter apologizing for his objectionable expressions, whereupon Field Marshal von Waldersee in-vited Gen. Chaffee to breakfast and the incident was amicably closed." INCIDENT EXPLAINED.

Washington, Dec. 11.—The war de-partment has received a report from Gen. Chaffee of the incident that oc-curred at Pekin in connection with his representations to Field Marshal von

ard says the battle between Gen. Knox

and Gen. Dewet continues and that the

forces engaged exchanged ground in-

cessantly. Lack of definite informa-

tion is said to be due to the absence of 1 against Dewet.

Berlin, Dec. 11, 2 p. m .- The German | troops. What particularly hurt the feelings of Waldersee was a pointed reference by Gen. Chaffee to the fact that this disgraceful and unmilitary practice of looting was being indulged in, not by the men who did the fight-ing and opened the way to Pekin, but by the late corners who had borne none of the brunt of conflict and hardship. Waldersee himself did not reach Pekin until long after the expeditionary force had occupied the town.

It is recognized here officially that. Gen. Chaffee had provocation for his deliverance, but regret is felt that he used this tone in addressing the field marshal. It is significantly pointed out here that perhaps it was not incumbent here that perhaps it was not incumbent upon Gen. Chaffee to make any rep-resentations whatever on this subject to the field marshal, as there is no longer any official the between them. When the United States government changed the character of its military representation in Pekin, from an expe-ditionary force to a mere legation

ditionary force to a mere legation guard, of course that guard no longer waldersee. It appears that Gen, Chaffee did use some pretty vigorous Ianguage in protesting against the theying and looting of the foreign

officials, there exists now a badly congested state of affairs. HAS PLENTY OF MEN. Stockton, Cal., Dec. 11.-Division Su-perintendent F. D. Schindler and Chief Frain Dispatcher Robert Hamilton of the Santa Fe have arrived here, after

NOTICE.

The heavy demands for advertising

in the Christmas "News," which have lready necessitated an enlargement to S pages, will render it impossible to accept any display advertisements

for the issue later than next Wedneslay, the 12th inst., at noon. Advertis-

ng patrons are respectfully requested to govern themselves accordingly.

The Christmas number will be on sale in Salt Lake on Saturday, Dec.

15, and in Los Angeles Tuesday, Dec.

18. Price, 15 cents.

having placed new telegraph operators in the positions made vacant by the Or-der of Railway Telegraphers. Mr. Schindler announced that all of the stations between Fresno and Point Richmond were occupied at present, and that the wires on the road were working again. He does not anticipate any trouble hereafter. Today he says he will fill the vacancies between Fresno and Bakersfield. He says he has plenty

of men. FOURTEEN DEAD BODIES.

> Detachment of Fifth Cavalry Has an Engagement With Filipinos.

> Pursues Them for Four Miles-Americans Suffer No Casualties-Affairs in Guam.

Manila, Dec. 11.—A detachment of the Fifth cavalry had a fight with a hun-dred insurgents south of Santa Cruz Sunday. The insurgents were chased for four miles. Fourteen of them were found dead. There were no American cosmultae

casualties. In addition to this engagement there In addition to this engagement there had been several minor encounters be-twen the troops and the insurgenta. The United States hospital ship So-lace has arrived at Cavite from San Francisco. Her officers say the condi-tion of affairs at the island of Guam has considerably improved since a weak are provided since a

week ago. Dwellings are being restored and the people are resuming their occupations, but the crops are practical-ly all destroyed, though there is no imthat the officials have received news mediate want. The Solace left supplies there and the Arcthusa has taken a considerable quantity of supplies to Guam from Cavite. The reports as to the number of deaths are about unchanged.

The wives of Commander Seton Schroeder, governor of Guam, and other officers, who went to the Island on the Solace, remained at Guam.

NO AID FROM HOLLAND. Some Have Not Received Instructions to Act-Li Hung Chang Befores to Take initiative in Behalf

No Fresh Complications Have Arisen -Difficulties Will Soon be Let-

## School Teachers and Pupils Must be tled, it is Expected.

NETHERLANDS.

Holland's Foreign Minister Gives Affects All the Schools in the Gar-

The Hague, Dec. 11 .- Replying in the second chamber today to the interpellation of Count van Bylandt, notice of city physician, has received a commuwhich was given yesterday, on the subnication from Dr. Beatty, secretary of ject of the tension between the Netherthe Stat Board of Health, in which the lands and Portugal, the foreign minisatter recites the prevalence of small ter, Dr. W. H. De Beaufort, sketched pox in the State, and a threatened epithe history of the misunderstanding steps against the further spread of the disease in Provo. He also directs that which he declared had been exaggerat-

- He said the Dutch minister at ed. Lisbon, Baron van Neekeran, announced Nov. 17, that Portugal desired to withdraw the exequatur of Herr Pott as consul of the Netherlands at Lorenzo Marques, unless the government of the | Netherlands would obviate the necessi-ty by dismissing or recalling Herr Pott. As the Netherlands government had no official information that Herr Pott had permitted, as alleged, the importation of contraband of war, it could not ac-cede to the demand for his recall with-out a fuller inquiry, and it therefore cede to the demand for his recall with-out a fuller inquiry, and it therefore instructed the minister at Lisbon to cable to Herr Pott, asking him to clear up the matter. Herr Pott then applied for leave to come to Europe, which was granted, and the Netherlands pro-posed to Portugal that an investigation be made during the consul's visit and that three months he allowed for the

that three months be allowed for the rendering of a report on the subject. Joseph Walker on the charge of bur-The government of the Netherlands supposed Portugal approved of this proposal, and was surprised to learn shortly afterward that Portugal insist-ed on withdrawing the exequatur of Herr Pott giary, and he was placed in jail. It is alleged that he went to the Alta club Saturday night and stole two overcoats valued at \$125. The coats belong to Benner X. Smith and Robert Glen-dinning. It is said that Walker pawned one of the coast. He is the man accused of assaulting and robbing Jim Hamilton.

The foreign minister explained that he was not aware if fresh complaints against Herr Port were the cause of settled, the subject was dropped.

#### Wreck on Southern Pacific.

Doon, Nevada, Dec. 11.-Eastbound passenger train, number four, which feft San Francisco vesterday, was wrecked near here had night by a mis**RESIGNATION OF** COL. J. R. WINDER

Governor Wells is Averse to Accepting It-Wants No Change in the Presidency of the State Fairs.

At the opening of the State Fair in | tive, being in a position to make sug-October last, Hon. John R. Dinder, who has been president of the Deseret Agri-

cultural and Manufacturing Society for the past forty-four years, and has made such an eminent success of Territorial and State expositions in that period, announced that that probably would be the last State Fair over which he would preside, as he had been a long time in such service, and was approaching his seventy-ninth year. At the time there was a chorns of protests from the people, who have recognized Col. Winder's special fitness and quali-fications, both by his ability and experience for the place. It was almost thought that the popular expression of a desire that Col. Winder should retain the place had caused him to reconsider his determination to resign. But to-day, December 11, is his 76th birthday, and it brought another evidence that he keeps his promises, as the public has realized heretofore to its benefit. He handed his resignation to the Govrnor. It reads as follows:

Salt Lake City, Utah, Dec. 11, 1900. Ion. Heber M. Wells, Governor of Hon. L. Utah:

Dear Sir-I respectfully tender to you WALKER IN THOUBLE AGAIN my resignation as president and direc-tor of the Deseret Agricultural and Manufacturing Society, which I trust Man Who Assaulted Jim Hamilton

you will accept. The severance of my connection with This society, which has extended over forty years, causes me some regrets. This is the 79th anniversary of my birthday, and having important eccle-siastical duties to perform, which al-ways take precedence. I cannot devote the time processory for the faithful per the time necessary for the faithful per-formance of the duties required in this office satisfactorily to myself. I am gratified to be able to state that

my report to the Legislature, which is now prepared, will show an unexpended balance in the treasury of more than \$5,000. My ambition has always been to have a surplus rather than a deficit. I shall continue to take an interest in the prosperity and advancement of the society.

Very respectfully, JOHN R. WINDER.

The funeral of Mrs. Mary Ann Bos-Governor Wells was asked by i ley Malin will be held from the Twelfth Governor Wells was asked by a "News" representative what action had been taken on the resignation, or if none had been, what was intended. The Governor promptly responded that the resignation had not ben accepted; that it was held in abeyance, in order to in-duce Col. Winder not to insist on it. The Governor was in full accord with the public sentiment that Col. Winder should remain at the head of the D. A. ward school house tomorrow afternoon at 2 o'clock. Mrs. Malin expired yesterday very suddenly, at her home, 225 Fourth East street, as stated in Monday evening's "News." She was quietly rocking in her arm chair, and while her daughter, Mrs. Seamands, was in the act of putting on her shoes for her, the

gestions that deserve weighty consid-eration.

When the matter of location for State hairs was referred to, Col. Winder said he believed the time had arrived for the placing of the State fairs at a per-manent location. The Tenth ward square ground could be disposed of, and the exposition be moved to a more tavorable and commodius site, forty-six acres set apart as Agricultural Park, on North Temple street, on the banks of the Jordan river. The grounds are now owned by the society, good street car service is provided, and there is room for trials of speed, and a permanent legitimate agricultural and

manufacturing exposition, where "monkey shows" do not form a part. Col. Winder thinks the present law concerning State fairs should undergo revision, particularly in the matter of allowing the board of directors to offer premiums for imported live stock as well as home raised. He believes the directors should be given discretionary power in this matter, under proper restrictions.

As the law now is, the Governor ap-points the society directors, and these meet and elect a president. It is necessary that the directors represent di-versified interests, such as horses, cattle, sheep, agriculture, horticulture, manufactures, minerals, fine arts, women's work, etc. The directors have to be supervisors, and as they are leading be supervisors, and as they are leading men in the departments they represent, it is necessary also to allow them to be exhibitors. They should be selected from the part of the State near where the fair is held, as their distribution throughout the State is no benefit, but is rather a detriment. Often they have to be absent from home and business for a counce weeks and as they get for a couple of weeks, and as they get, no pay, this is a disadvantage. If they were in or near the city they would be able to give part of their attention to their own business. Mr. Winder also believes the State is now able to com-nematic the directors for their actual

believes the State is now able to com-pensate the directors for their actual time in attending to fair business. As to the law, the "News" suggests that the appointment of the president by the Governor direct would be an improve-ment over the present method. As to the amount of money on hand there has been a suggestion that more of it should have been offered in pre-miums. But Col. Winder insists that this would have been unsafe as a fi-nancial measure, for had inclement weather or other untoward circum-stances been encountered, there would stances been encountered, there would have been a deficit under an increased premium list, and President Winder is opposed to making any deficits, pre-ferring to be on the safe side. As stated, Bishop Winder is 79 years

Herr Pott

this, but a notification sent to the Neththis, but a horinearion sent to the Neth-erlands' minister of the withdrawal of the exequatur would now ill accord with the very friendly relations be-tween the Netherlands and Portugal. Immediately after the exequatur was withdrawa horizon the Touth Touth withdrawn, however, the Dutch minis-ter was summoned to give information. and Herr Pott was expected at The Hague within a niorth. After Count van Bylandt had expressed the hope that the difficuities would be speedily

#### Visits Gen. Chaffee-Says His Powers to Negotiate Are Complete.

THE MINISTERS MEET IN PEKIN.

KNOX AND DEWET FIGHTING.

Forces Exchanged Ground Incessantly-British War Office Very

Reticent-English Believed to Have Had

Considerable Success.

London, Dec. 11 .- The Evening Stand- | telegraph communication with the

scene of action.

meeting of the ministers, called to consider if Li Hung Chang and Prince Ching had power from the court to conduct negotiations for a settlement on behalf of China, some of the ministers stated that they were authorized to treat with them as representatives of China, while others, including the German minister, had not received instructions in the matter.

All decided, however, that as soon as Sir Ernest Mason Satow, the British minister, shall receive word to agree to the joint note they will commence negotiations with Ld Hung Chang and Prince Ching unless otherwise in-structed by their home governments. Count von Waldersee has turned over \$53,000 as the British share of the result of the Pao Ting Fu expedition to Gen. who in turn gave the money to Minister Satow to be used for the | she has now.

## **TELEGRAPHERS**' STRIKE STATUS.

Los Angeles, Cal., Dec. 11 .- In regard to the strike situation on the Santa Fo, it is asserted at General Manager Nevin's office today that the entire system from Albuquerque to San Francisco, is amply supplied with operators and that the company is deluged with applications by telegraph, telephone and mail.

e are experiencing no difficulty whatever," said Chief Clerk Hender-son, "in moving trains and handling our and we consider the strike d. We may experience some an-ince from the acts of former em-Last night our operators at and Blake were assaulted by a agent at Danby, and both were ly injured. A warrant is out arrest and the sheriff is looking We shall endeavor with all ower to protect our men and ty and to secure the punishment who molest either

Santa Fe overland from the East arrived two hours late. Other times are practically on time. cause of their brethren on the Gulf line was a deception practised on the

#### "A THING OF THE PAST."

telegraphers' committee by Vice Presi-dent Barr in Chicago last June. An agreement had been effected between the railroad company and the oper-ators' committee, and the latter sent Topoka, Kansas, Dec. 11.-The Santa Fe officials today claim the telog-raphers' strike is a thing of the past. ators' committee, and the latter sent home with the promise that the agree-ment would be sent to Topeka for printing. When published the sched-ule had not been changed to read so "X say the strikers' places are so rly filled that the hiring of men will be stopped tonight.

General Manager Mudge has issued a reward notice offering \$250 for inforas to add one hour to the time of every night telegrapher on the road. mation leading to the arrest and con-"Mr. Barr said to me that he had made the alterations after the commitviction of any person cutting, or otherwise obstructing the telegraph wires or tee had left Chicago, stating as an exuments of the company

cuse that he had misunderstood the ar-There was some interference with wires on the Oklahoma division and at Olanthe, Kansas," he said. "It may ticle as it was originally written. ceived similar treatment at the hands e been done by mischievous person of Mr. Barr several rules bearing evi-dence of material change of meaning other than striking operators. Keys opened at places, but altogether the trouble we experienced was slight." after having been gone over in confernce at Chicago. A HUNDRED AND FIFTY VACAN-

CIES. Chicago, Dec. 11.—According to the Action of the statements given out by the railroad reached.

Pekin, Dec. 10, via Taku .- At today's | benefit of Chinese who may need help during the winter.

Li Hung Chang visited Gen. Chaffee today. He says that his powers to ne-gotiate with the foreign envoys, though onferred by telegraph, are absolute and complete. At the meeting of the provisional gov-

While the war office is most reticent

on the subject there are indications

suggesting considerable British success

ernment held today the United States was represented by Capt. Dodds, of the Ninth infantry. All of the governments have entered into the plan except whose representatives insist that the French territory shall be ex-cluded from the rule of the commission

appointed. A number of sub-committees were appointed. Several high Chinese officials, on be

ing asked, expressed a desire to assist, Though army officers have been ap-pointed members of the committee it is the desire of the generals to make the rule civil as far as possible. Japan was placed on the charity committee on ac-count of the amount of rice she commandeered in August, most of which

striking operators to remain out.

are out.

Telegraphers

tween the statements of the railroad

officials and the leaders of the striking

operators, it is impossible to correctly

stimate the number of operators who

PREST. DOLPHIN'S STATEMENT.

"The Gulf complains of having re

of Arbitration. The Hague, Dec. 11 .- The Dutch goverument today finally and definitely refused to take the initiative in behalf of

arbitration between the Transvaal and Great Britain. HERR BEBEL TALKS. Berlin, Dec. 11 .- In the reichstag to-

day on the resumption of the debate on the estimates, rierr Bebel, the socialis leader, concerning the remarks in the reichstag yesterday of the imperial Count von Buelow, as hancellor, Germany's policy in the Transvaal estion, said We have every reason to be on

friendly terms with England without thereby restricting their freedom."

GOV. BECKHAM INAUGURATED. In His Address He Made No Refer-

ence to Gobel's Assassination. Frankfort, Ky., Dec. 11 .- With perfect

weather and in the presence or a vast throng of people, Gov. J. C. W. Beckham was inaugurated today for the three years remaining of the term for, which William Goebel and Wm. Taylor contested last year. With the booming of cannon at 11

o'clock, the inaugural procession took up its march. Two regiments of the state guard, the Duckworth club of Cincinnati, and many political clubs and civic societies were in line. It was about noon when the procession reached the

officials of the Atchison, Topeka & Santa Fe railroad in Chicago, only a hundred and fifty-five vacancies made The oath of office was administered to the governor by Chief Justice Hazelby the strike of telegraph operators on After the ceremonies at the inrigg. that system yet remain to be filled, and all of these are east of Albuquer-que, including the Gulf division, the augural stand the governor reviewed the state troops. Gov. Beckham in his inaugural address did not refer to center of the strike trouble. The offi-cials also state that enough men have the murder of Wm. Goebel. He prom-ised the State a clean and honest ad-ministration of its executive affiairs in already been engaged to fill half of these places and that the train service spirit of fairness and tolerance, with of the whole system, both freight and passenger, is now restored to the basis no feeling of partisan hate or malice with a sincere desire to remove as far as possible all friction and ill-feeling xisting before the strike was called. General Manager W. G. Nevin, at

from among the people. He said it would be his policy to keep the State guard in a first class condition, but Los Angeles telegraphed today that everything was running smoothly west of Alberquerque and that all the places of the striking operators had been that the military power shall always be in soluble subordination to the civil been filled. Local striking operators) how-ever, insist that the tle-up is pracauthority and shall never be called into active service except as a last resort to tically complete and are urging the carrying out the decrees of judicial tribunals. Owing to the wide discrepancies he-

The decoration of the grave of the late Governor Goebel took place this afternoon.

WAITING FOR THE VERDICT.

#### Jessie Morrison Now Waits for the

Jury to Decide Her Fate. Houston, Tex., Dec. 11.-The follow-ing statement was given out by Presi-dent Dolphin, of the Order of Railway Kansas Clty, Dec. 11.-A special to the Star from Eldorado, Kansas, says: When Jessie Morrison awoke in he cell this morning it was to a realization One reason why the men on the Atchison, Topeka & Santa Fe were ready and even anxious to espouse the

that her fate at the hands of the jury would soon be known. Her hope of acquittal, which had begun to rise with the close of court on Friday last, had ecome almost assurance. The closing arguments were not fin

ished until 10 o'clock last night, with in-structions not to begin consideration of their verdict until 8:30 o'clock this morning. At that hour the jury was led into a small room in the court house set aside for it and its strug-gles began. In the hall-way outside the men could be heard talking loudly, apparently all at the same time

It is the opinion of the lawyers on both sides that no matter what the verdict may be it will not be reached for a day or two. When the jury was sent out to deliberate the prisoner and her family retired to her cell

Miss Morrison this morning re ceived forty letters of sympathy. New York city physician extended an invitation from himself and his wife to her to make her home with them when she should have been acquitted. Up to 3 p. m. a verdict in the Jessie Morrison murder trial had not been

placed switch, which is supposed to have been tampered with. The engine and baggage car were deralled, bu no one was killed or injured. Traffi hut will be delayed for some hours until the track is cleared.

Mr. Juntus F. Wells, agent for the "News," who has been in Los Angeles for this paper, is a passenger on No. 4.

#### A Determin d Suicide.

Philadelphia, Dec. 11.-Geo, S. Wagner, a salesman, committed suicide to-day by driving a large pair of shears through his neck, making use of a hatchet to accomplish the act. Domestic troubles is the reason assigned.

"SMALLPOX" CASES TODAY.

The city board of health recorded three new "smallpox" cases today. They are Irene V. Smith, aged 8 years, residence 118 I street. James H. Nelson, 30 years, residence 525 Second street. Lewis A. Watson, 18 years, residence 425 west, Fifth South street. The last named young man is one of the R. G. W. employes. who was vacchated some time ago, and the vaccination 'took" safely

### common management WARD ENTERTAINMENTS.

On Thursday evening, Dec. 13th, the Deacons of the Tenth ward will hold a dance in the meeting house, and assure all who attend a good time, as the cause is a worthy one. A large crowd is expected to attend. The proceeds are to defray meeting house expenses.

#### LATE LOCALS.

Prof. Wm. M. Stewart of the State University will lecture in the Four-teenth ward meeting house tomorrow, Wednesday, evening, at 7:30 o'clock, be fore the M. I. associations of Salt Lake Stake

Governor Wells is temporarily located

the Utah Sugar company, left on Mon-day for Cleveland, Ohlo, on business for the Sugar company. He expects to return about the 24th.

The "News" reminds advertisers desiring space in the Christmas Los Angeles number, to be issued Saturday next, that no orders can be taken for display. advertisements after tomorrow noon The demand has been unprecedented in the history of the News. On Monday, requests for nine pages of advertising from Salt Lake, Orden and Provo chants were received, and the orders booked for "News" dealers amounted to 2,000 copies. The advertising demand has necessitated a further enlargement to 68 pages.

A military ball will be held at Fort Douglas this evening. In addition to dancing a 11 o'clock lunch will be dancing a 11 o'clock lunch will be served. The dancing public is invited.

An illustration of some of the smallpox cases is given in an incident that occurred yesterday afternoon. Two chlidren of Mr. Condie are quarantined, together, and to pass the time one counted the pustules on the other's face. The result of the enumeration was that ound "In front of her an even 400 were fo ears," as the child is said to have described it.

Little Elaine Burt, one of the small-pox cases near the Lincoln school, is very ill from the disease, and is re-ported to have been blind for 12 days past.

all of death fell upon the aged lady When Mrs. Seamands looked up saw her mother's eyes fixed and the shen hue of death was in her face. Hasbrouck was summoned, but he saw that the aged lady was beyond human aid, and in a few minutes latter her

was released from her body Mrs. Malm was born in Livingston county, New York. She joined the "Mormon" Church at Palmyra, New York, and removed to Kirtland. She was with the Church all through the terrible days of Missouri and the exulsion from Nauvoo. She crossed the dains in 1849, and has resided here ever duce. She possessed a strong and de-ermined spirit, and her courage was

ternined spirit, and her courage was dauntless, vet withal she had a tender and affectionate nature, which en-deared many people to her. Mrs. Malin was the mother of five children, Mrs. Sarah Ann Seamands, \*Mrs. Almira Everett, C. B. Malin, M. F. Malin, and S. B. Malin, all of this city,

#### NOT THE RIGHT MEN.

sheriff Layne Pursues Two Innocent Men to California

[SPECIAL TO THE "NEWS."] Ogden, Dec. 11 .- Sheriff Layne re-

W. P. O'Meara, vs the City Council of turned this morning from California, Salt Lake City, denying the prayed for where he had gone in pursuit of the two men who were suspected of having stolen 300 head of sheep belonging to Thomas Eddington of West Weber. The writ of prohibition, which in effect holds that the city waterworks improvement bonds are valid, and that men are Charles Layfield and Frank the municipality has the power under Schmidt, and were arrested in Califorthe Constitution of the State to issue nia. At their preliminary hearing, however, they proved their innocence them. and were released. Mr. O'Meara commenced the proceed-

### QUARANTINE DISREGARDED

Cases of Complaint That Need Immediate Attention.

ited by the State Constitution to Complaints were filed with the News' today that at the home of a per cent for general purposes and four per cent additional for supplying the city with water, and that the two limi-'News' Mr. Walker, a flag indicating "small-pox" has been put up at a side door SUPREME COURT

pox" has been put up at a side door, where it is not likely to be noticed, and that laundry was sent to an uptown laundry yesterday from the house. Another complaint is concerning a case of scarlet fever on South Temple street, near the O.S. L. depot, where the flag was said to be put up at the back door where few could see it, and where the inmates of the place are said to be disregarding the quarantine

#### Another Case Affirmed.

Late yesterday afternoon, an opinion came down in the Supreme court in the case of Lucinda A. Lebcher, ap-pellant, vs George C. Lambert, affirm-ing the judgment of the court below. The Supreme court delivered an opinion today, in the case of James Mickelson vs the New East Tintic Raliway company, appellant, revers-ing the judgment of the Fifth district court, E. V. Higgins, judge, and re-The action was to recover on a promis-sory note for \$600. The jury found for manding the cause with directions to grant a new trial. the defendant Lambert on a show-ing that plaintiff was not the legal holder of the note; that the payee, the late David Lebcher of Akron. Ohio, had The plaintiff, Mickelson, brought suit to recover \$20,000 damages for perfailed to carry out his part of the contract, which was to plant grape sonal injuries received on July 12, 1898, at Mammoth while in the employ of contract, which was to prant grape vines, and that his endorsement on the note was a forgery. The Supreme court found no reversible error, and hence affirmed the judgment. The opinion was by District Judge McCarty, Chief Justice Bartch and Justice Baskin con-curring the defendant company as brakeman. At the trial the jury returned a verdict in his favor for \$5,000, and from this judgment the defendant company appealed, assigning numerous errors claimed to have been committed during the trial. The Supreme court finds that certain

#### Estate of Ole Benson.

Neils J. Olson petitioned the probate court today for letters of administration in the estate of Ole Benson, deceased. Mr. Benson died at Ventura, California, on December 1st, 1900, leaving an estate of the value of \$1,026, consisting of money in Zion's Savings Bank, amounting to \$1,000, and \$30 with James Cahoon of Murray, and some personal property The heirs are the mother of deceased, who lives in Sweden. Petitioner is an uncle of decedent. December 28 was set for the hearing.

and M. Society, and conduct the State fairs, so long as he could give them the capable attention they had received: Col. Winder was seen this afternoon,

ings in the higher court, and asked

for a writ of prohibition to prevent the

City Council from issuing the \$250,000

bonds, upon the ground that the total indebtedness of Salt Lake City was lim-

**ORDERS NEW TRIAL** 

old today He was born in the of Kent, England, December 11, 1821 Airs, and in response to an inquiry said his resignation was in the Governor's hands, according to promise, and he would promise, and he would be would be according to be live to continue as one of the fore-most workers for Utah's progress in all that leads to the ennoblement of man-kind. and came to Utah in 1853. He has filled military, civic and ecclesiastical posi-

## SALT LAKE CITY BONDS ARE VALID

### Supreme Court Decides That Those Issued for City Waterworks Are All Right-Municipality Has Full Power to Issue Them.

This afternoon the Supreme Court | limiting the total indebtedness to eight handed down an opinion in the case of per cent. the People of the State of Utah, ex rel,

This limitation, petitioner claimed, vas violated by the issuance of the bonds, since the issue made the total in debtedness of the municipality exceed this amount.

The Supreme Court holds that "the total limited powers (to issue water bonds and to incur a general indebtedness) are essentially separate and in-dependent; that the special limited power to incur an indebtedness for water, light and sewer purposes, is ab-

solute within its own limits; that a debt incurred by virtue thereof is additional to that restricted and limited for general purposes; and that the municipality in this instance, has both the constitutional and statutory power to issue the bonds referred to in the

petition herein." The opinion is by Chief Justice Bartch, Justices Miner and Baskin contations must be construed together as i curring.

> to the jury were not applicable to the facts disclosed by the evidence, and is made the main grounds for a reversal, The opinion is by Chief Justice Bartch, Justice Miner concurs in the decision, but Justice Baskin dissents.

> > THIS CASE AFFIRMED.

Supreme Court Decision in a Utah Co. Case Affirming Lower Court-

The Supreme Court also handed down

an opinion today in the case of the Rio Grande Western Rallway company vs the Telluride Power Transmission com-pany and L. L. Nunn, appellants, af-firming the judgment of the court be-

Action in this case was brought, un-der the laws of Utah, to condemn a strip of ground for a right of way in Provo canyon. The Telluride company was a Colorado concern, and it appears never compiled with the laws of this State regarding the filing of articles of incorporation and for that record that neorporation and for that real it is eld was not entitled to the benefit of the laws of this State with reference to corporations. The opinion was deliv-ered by Justice Miner, Chief Justice Bartch and Justice Baskin concurring.

#### Judgment by Consent.

testimony was erroneously admitted by the court. The plaintin among other things, was asked while upon the witness stand, in his own behalf who paid his expenses at the hospital and his reply was, "They haven't been

paid yet." Councel for appellant objected to the question as being immaterial and moved to strike it out. Judge Higgins, however, overruled the objection, and the Supreme court holds it should not have been admitted. The court further holds that certain

modified instructions of Judge Higgins | for the amount prayed for.

The Singer Manufactoring company entered suit against W. C. Clayton in he Third district court today to over \$1,271.45, alleged to be due plaintiff on sewing machines, notes and other indebtedness, which, it is alleged,

the defendant, as plaintiff's agent, failed to account for to his company. The defendant appeared in person be-fore Judge Cherry today and consented that judgment be taken against him

regulations.

at the cashier's desk at the State Bank in order to relieve Assistant Cashier Burton, who has gone to the coast to spend the holidays with his family. Thomas R. Cutler, general manager of