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DESERET EVENING NEWS.

5 O'clock -EDITION.-

TRUTH AND LIBERTY.

NO. 277. SATURDAY, OCTOBER 28, 1893. SALT LAKE CITY, UTAH. VOL. XXV I

Office Copy

FROM THE CAPITAL.

The Repeal Bill not to Be Voted on Before Monday Next.

THE STANTON-MELLO INCIDENT.

The Last Struggle.—Sherman Predicts Disaster if the Sherman Law is Repealed.

WASHINGTON, Oct. 28.—The prospect now is that the greater part of the day will be given to speech making, though voting on amendments may begin late this afternoon. There is no special desire on the part of the repeal managers, however, to secure a vote on the repeal bill before Monday or Tuesday, because there are several senators who are expected to be here by that time, who wish to have their votes recorded. It is not supposed the vote will be postponed beyond that period, but as several speeches are to be made yet, including those of Gorman, Caldwell, Dubois, Jones and probably others, they will probably consume the greater part of the day. There will be a few short speeches after the amendments are disposed of and before a vote is taken on the bill.

AFTER THE BALL.

The Case Cordially Thanks Carnot for French Hospitality.

TOULON, Oct. 28.—The great series of fêtes in honor of the visiting Russian sailors is at an end, and they carry with them as souvenirs presents to the value of half a million dollars. As the Russians are preparing to turn their prows eastward, it may safely be said that nowhere in the history of alliances has there been such a demonstration of sympathy and universal enthusiasm as were displayed here in Paris, Lyons and Marseilles upon the occasion of the visits of the guests of the nation.

President Carnot received the following message from the Czar:

"At the moment of the departure of the Russian squadron from France, I am particularly desirous of expressing to you how deeply touched and grateful I am at the warm and sympathetic welcome my sailors have met with in all the ports while on French soil. This is evidence of the keen sympathy which has more more been displayed with so much eagerness and will add a fresh link to those uniting the two countries, and will, I hope, contribute to the strengthening of the general peace, the object of their mutual endeavors and wishes."

INDEPENDENT SEN.

An Order to Strike Not Wholly Effective.

ST. PAUL, Oct. 28.—The order for a strike by the street car men's union does not seem to have much effect, as four of the twelve lines are in partial operation and from ten to fifteen per cent of the men at work are union men. The order to strike had no effect in Minneapolis, where the cars are running as usual.

THE AGGRESSIVE MOORS.

A Spanish Force Evidently Badly Beaten.

MADRID, Oct. 28.—The minister of war has received a telegram from Melilla, saying that the Moors attacked the fort in course of erection by Spain this morning in great force, compelling the Spaniards to retreat, though they did so in good order and inflicted considerable loss on the enemy.

Relieved Men Elect Officers.

BOSTON, Oct. 28.—The convention of Brotherhood of Railroad Firemen elected these officers: E. E. Wilkinson grand master; H. H. Morrissy, first vice grand master; A. E. Hawes, second vice grand master; W. Newman, third vice grand master; W. A. Sheehan, secretary and treasurer.

THE CONGRESS RECORD.

Speeches and Votes in the Senate Today.

WASHINGTON, Oct. 28.—When the Senate convened at 11 a. m., there were 52 senators present.

The urgency deficiency bill was taken up and passed; also Cullom's joint resolution transferring the model battleship at the World's Fair to the state of Illinois for an armory for the state naval militia.

The repeal bill was then taken up and Wolcott addressed the Senate in opposition. He was followed by Sherman. He spoke of the depleted condition of the treasury and the invasion of the gold reserve, which, he said, was reduced to eighty millions. To rectify this the secretary of the treasury should be authorized to issue bonds. He considered it unwise to offer such an amendment to the present bill, but had ready a proposition for the sale of two hundred millions three per cent bonds as the method he would suggest for relief.

He was followed by Gorman.

A tacit agreement has been reached that the vote on the bill proper shall not be taken today. It is expected by the leaders on both sides that a vote will be taken on Monday.

Gorman contended that when Congress met the Democratic party was hopelessly divided on the silver question as were the Republicans. There was not a majority in favor of unconditional repeal, he asserted, for many of those who would vote that way wanted some other measure passed in place of the Sherman law. Stewart spoke a few minutes and Shoup of Idaho took the floor and read a short speech predicting that disaster would follow repeal.

Shoup followed Gorman.

At the end of his speech, Stewart offered a substitute for the Perkins amendment which is practically to the same effect but differently worded. The substitute was lost, 39 to 18. The Perkins amendment was lost, 33 to 41.

Perry, Ark., offered the Bland-Allison law as a proviso to the repeal bill.

The Bland-Allison amendment was lost, 35 to 37.

At 6.15 p. m. Allen, Neb., offered an amendment to coin the bullion in the treasury.

At 6.55 the vote on the Blackburn amendment, offered some days ago, resulted in yeas 28, nays 42.

Berry said the Bland-Allison act ought to be the measure which the Democrats could agree upon. He spoke, he said, for the silver Democrats of the South, whose people had demanded something for silver. The victory of the Northern Democrats over the Southern Democrats was obtained under the leadership of the Senator from Ohio (Sherman.)

Voorhees said that many bullets had been prepared as silver bullets in this bill, which would cause different circumstances must his approval. He was charged with responsibility of passing this bill and encountered and insisted that legislation would not end with the passage of this bill. He would oppose the issue of bonds at this time. He would also oppose Butler's state bank tax repeal. He was for it as a separate bill, but not as an amendment to this bill. When Secretary Carlisle, the great lawyer, told him that he had authority to issue bonds, he believed it. The senator from Ohio was right in some of his positions. Provision ought to be made for bonds for a shorter date and lower interest.

AMORINES CREATE A PANIC.

The Method of the American Protective Association.

False-hoods About Catholics.—Alleged Slaughter of Protestants by the Pope's Disciples.

WASHINGTON, Oct. 28.—Representative Wendock, Mich., who yesterday offered a resolution for investigation into the methods of the American Protective association which has been making its power felt in politics in Ohio, Michigan, Western New York, Illinois and Wisconsin, upsetting the political calculations in a most surprising way, says that in Michigan at least it is conducted by Canadian Orangemen of the most ignorant class. It is particularly strong in the cities. Its aims it resembles the old know-nothing movement, except that instead of being directed against all foreigners it is directed against the Catholics. It has issued alarming circulars as to the aims of the Catholic church in this country, declaring among other things that it is the intention of the Catholics to rise and slaughter their Protestant neighbors. These circulars have caused a reign of terror and members of the organization are stealing themselves to repel the invasion of the Pope.

If an investigation be ordered it is expected that some astonishing revelations will be made concerning this new political organization.

STANTON AND MELLO.

Inexplicable Conduct of a U. S. Admiral.

WASHINGTON, Oct. 28.—Secretary Herbert today issued the following statement and telegram in regard to the Stanton-Mello incident: Inasmuch as there seems to be an impression that the President acted on the matter of removing Admiral Stanton without hearing from him, it is fair to state that before the order was issued Secretary Herbert sent a telegram of inquiry and received the following reply:

"RIO JANEIRO, Oct. 25.

"To the Secretary of the Navy, Washington:

"Before anchoring I saluted the flag of Brazil with twenty-one guns. The salute was returned by the government fort. After anchoring I received a visit from the aide-de-camp of Admiral Mello, flying the Brazilian flag. I returned his visit and salute the Brazilian admiral afloat. The salute was returned by the same. No call was received from any Brazilian official from the shore. Next day I called upon the Brazilian admiral. The visit was returned. Mello is the only Brazilian admiral afloat.

(Signed) "STANTON."

AT THE FAIR.

The Last Big Day Except the Closing Day.

CHICAGO, Oct. 28.—This is Mayor's day at the World's Fair and scores of mayors of American cities are in attendance. The weather was cloudy and cold with a chilly wind from the north and the temperature rapidly falling. It is the last big day at the Fair except the closing day on Monday. The exercises began with a fanfare of universal peace by sixteen trumpeters in herald's costume, stationed from four sides of the court of honor as the visitors entered the grounds. This was followed by an address of welcome in music hall by Mayor Harrison, followed by responses by several visiting mayors and exposition officers, and music by a selected chorus. Then the people assembled on the administration plaza and joined in singing patriotic songs led by large orchestras, followed by the singing of the new Liberty bell and booming of cannon.

The women also held exercises in assembly hall listening to addresses by well known members of that sex and one by Paul B. Dumaine, the famous African explorer.

The Ancient Order of United Workmen also held a special celebration in festival hall and the Odd Fellows of Chicago gave a prize drill on the government pier.

THEY'RE ALL IN IT.

The Utah Commission's Appointment of Election Judges.

FOR SALT LAKE CITY.

Republicans, Democrats and Liberals Have a Place—Solidarity County Filled Up.

After several days of waiting, the Utah Commission last evening concluded the appointment of judges of election for Salt Lake as follows. Republicans, Democrats and Liberals have alike a standing!

FIRST PRECINCT.

First poll—E. A. Smith, D., presiding judge; A. O. Williamson, R., Charles Brown, L.

Second poll—Lorenzo Crane, R., presiding judge; William D. Walley, D., J. E. Ignash, L.

Third poll—F. S. Shelton, L., presiding judge; Thomas F. Malley, D., F. J. Bennett, R.

SECOND PRECINCT.

First poll—Thomas Adams, D., presiding judge; Barlow Ferguson, R., C. H. Hamilton, L.

Second poll—G. A. Grumann, D., presiding judge; W. B. Barton, R., A. H. Magee, L.

Third poll—Hugh Walsh, R., presiding judge; F. J. Campbell, D., Bert Raymond, L.

Fourth poll—D. H. Wenger, R., presiding judge; H. C. Wallace, D., W. R. Hobson, L.

Fifth poll—J. W. Skinner, L., presiding judge; Thomas Gleason, D., L. A. Dewey, R.

THIRD PRECINCT.

First poll—Norman Gillespie, D., presiding judge; E. B. Lyman, R., Henry Barnes, L.

Second poll—W. A. Byers, R., presiding judge; E. L. Sloan, D., L. M. Kinney, L.

FOURTH PRECINCT.

First poll—L. M. Earl, R., presiding judge; W. B. Rymer, D., J. L. Jennings, (certified as on the "Liberal" ticket.)

Second poll—H. G. Whitney, D., presiding judge; W. B. Burt, R., R. J. Greenhalgh, L.

FIFTH PRECINCT.

First poll—H. R. Newes, D., presiding judge; T. Ellis Browne, R., Chris Diehl, L.

Second poll—L. F. Palmer, L., presiding judge; M. E. McKinney, D., L. H. Eldridge, R.

Today the Commission have been again in session, and appointed judges for

SALT LAKE COUNTY.

Big Cottonwood—J. H. Brinton, D., H. B. Stevenson, D., E. G. Boyle, R.

Butler—Wm. Hatfield, D., Geo. Dryburgh, D., Wm. Mathie Jr., R.

Brighton—Seth Gardner, D., John Mitchell, D., John Dupaix, R.

Bluff Dale—Lewis Peterson, D., W. W. Merrill, D., J. W. Dunyon, R.

Bingham—W. F. Arnett, D., Michael Johnson, D., John Butler, R.

Draper—S. W. Stewart, D., W. R. Evans, D., John H. Smith, R.

East Mill Creek—Alfred Eldridge, D., John C. Capson, D., J. G. Rasch, R.

Farmers—R. F. Barton, D., A. S. Dyer, D., Anne S. Gabbet, R.

Granite—Andrew Thompson, D., David Archibald, D., John Thompson, R.

Granger—George R. Eldredge, D., John C. Mackay, D., L. Hemming-way, R.

Hooper—B. W. Bell, D., H. P. Harris, D., Alfred A. Jones, R.

Little Cottonwood—Robert Galbraith, D., Charles H. Collins, D., Fritz Rietzch, R.

Mill Creek—C. L. Miller, D., H. C. Carlisle, D., T. W. Russell, R.

Mountain Dell—Richard Winscill, D., John Wells, D., W. M. Reese, R.

North Point—John H. Early, D., Ira Reed, D., John W. Halford, R.

North Jordan—John E. Bringhurst, D., Heber Bennion, D., John G. Hupp, R.

Pleasant Green—John Hurst, D., Edward Lambert, D., Oliver Shaver, R.

Riverton—O. P. Miller, D., James Blake, D., Thomas P. Page, R.

South Cottonwood—Richard Howe, D., Le G. Knech, D., W. H. Lyon, R.

Silver—Jas. Brockway, D., James T. Monk, L., T. B. Anderson, R.

Sugar House—W. C. A. Smoot, D., John R. Wilson, D., John R. Smith, R.

Sandy—W. W. Wilson, D., Charles D. Brown, D., H. H. Graves, R.

South Jordan—S. H. Beckstead, D., John W. Wiseman, D., William H. Hill, R.

West Jordan—James Dennis, D., D. E. Bateman, D., Robert Walker, R.

Fort Herriman—W. H. Freeman, D., Henry Crane, D., Samuel Butterfield, R.

Utica—David Pender, D., John G. Sharp, D., D. M. Griffin, R.

CHANGES.

Henry Adams, R., has been appointed judge in election for Negro precinct, Juab county, vice L. L. Hansen, R., who has removed to Salt Lake.

Sam. Parker, R., has been appointed judge for the fifth polls, second precinct, Salt Lake City, vice I. A. Benson, R., who has declined to act.

THEY KNOW NOTHING OF IT.

A Little Story which is Declared to Have No Foundation in Fact.

Under the caption "Where is the Book?" a morning contemporary says: "A short time since, when Fred Trimmer's case was being investigated, the Citizens' committee found it desirable to have the registration list upon which Trimmer's name appeared, taken before the grand jury, and it was obtained. Afterwards the book was returned to the Utah commission and [illegible] Colonel Pace. A copy of two sheets of the executive minutes is said to that same list, and such is the Utah commission for it. The message contained was that the book had left the [illegible]."

Colonel Pace writes the News to state that he never asked for any [illegible] and that no such message has ever been received.

Judge Winchester, chairman of the Utah Commission, also—You may also state that the Commission never heard of the matter until it appeared in the newspapers today.

Will Begin Next Monday.

The trial of the two [illegible], Hammond and Ogden, charged with the killing of Deputy Sheriff Clyde Robertson, will begin on Monday morning next, before Judge Bartch. It will occupy several days and counsel for the accused (Whitmore and Wolfe) will make a hard fight.

ANOTHER SHOT AT THEM.

Powers and His Brothers Sued for $25 on a Promissory Note Due Bank.

In Commissioner Pratt's court this afternoon Attorneys Ritchie & Hoskins, on behalf of the American Exchange bank, subject a suit against the Powers brothers, O. W., Powers, R. T. Powers, Hank Powers and D. P. Tabyer, to recover $25 on a promissory note.

Church University Theology Class.

By and with the advice and consent of the First Presidency of the Church, a Theology class for the systematic study of the Gospel will be conducted by the Church University, in the new building, 225 west First North street. The class will be organized and ready for opening at 7:30 p. m., next, and further notice, will meet every Monday at that hour. No charge will be made for admission to the class, which will be open to all over 15 years of age. Sunday School teachers and attendants are especially invited to join. It is suggested that all of the quorums of Seventies and Elders encourage worthy members of their quorums to have representatives among that class.

The class will be under the direction of Dr. Jos. E. Talmage, to whom all inquiries may be addressed.

WILFORD WOODRUFF,
President Church University.

A BLUFF BY BOSS POWERS.

He Causes the Arrest of J. J. Gilmore, a Member of the Fitzpatrick Campaign Committee.

Among the names signated to by the Citizens' representatives today before Judge Baldwin was that of one C. S. Douglas. J. J. Gilmore, a member of the Fitzpatrick election campaign committee was one of the witnesses who testified that to the best of his information and belief Douglas had not been in the city the requisite time to entitle him to vote. The boss at once took the matter in hand and played a bold bluff by having Gilmore arrested on a charge of perjury. He was writing handbills at Pinkerton and officers came served the papers. Gilmore was taken before Commissioner Pratt and gave bonds in the sum of $500 to appear in court and plead on Tuesday morning next at 10 o'clock.

A Story Much Magnified.

As to an item in the papers a day or two ago regarding Mr. S. F. Fenton's choice and fury over the placing of a political streamer in front of his place of business, that gentleman wishes the community to understand that there was no such exhibition on his part as was reported. He simply remarked with his men who placed the banner there was to the effect "If Clark's tell you to put that there, please take it down." He was promised this should be done, but it was not, until next day. Whether property should be allowed or not would permit another streamer to be put in the same place, he at once gave an affirmative answer. With the showing of the case Mr. Fenton would seem to have done nothing on the former occasion that what any citizen would have been justified in doing. Politics is one thing, a man's business and his promises are another thing.

HE WAS IN LUCK.

Ammon H. Pitkin Gets an Unexpected Release from Jail.

Through the instrumentality of Attorney Hempstead—one of the latest accessions to the Salt Lake bar—Ammon H. Pitkin, who in May, 1893, was sentenced, at Ogden, to twenty years' imprisonment, for rape, will emerge from the penitentiary tomorrow. The convict is now between fifty and sixty years of age and heavily just heard of his impending release. Mr. Hempstead on hearing of the case, hunted through the old Utah laws and discovered a Copper act passed February 16th, 1884. He has induced District Attorney Judd to consent to apply this to the case of Pitkin and hence the man's release after serving thirteen years of his sentence.

Chopping Them Down.

In addition to the names stricken off the list of registered voters yesterday, given in that day's NEWS, Referee Baldwin during the latter part of the afternoon removed those of Henry James, Peter Downey, C. E. Tuttle, G. M. Young, L. Wagner, Fred Schmidt, H. A. Kent and W. Hurst, of the Fifth precinct; Noah Grover from the Second and Homer Schell from the First.

Mr. Baldwin heard other objections today and knocked some—he spoke the words of one who was present—"a startled of robins."

Eighteen names in all were stricken from the lists. Fourteen of these were from Hogeney's joint stock.

POLITICAL COLUMN.

D. H. Allen Renominated for County Superintendent of Schools.

LIBERAL TACTICS AT FARMERS.

J. R. Anderson Declines.—Big Republican Rally at Silk Stock.

OTHER ITEMS.

The Democratic delegates of the Salt Lake county precincts, exclusive of the city, met in the Wasatch hall at 10:30 this evening for the purpose of nominating a candidate for county superintendent of schools. The meeting was called to order by J. H. Dredge, chairman of the Democratic county committee.

On motion of W. O. A. Smoot Jr., of Sugar House ward, Richard Howe, of South Cottonwood, was chosen temporary chairman and S. W. Stewart, of Draper, was elected temporary secretary.

A committee of five on credentials was appointed by the chair as follows: John Sharp, John Holt, Martin Gates, O. P. Miller and J. H. Brinton.

An committee on permanent organization and order of business the following were also appointed by the chair: Frank Taylor, Albert Spencer, L. A. Kelsey, W. C. A. Smoot Jr and David Brown.

A recess of fifteen minutes was then taken. On reassembling the report of the committee on credentials showing twenty-nine delegates in state in the convention was read and adopted.

The committee on permanent organization and order of business reported that the temporary organization be made permanent. Adopted.

Nominations were declared in order and Frank Taylor in a speech nominated D. H. Allen, the present incumbent and placed his name before the convention for nomination.

On motion of W. C. A. Smoot Jr. the nomination was made unanimous after which a committee of three, consisting of Messrs. Frank Taylor and Miller was appointed to inform Mr. Allen that he was the choice of his party for a second term.

POSITION ON SCHOOL MATTERS.

The liberal meeting of Farmers' ward has engaged in a great and grab game and engaged school matters in partisan politics and that, too, in the face of a strong position on the part of a majority of the voters and citizens of that district.

On the 9th inst. the Democrats of Farmers ward at a regularly called primary decided unanimously not to the election of three school trustees they would not allow politics to interfere in the selection in any way. They appointed a committee of three to wait on the Republican and Liberal ward organizations to inform them of their intentions and two weeks later when the Republicans held their primary they took similar action and the Democratic committee met by letter with the Liberals, acting as a whole, however, appeared determined to nominate a straight party ticket. The Liberals held a meeting on Monday night last to discuss the situation. Mr. A. Dryden, however, was present by invitation and addressed the meeting in behalf of his own party and also the Republicans, both of whom he said had decided that politics should not enter into the coming school election. A minority of the Liberals favored this action. A majority, however, declared that they had "counted on me" and were certain they could carry the district and therefore wanted to nominate a Liberal ticket. An adjournment was taken until Thursday night when ballots ticket was put in, consisting of A. M. Ferguson, William Mitchell and a man named Yeager.

This action aroused the ire of the Republicans and Democrats and a few of the more conservative Liberals, who met in the Fortieth school building last night and in a minute the old board which consisted of John Gabbott, Martin Christopherson and John Batts. The latter is chairman of the Farmers ward Liberal club, but is spoken of as a very fair, conservative man. Politicians and business men and citizens of all classes throughout the city being strongly condemned the Liberals for dragging politics into school affairs.

RICH COUNTY POLITICS.

Joseph Irvin writes to the News from Laketown, Rich county, as follows:

"The political tussle commenced this week by the four through the southeastern part of Rich county of Messrs. C. H. Hart and Joseph Musser, Democratic candidates for the Legislature. They were accorded large audiences and a royal reception at Randolph and Woodruff, where they held forth on Monday and Tuesday evenings respectively. The music of the Randolph brass band did much to enhance the success and pleasure of those gatherings.

"Last evening they held forth at our meeting house. Mr. Angus Nebeker, the colleague in candidacy, read the platform of principles adopted at the district Democratic convention held at Logan on the 10th inst. Next we expect to hear from Wesley H. Walker and his political allies, in support of his candidacy and of Republican principles."

DEMOCRATS AT BRIGHAM CITY.

The Democratic city convention at Brigham have put the following tickets in the field:

For Mayor—J. D. Peters.

Councilmen—Isaac Maughan, J. M. Jensen, Charles Pearson, Louis Lund Gerdes.

Recorder—Ole Petersen.

Treasurer—John Christensen.

Marshal—David Bean.

Collector—Peter J. Rasmussen.

Justice of Peace—Ephraim White and H. L. Snow.

UNITEDARTED REPUBLICAN RALLY.

The Republicans held a rousing rally at the Mill Creek ward home last evening. The speakers were G. W. Sheets and J. H. Love. A working committee was selected to the meeting. The signs were long heard even in Salt Lake Industries, wages, wool, etc. There was a lot of enthusiasm, there seems a very large attendance. It was decided at last night's meeting to hold another rally at the same place on Thursday evening next at 8 o'clock.

POLITICAL PARTICULARS.

The Citizens' parade one week from tonight promises to be a spectacle sure.

The Territorial headquarters of the Democratic party were the house today in the city hall.

The Citizens' honorable judges—beautiful Gems—are expected to reach here from New York this evening. They will be on sale at headquarters.

The Independent Citizens' precinct committees are looked for at headquarters at 4 o'clock this afternoon.

The Democratic rally last evening in the Old Tabernacle was well attended and unanimously endorsed the Citizens' ticket. The speakers were O. J. Ainsworth, J. C. Lambert, Mayor Baskin, Phil Visscel, F. S. Pinkerton, C. M. Nelson, P. W. Madsen and Thomas Hallows.

J. R. Anderson has confirmed the nomination on the Republican legislative ticket. The news assigned is that his circumstances are such as to prevent his giving the necessary time and attention to the work associated with the mandatory.

Judge J. C. McNally was chosen by the Democratic county committee last night to fill the vacancy on the legislative ticket caused by the withdrawal of Judge Cherry. The following Democrats were appointed a committee to contact the campaign work of this district: Benjamin Gillette, G. M. Bishop, H. G. Gibbs, John Burt and C. E. Arnell.

A number of fifteen minutes was then taken. On reassembling the report of the committee on credentials showing twenty-nine delegates in state in the convention was read and adopted.

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HE GETS TEN YEARS.

John Benson Shares the Same Fate as Byrum McBride.

FOR THE KILLING OF MR. ELLIOTT.

Judge Zane Considers the Jury Were Far Too Easy.—Notice of Appeal.—Mrs. Benson Creates a Scene.

The arguments by counsel on motion for a new trial in the case of John Benson, convicted recently of voluntary manslaughter, arising out of the killing of Dr. C. O. Elliott at Grideville, were made before Judge Zane this morning—the prosecution represented by Assistant District Attorney Howat, in opposition to the motion, and the defendant by Colonel Montgomery and Judge Lochmaker. The defendant was present, having been brought down from the penitentiary. Mrs. Benson sat beside her husband, as during the progress of his long trial, and cried bitterly while the arguments were proceeding.

Colonel Montgomery read a lengthy list of objections in support of his motion, among them being various alleged errors in the rulings and instructions of the court. One of these rulings was the disallowance of the challenge in writing made and filed by the defendant to the panel of the trial jury. It was also contended that the verdict was contrary to the weight of evidence and law of the case; further, it was insisted that the verdict should be set aside for the reason that the trial judge, after the charge had been fully delivered to the jury orally and taken down officially by the stenographer, and several hours after the jury had retired, in the absence of the defendant and his counsel and in the absence of the jury, and when the court was not in session, materially altered and changed the charge to the prejudice of the defendant and caused the same to be sent to the jury; and it was so considered by them in arriving at their verdict.

Col. Montgomery made the most of the last named objection but Judge Zane summarily put down his foot upon the counsel by saying at last "There was no substantial change; I do not want to hear any more."

His honor overruled the motion for a new trial and Judge Howat, who said he did not wish to address the court, then moved that sentence be pronounced.

The defendant was requested to stand up. Judge Zane, addressing him said he had been found guilty by the jury, of voluntary manslaughter and asked him whether he had anything to state.

Benson—I don't think I have, sir; I think the court is well acquainted with all the circumstances of the case.

Judge Zane—The evidence made out a case, in the judgment of the court, of murder, and in some respects a very aggravated case; and while the jury have found you guilty of voluntary manslaughter—the lesser crime—I do not consider that they were authorized by law to upon the evidence. Of that I have no doubt. I am therefore of opinion that the court should sentence you to confinement in the penitentiary for the longest term fixed by the statute for voluntary manslaughter. You will be sentenced to confinement in the penitentiary for a term of ten years.

Colonel Montgomery—We desire to except to the sentence of the court and to ask for a reasonable time in which to prepare a bill of exceptions. We wish to take the case to the supreme court of the Territory, which the statute provides we may do.

Notice of appeal was accordingly given, sixty days being allowed to file and settle a bill of exceptions.

A SCENE.

While Judge Zane was passing sentence the prisoner's wife listened piteously and very nearly fainted. She fell upon her knees, clasped her hands together and attempted to beg for mercy in behalf of her husband. Her honor eventually ordered that she be taken from the courtroom. Again she wrung her hands and again she tried to speak. The prisoner himself appeared greatly moved and by tears coursed down his cheeks. Colonel Montgomery and court bailiff gently took hold of the unfortunate woman and assisted her from the court into the witnesses's waiting room, where, after recovering, sobbing, her husband pilled her for a short time. The scene between them was quite an affecting one, Mrs. Benson refusing to be comforted. When the prisoner was taken away in the wagon to the penitentiary later, she completely broke down and was an object of commiseration among the bystanders.

Benson's brother had an interview with him before his removal from the marshal's quarters.

Re Joins the Bar

At the session of the Territorial supreme court today Mr. D. R. Hempstead, of this city, was on application of Parley L. Williams admitted to practice as an attorney. Mr. Hempstead's application for admission was made at the former session of court, since where time the gentleman has passed a highly satisfactory examination before the committee appointed by the court.

Mr. Hempstead graduated from the University of Ann Arbor, Michigan, in 1889, and from the Harvard Law School in June of the present year, and came forth with flying colors. He is now engaged in the law office of Williams & Van Cott, this city.

THE COALVILLE CONTROVERSY.

Legal Arguments in the S. J. Clawson Injunction Suit.

The arguments in the case of Solon I. Clawson vs. Coalville city, referred from Saturday last, were resumed in Judge Bartch's court this morning. The hearing was held on an order to show cause why an injunction should not issue against the defendants. The dispute arises out of the establishment of an electric light plant in Coalville and the facts were given in full in the columns of the NEWS a week ago.

At the close of the arguments the court took the matter under advisement.

Dissatisfied With Her.

The petition for the removal of the administratrix of the estate of Frank Crocker, deceased, on the grounds of intemperance—as previously set forth in these columns—was set down for hearing in the probate court this morning, but up to noon the matter had not come on.

Today's Orders by Judge Zane.

Arthur C. B. Vincent was appointed guardian ad litem of his minor son, in the filing of an action for damages against the Salt Lake Rapid Transit company.

Wm. S. Hinkins vs. Andrew Mack et al. Motion of John Johnson to be heard, allowed; to be filed within ten days.

Henry Dinwoodey Furniture Co. vs. the Sanders Furniture Co. et al. Plaintiff moved for the appointment of a receiver. The motion was opposed by Attorney Harlow Ferguson, and the hearing was deferred.

Home Again.

Elders Wm. C. Winder, of Farmer's ward, Salt Lake county, and N. P. Lee, of Fort West, Weber county, have returned from a mission to the Southern states. Elder Winder left home on Dec. 1, 1891, and was assigned to labor in the Seventh Conference south. He met with good treatment and success. During the second year his health was somewhat impaired but not sufficiently so to despondify him from his labors. He has some experience with mobs, but received no injury. Upon one occasion no war arrested, but when the case came up in court next day it was dismissed.

Elder Lee also labored in the North Carolina conference, but not in the same section as Elder Winder. He left on his mission September 14, 1891. His health was good, and the success he met with was encouraging. He was well treated by the people. On a few occasions he was threatened by mobs, but was never molested. Elders Lee and Winder speak highly of the hospitality of the Southern people.

Lost His Pocketbook.

A pocketbook containing a number of valuable papers was lost yesterday by H. F. Avesen, of the Twenty-first Ward. He will pay a liberal re-ward to the finder on the latter returning it to him in either at his office or his home.