The Evening paper is the paper of Today, the morning paper is the paper of Yesterday.

DESERET EVENING NEWS.

5 O'clock -EDITION.-

TRUTH AND LIBERTY.

NO. 19. THURSDAY, DECEMBER 13, 1894. SALT LAKE CITY, UTAH. VOL. XXVIII.

FIRE-SWEPT TEXAS.

Hundreds of Miles of Pasture and Range.

CLEANED DOWN TO THE GROUND.

No Horse Could Outrun the Roaring Flames—Their Frequent Change of Direction.

SAN ANTONIO, Texas, Dec. 12.—A letter from L. H. Holman, a ranchman at Dentu, Texas, says:

The largest and most destructive fire known for years has swept over a large portion of the plains, and is still burning to the south. It began near the Pecos river, last this side of Fort Stanton, two weeks ago, and horded to the southeast, taking the large pastures of Ray Bros., Dolver Bros. and others, and a large amount of open range.

Then the wind turned and then a gale, driving a solid breast of fire fifty to seventy-five miles long to the west. The best horse could not hold the fire. It crossed the Escarbada division of the Capitol syndicate pastures, sending out the greater portion of the range. If it had not been for the heroic efforts of a few men along the fire guards and west of Lapidea, the whole country toward Amarillo would have been burned.

As it was, the fire was forced south and crossed the Colorado in the south part of Dead Smith and Castle counties. The line of fire was forced east nearly through Dead Smith county, until it struck Randall county, which it turned to the northeast once more. How far it turned east is not known, but it is supposed to have reached the front of the ponies.

A strong norther came on driving the fire due, extending from the banks of the Pecos on the west to a point far east of here supposed to be the eastern edge of the pastures, to the south. This solid breast of fire, sweeping south, was not less than 125 miles long.

How far in this direction it went is not known here, but last night a dark, huge bank of smoke was still seen rolling up from the south. The greater portion of the vast area included in the outlines of the fire was burned clean.

Without, How About This?

WASHINGTON, Dec. 12.—The Universal Peace Union has forwarded to the emperor of Germany a petition urging his consideration of the proposition that Germany restore to France that portion of Alsace and Lorraine whose occupants speak the French. Such action, it is asserted, would result in the permanent reconciliation of France and Germany.

THE RUSH RETURNS.

No News of the Crew of the Lost Ironbox Obtained.

PORT TOWNSEND, Wash., Dec. 12.—The U. S. revenue cutter Richard Rush, has returned from her cruise along the west shore of Van Couver Island in quest of news concerning the missing sealer Ivanhoe, which sailed from Seattle for San Francisco Sept. 17, with Fred Grant, ex-minister to Bolivia and editor of the Seattle Post Intelligencer, as a passenger. At Nettle Island a life buoy belonging to the Ivanhoe was obtained from the Indians who had found it several weeks ago. The stern sheet of a ship's dinghy boat and some other small fresh wreckage were found in the same vicinity of Barclay sound but nothing further than the buoy to indicate that it belonged to the Ivanhoe. The Rush's cruise extended to Cape Scott. A succession of heavy gales were encountered. Capt. Hooper of the Rush, says he visited every settlement and trading post, making diligent inquiries and offering inducements to the natives for information, but he was unable to find any trace of castaways on the island.

SEVERE ON THE COMPANY.

North American Deposit and Investment Concern Scored by a Judge.

CHICAGO, Dec. 12.—Judge Horton has issued an order in the case of Caroline Humphreys against the North American Deposit and Investment company. This is the case wherein it was alleged the company had swindled Mrs. Humphreys and her husband out of $1,200, the savings of years. At the time the evidence in the case was submitted the judge scored the company in an unmerciful manner from the bench and ordered the company legal recovery be priority obtained from Humphreys and surrender the note. In rendering the decision the judge was as severe on the companies as the time of the trial, declaring that in his opinion it was gotten up for the purpose of swindling people like the Humphreys who are aged and infirm colored people. The company is incorporated with a capital of $25,000,000 and although the chief officers resided in this city the headquarters were in Dubuque.

LAW ON ELECTIONS.

Decision in Favor of an Officer Not Regularly Nominated.

NEW YORK, Dec. 12. — Edward H. Goring, of Wappingers Falls, received forty votes for police justice in 1893, an office that was vacant at the time for the filing of which the election officers had made no provision whatever. He was not regularly nominated for any official ballots containing his name printed, but after the election he claimed the office and Judge Dykman, of the supreme court of the first department examined his claim. Goring's counsel has received word that his position has been confirmed by the general term. Justice Brown, who wrote the opinion, with the question presented was whether a duly qualified voter may vote for a person for an office who is not named on the official ballot and for whom no ballots were had been nominated, but which may be filled at the election. No votes were cast for any other candidate than Goring and the village trustees had previously decided the office was necessary. Counsel for the Wappingers Falls trustees contended that a nomination under such conditions was not only absent, the ballot law not having been complied with. The opinion states that the right to vote is derived from the Constitution, the manner of voting is regulated by the statutes. The constitutional provision is that "Every male citizen of the age of 21 years shall be entitled to vote at all elections." This provision confers the right to vote for a person for every office required by law to be filled at the election at which the voter desires to vote. Any law which prohibits the right to vote is a constitutional.

SCALDED WITH STEAM.

Accident at the Union Pacific Yards, Denver.

DENVER, Colo., Dec. 12.—Last night at 11:00 without a switch engine and a freight train crashed into each other in the Union Pacific yards. Both engineer and fireman on the switch engine were mortally injured, the firemen being parboiled by escaping steam and will die. The injured were Peter Anderson, fireman, scalded from head to foot with steam; Jack Lawrence, both legs broken and Timothy Sullivan, engineer, right leg cut off below the knee, hands and arms scalded, face cut and probably internal injuries.

THE DAWN OF BETTER DAYS.

No Ray of Hope in the Iron Trade Until Spring.

NEW YORK, Dec. 12.—The *Iron Age* today will say:

Unfortunately there is not a chance that a sufficient amount of work will be passed to stop the savage struggle for work during the next few months. Even the most sanguine date the dawn of better days only beginning.

The steel rail makers have suffered some disappointment since they first express determined to wait until they usually send the rails in the track before they place any order.

Pittsburg reports some activity in Bessemer pig for delivery the first quarter of 1895 at $10.50 to $10.75. Relatively little has been done in steel billets which are held at $15.25. There is some talk that considerable purchases for future delivery have been made in the wire trade, the general very low prices evidently being an inducement to buyers.

There is a fair amount of structural work coming into the market from some of the leading firms and there are some cars of bridge material for orders over which there is a lively competition. Plates are exceedingly dull and generally speaking the whole line of rolling mill products is suffering from competition.

In foundry iron the attitude of the local producers in Chicago districts can only be tested by time. In other sections some of the large makers show a disposition to retreat from cutting.

The iron had a little breathing spell and has again crossed the 14c line. Copper has undergone a sharp turn and rumors to account for the change are numerous. Lead and spelter drag wearily and there is little animation in the tin plate market.

The Dance Romana Affair.

ROME, Dec. 12.—Signor Blanchera, presented as usual in the Chamber of Deputies yesterday. There was an excited discussion in regard to the result of the inquiry made in the action of magistrates in connection with the Dance Romana affair. The minister of justice, Signor Calenda, contended that those of the magistrates who had failed to do their duty had been punished. Signor Giolitti defended the action of the minister of justice during his regime as premier. The current chamber then discussed the speech from the throne and there was considerable excitement in the house.

For the Relief of Nebraska Farmers.

OMAHA, Neb., Dec. 12.—A special to the *Bee* from Lincoln, Neb., says: An important meeting of the state relief commission was held yesterday. A committee of three, consisting of Messrs. Mason, Louden and Thompson was appointed to confer with Governor Crounse and Governor-elect Holcomb in regard to recommending to the legislature some plan to secure seed grain for the destitute people of Nebraska. The object is to unify all society and individual efforts in this direction that the greatest and most immediate good may be secured.

Canada's Premier's Funeral.

WINDSOR, England, Dec. 12. — By command of Queen Victoria everything possible was done to make the funeral of Sir John Thompson, Canadian prime minister, a national event. The queen personally placed a wreath upon the coffin. The procession was in the nature of a state ceremonial.

The body was placed on a train to be taken to London where it will be embalmed preparatory to removal to Canada.

A Nicaraguan Pirate Dead.

NEW YORK, Dec. 12.—A special to the *Herald* from Managua, Nicaragua, says: Ex-President Vicente Cuadra is dead. He was an able statesman, his administration being noted for the progress the country made.

Massacred by Indians.

HERMOSILLO, Mex., Dec. 12.—About twenty Yaqui Indians visited the ranch of Rara Borrona, west of here, and massacred four cowboys and burned all the ranch buildings. Horse guards have gone in pursuit.

The Brazilian Rebellion.

NEW YORK, Dec. 12.—A special to the *World* from Rio Grande, Brazil, says: Governor Castilhos is reported here as strong enough to resist a march of the forces of his friends south to never will give up his post until the government at Rio Janeiro introduces a bill for the money spent and gives him an office just as good or better.

Mine Fire Extinguished.

SALT LAKE, Dec. 12.—The fire in the Jennie mine, which for several days has been burning, has been extinguished. The men employed in the mine have resumed work.

FIGHTING IN PERU.

Rebels Up in Arms Against the Government.

THE REGULAR SOLDIERS DESERT.

Exciting Struggle Between the Opposing Parties on Board a Pacific Steamer.

NEW YORK, Dec. 12.—Advices from Peru via Colombia, per steamer Alliance, are to the effect that General Pierola, who is in arms against the Peruvian government is gaining accession. The general sentiment of the people appears to be in his favor. He has control of several of the principal ports and is very strong in the interior of the country. He has a well equipped army and is close to Lima, the capital. The Pacific Steam Navigation company's steamer Puno was on her arrival, Nov. 14th, subjected to a rigid examination by the government troops, to discover if it was carrying arms or ammunition. A company of soldiers remained on the vessel until it arrived at Callao, the port of Lima, to prevent communication with the adherents of Pierola and inspect all the cargo landed. The same company's steamer Huron had a lively experience at Cerro Azul, the first port of call in the south of Callao. The vessel had on board a detachment of government troops in charge of prisoners. As it entered port it set the usual signals for lighters, it not being known that Pierola's forces had captured the town. A lighter, apparently loaded with sugar, went alongside the Huron. Three or five sailors were greatly surprised when the lighter was found filled with armed revolutionists, who, after a short struggle, captured the government troops and released the prisoners. During the struggle the captain of the Huron attempted to take his vessel out of the harbor, but a rifle presented at his head caused him to change his mind.

When these advices were dispatched Pierola's forces had control of the Ocoya railroad, and traffic to Arequipa was suspended. The only railway in the country remaining in operation, was the short line between Lima and Callao. On November 22 the government fitted out an armored train, with a Gatling gun battery to carry 2,000 soldiers along the Ancya railroad and drive off the revolutionists along the line. As the train approached the scene of the revolutionists 1,500 government troops deserted with their arms and ammunition and joined the rebels. The remainder of the government forces returned to Lima. The condition of the government troops is deplorable owing to bad food and ill-treatment, and as they have not received any pay for several months, the discontent is almost universal and desertions numerous. Great distress and suffering prevail at Lima and Callao, owing to the high prices and scarcity of provisions. People able to do so have provided themselves with sufficient food in anticipation of "thirty days' siege. In Callao, the services of one of the governments battles have mutinied. To prevent the insubordination from spreading all the battles were placed under arrest in a hulk anchored between two government ships and all sailing in the harbor was notified to withdraw from the line of fire. Many steamers of Chilean and Pacific Steam Navigation companies are subjected to search and inspection by each party, and are doing practically no business in Peru.

Central American Federation.

TEGUCIGALPA, Dec. 12.—Riots have occurred at Comayagua, where the town was shouted, "Death to the Bonilla family."

The Central American federal congress, which is substituted for the Central American union, allows each country its own president, the president becoming the president of the federation who shall live in a neutral district and on retiring give place in rotation to all the other presidents, each to have one vote in the council of the federation.

General Amnesty.

CARACAS, Dec. 12.—President Crespo has released all the political prisoners and invite all exiles to return, promising them liberty.

Carl Schurz Elected.

CHICAGO, Dec. 12.—Carl Schurz was today re-elected president of the National Civil Service Reform league, George Mooney secretary and Silas Hart treasurer.

Seeley's Preliminary Examination.

CHICAGO, Dec. 12.—Samuel C. Seely, the bank defaulter, was taken before Commissioner Wirt for preliminary examination today. President Crane, of the National Shoe and Leather bank outlined the crime and Seeley was held under $20,000 bonds. He waived examination. He will be taken to New York this evening.

Sir Thompson's Successor.

LONDON, Dec. 12.—The *Exchange Telegraph* this afternoon states on positive authority that Sir Charles Tupper, at present Canadian High-Commissioner in London, will succeed the late Sir John Thompson as premier and minister of justice.

UNDER THE SHELTER OF LAW.

Proposition to Place Strikers Under Legal Protection.

DENVER, Dec. 12.—In the Federation of Labor convention this afternoon, a spirited discussion was precipitated by the report of the resolutions committee, in favor of the adoption of a resolution introduced by Edward L. Duy of the Laborers' union of Boston, seeing Congress to pass a law making it an offense punishable by fine and imprisonment for any employer to employ during a strike or lockout of his employes, aliens who have resided in the United States less than one year, or who have not expressed their intention of becoming American citizens.

A substitute was adopted that the resolution be referred to the incoming executive council with instructions to secure legal advice regarding the constitutionality of such law. It passed. The resolutions committee recommended the adoption of a resolution endorsed by the Typographical union, against land monopoly. The report was adopted.

Suicide Caused Through Grief.

PHILADELPHIA, Dec. 12.—Mrs. Amelie Weerguard, widow of Lars Weerguard, committed suicide by slashing her throat with a carving knife. The suicide was the result of excessive grieving over the death of her husband, who was for many years one of the most prominent shipping men of this city.

THE HOUSE.

WASHINGTON, Dec. 12.—In the House today, Cockran's motion to recommit the urgency deficiency bill with instructions to strike out the appropriation for the income tax was defeated—yeas 65, nays 166.

THE SENATE.

WASHINGTON, Dec. 12.—Blackburn moved in the Senate this afternoon that when the Senate adjourns today it be to Monday. The friends of the Nicaraguan canal bill rallied and the motion was beaten—23 to 22.

CARLISLE'S CURRENCY PLAN.

Pronounced Bankers Criticize the Proposed Measure.

WASHINGTON, Dec. 12.—The House banking and currency committee continued the hearing today. Letters were read from W. M. Dunn, editor of the Commercial and Financial Chronicle, and H. D. Hyde, president of the Bank of New York. Ferris said:

"There seems to be no good reason why the existing national banks who have United States bonds on deposit with the comptroller should not be allowed to continue as they are until the current expiry of the deposited bonds are paid off. Section 7 of Carlisle's bill seems like forcing the banks to do what they have not been consulted about."

William G. Cornwall, president of the New York Banking association, read a carefully prepared paper advocating substantially the Baltimore plan. Replying to questions by Warner, Cornwall said he thought greenbacks and treasury notes redeemable should be redeemed, but he said a perfect note redemption with low rate bonds. He also said he did not consider that part of Secretary Carlisle's plan relating to the retirement of treasury notes sufficiently definite. Cornwall said that a return to state bank notes would bring about a return of counterfeiting, now reduced to a minimum.

Rapid Destruction.

EVERSHOLM, Ala., Dec. 12.—A fire broke out last night in the Barker store and spread rapidly, destroying fifteen buildings. The loss will approximate $100,000; insurance about $75,000.

A City in Flames.

GALLUP, N. M., Dec. 12.—Two-thirds of the business portion of this city was burned last night. The loss is $50,000, partly insured.

West Point Academy.

WASHINGTON, Dec. 12.—Senator Hale, chairman of the board of visitors to the West Point military academy, presented a report to the Senate today, taking a strong stand in favor of a change of the law which will increase the number of cadets to 400 or one for each senator and representative and twenty for the President, instead of the present number.

TRULY A MOTHER IN ISRAEL

Mrs. Margaret Foutz, of Pleasant Grove, Aged 94.

Two Hundred and Four Direct Descendants, of Whom Nearly a Hundred Sit Down to Dinner.

An esteemed Pleasant Grove correspondent writes, under date of the 11th:

Mrs. Margaret Foutz has attained her 94th birthday, and the event is being celebrated at the city hall today in feasting, songs, speeches, etc. Sister Foutz is a survivor of the Haun's Mill massacre in Missouri, her husband, Jacob Foutz, being one of the number who was wounded, and only escaping death by feigning it and pulling the dead bodies over him. He thus escaped until the mob dispersed. The venerable lady crossed the Plains in the year 1847. Her husband, Bishop Jacob Foutz, died soon after their arrival in the valley, she being left with her large family to battle with the cares of life in this then barren wilderness. Through all these vicissitudes incident to a new country, Mrs. Foutz maintained herself and family. She is a remarkable woman, being hale and healthy at this time, doing her own housework. Her descendants number twelve children, seventy grandchildren, one hundred and fifteen great-grandchildren and seven great-great-grandchildren, one great-grandchild having been born this morning.

Ninety-seven of her relatives sat down to the table to the call today. The festivities were kept up until 10 p. m. Music and dancing and merry-making made a very enjoyable time.

OTHER ITEMS.

About six months ago, James Bush and John P. Hayes were relieved of a double set of team harness each. Some seeing thief had entered the barns at these men in the night and stole the "gear." Through the exertions of Sheriff John A. Brown, of this county, the harness was traced to Kanosh, Millard county, and the goods have been recovered and returned to the owners. The prime wire had the harness stolen they bought it. Arrests will doubtless follow.

Elder C. D. Evans, of Springville, lectured here on Sunday evening, subject "Infidelity." He handled his theme in a most interesting manner.

The Sunday school will give a sacred concert here on Christmas eve.

THE PROCLAMATIONS

They Affect Substantially the Same Persons.

FULL TEXT OF BARTCH'S RULING,

Given Out by Him to the Public Today for the First Time.

Associate Justice Bartch this morning handed down his decision, in full, in the case of the United States vs. W. P. Wilde, tried before his honor at the recent term of court at Beaver. The ruling is an important one as concerning the two amnesty proclamations and the question is now passed upon by the district court for the first time. The opinion runs as follows:

In this case the defendant is under indictment for the crime of unlawful cohabitation.

According to the allegations in the indictment, the offense was committed after the first day of November, 1890, and prior to the issuing of the proclamation for amnesty and pardon by the President of the United States on September 25th, 1894.

The defendant files his plea to bar of the action, and claims that he ought not to be prosecuted because the offense, if any was committed, was forgiven and by virtue of the said proclamation.

It is contended by counsel for defendant, that while his case is not affected by the proclamation issued by President Harrison on January 4, 1893, it is affected by that of President Cleveland, and that the latter proclamation is more far reaching than the former.

Counsel for the people maintains that the two proclamations are substantially the same in effect and operation; and that both is a confirmation and completion of the two proclamations, for if the offense is not affected by the former proclamation, and the latter is the same in effect and operation as the former, then the plea in the case cannot avail the defendant.

It appears from the proclamation of President Harrison that reference is made to the act of Congress approved March 22, 1882, and to statutes in furtherance and amendatory thereto, and by way of inducement reference is made to the manifesto of the Church of Jesus Christ of Latter-day Saints, the Mormon Church, issued on the 5th day of October, 1890, to representations made that the members of the said Church were violating the laws of the United States in reference to plural marriages and unlawful cohabitation; to a petition of the officials of the Church pledging the membership thereof to the faithful obedience of the laws in question, and asking that amnesty be granted for past offenses against said laws, which request was strongly urged by a large number of non-Mormons; to the recommendation of the Utah Commission that amnesty be granted under proper conditions as to the future observance of the laws; and to the fact that during the last two years amnesty had been granted to a large number of the same class of persons mentioned upon the faithful observance of the said laws of the United States.

It is evident from an examination of the two proclamations that the several facts above mentioned constituted the moving consideration or inducement for the granting of the amnesty. After recitals and referring to these several matters and conditions, the President grants amnesty and pardon as follows:

"I, Benjamin Harrison, President of the United States, by virtue of the power in me vested, do hereby declare and grant full amnesty and pardon to all persons liable to the penalties of said act, by reason of unlawful cohabitation under the color of polygamous or plural marriages, who have since November 1st, 1890, abstained from such unlawful cohabitation, but upon the express condition that they shall faithfully obey the laws of the United states, herein before named, and not otherwise. Those who shall fail to avail themselves of the clemency hereby offered will be vigorously prosecuted."

It seems clear that the President intended to and did grant full amnesty and pardon to all persons who had been or were members of the said Church, and who by reason of unlawful cohabitation, under the color of polygamous or plural marriages, were liable to the penalties of said act, provided they had obeyed the law since November 1, 1890, and upon the express condition that they would obey the law in the future.

The President does not in express terms refer to the various crimes which are the result of polygamous or plural marriage, but to a general way refers to the "penalties" provided by law for such crimes.

In criminal law the term "penalty" denotes a punishment for the non-performance of an act commanded, or for the performance of an act forbidden by law. Webster defines the term as: "Penal retribution; punishment for crime or offense; the suffering in person or property which is attached by law or judicial decision to the commission of a crime."

Bouvier defines it as "the punishment inflicted by law for its violation."

In statutes this term is (frequently) used in its broad sense, and where so used, it may, without much strain of its ordinary meaning, be held to embrace all the consequences visited upon those who violate the law.

Weaver vs. Hartley, 26 Mich. 275.

Construing the proclamation as a whole, I am of the opinion that the term "penalties" was therein used in the sense above indicated; that the language employed in said proclamation is broad enough to include all the crimes which grew out of the relationships referred to; that such was the intention of the President when he promulgated the proclamation; and that it applies not only upon the crimes of unlawful cohabitation, bigamy and polygamy, but also upon adultery, when committed by reason of such relation, and all such civil disabilities which were imposed by the law upon the class of persons thereby embraced.

The pardon and amnesty granted is limited to those persons of the class mentioned, "who since November 1, 1890, have abstained from such unlawful cohabitation, and is coupled with the further condition that they shall obey the laws of the United States referred to in the proclamation. Subject to this condition, there is granted full amnesty and pardon, the effect and operation of which are to remove the penalty and bar and the guilt, so that the offender is as innocent in the eye of the law as he was before the offense was committed. It restores his civil rights and removes his disabilities and penalties.

Ex Parte Garland, 4 Wall. 333.

1 Am. and Eng. Ency. of Law, 555.

This proclamation grants full amnesty and pardon in several terms, and the rights, immunities, and privileges which it restores to the persons entitled to it are such as are enjoyed by all citizens of the Territory. It, however, does not affect property rights. The proclamation is a public act of which all courts of the Territory are bound to take notice. It supersedes the statute law and therefore refers to it so far as the penalties and disabilities created by the statute affect those persons who are embraced in the proclamation, and who have complied with the conditions therein mentioned.

Armstrong vs. United States, 13 Wall. 154.

Knote vs. United States, 95 U. S. 149.

Upon consideration it seems clear that the proclamation of President Harrison granted full pardon to all persons embraced in it, for all offenses committed in violation of the laws referred to, prior to November 1st, 1890, provided that such persons since that date have obeyed such laws.

The case at bar, although the person is one embraced in the class mentioned, is not affected, because the offense is alleged to have been committed since that date. But it is insisted by counsel for the defendant that this case is one embraced within the proclamation of President Cleveland, and that the latter proclamation has a broader scope than the former. From an examination of the latter proclamation it will be noticed, that its scope is based substantially the same grounds as the former, except that the executive did not refer in the report of the Utah Commission of September 15, 1894. After stating that the proclamation of January 4, 1893, "has declared that great full pardon and amnesty to carefully selected persons under said act, upon conditions of their observance in their future requirements," and after describing himself satisfied, from the evidence furnished him, that the influence of the Church generally abstained from plural marriages and polygamous cohabitation, and were now living in obedience to the laws, President Cleveland proceeds to proclaim that "the time has now arrived when the interests of public justice and morals will be promoted by the granting of amnesty and pardon to all such offenders as complied with the conditions of said proclamation, including such of said offenders as have been convicted under the provisions of said act."

It will be seen that reference is here made to those who have complied with the conditions of the former proclamation, and to those who have been convicted under the act therein mentioned, but in the views hereinafter expressed are correct, all such offenders were embraced in the proclamation of 1893, and it seems that this position is strengthened by the amnesty clause in the proclamation of 1894, which reads as follows:

"Now, therefore, I, Grover Cleveland, President of the United States, by virtue of the power in me vested, do hereby declare and grant a full amnesty and pardon to all persons who have, in violation of said acts committed either of the offenses of polygamy, bigamy, adultery or unlawful cohabitation, under the color of polygamous or plural marriages, or who, having been convicted of violations of said acts, are now suffering deprivation of civil rights in consequence of the same, excepting all persons who have not complied with the conditions contained in said Executive proclamation of January 4th, 1893." This refers expressly to the "conditions" imposed by the proclamation of 1893, and excepts all persons who have not complied with such conditions. The defendant in this case belongs to a class of persons not affected by the exception, because his alleged offense was committed since November 1st, 1890, and therefore his plea to bar cannot avail him. It is true, claimed by counsel for defendant, that the amnesty, came in the proclamation of 1894 refers more specifically, by name, to the offenses intended to be affected thereby than does the like clause in the proclamation of 1893 refers specifically to the laws within defendant's defense the acts which constitute the crimes and create the disabilities, a specific reference by name to such offense is not necessary. It is evident that both proclamations effect, substantially, the same persons, the same offenses and the same disabilities and that the case at bar is affected by neither proclamation.

The plea to bar is overruled and decided.

A Newspaper Change.

The issue of the Logan *Journal* of December 12 contains an announcement to the effect that the paper has been leased by Jesse Earl and Charles England. The former has been foreman and the latter business manager for a number of years. Concerning the effects of the change on the paper the issues state:

We will assume its business and collect its accounts, continue its editorial and direct its policy; carry out its contracts and endeavor to run a first-class semi-weekly newspaper, with the same support and good will of said company, its directors and stockholders.

It is our intention to publish a live local paper devoted to the interests of this community and of the Territory in general. While the Journal will continue to be a Democratic organ, it will ever remember the welfare of the whole people as paramount to that of any section, creed or party.

Will Be Heard Here.

The case of E. R. Dwyer et al vs. the Beaver River Irrigation Co. has been set for hearing on Wednesday next before Judge Barber, sitting here as judge of the second district court of Utah.

A ROBBER'S ROOST.

Police Officers Make a Rich Haul of Stolen Property.

THE CACHE AND ITS CONTENTS.

Three Had Been Arrested and in Jail.—One of Them Confesses.—Last Night's Burglaries.

The establishment at the Penitentiary of Chief Pratt and Detectives Sheets and Ferguson unquestionably imparts the usual zest of the police department, but it has not made it impossible for other officers to do good work. This fact was plainly demonstrated shortly after noon today, when Patrolmen Roberts and Gillespie, after a night of vigilant work in citizens' clothes located a thieves' cache containing all of the articles stolen during the series of burglaries committed in this city during the last forty-eight hours and arrested a trio of tough characters, one of whom confessed that himself and colleagues were guilty of the burglary and these robberies reported in last night's NEWS.

The arresting officers, on obtaining a clue followed it unceasingly until they nagged their game at the corner of No. 219 east Fourth south street, at the residence of Miss Ella Curtis, sister of one of the culprits. On being taken to the police station the men gave their names as Norton Curtis, Joseph Smith, alias D. H. Hamilton, and Henry Stewart, alias Hy Wright. The cache, however, to which the stolen booty was stowed away to the amount of a large wagon load and valued at several hundred dollars was in a different part of the city, being located in a barn on Eighth West between Fourth and Fifth south streets.

Soon after the accused had been placed behind the bars in square cells under the care of Jailer Kennedy, Roberts and Fitz started after the cache and goods which they brought to the bald, where it can be identified and recovered by the owners.

The only stolen property found in the possession of the prisoners consisted of Forbes valuation pieces of silverware taken from the residence of Mills Allen, No. 119 north State street, on the night of the 5th instant. The street of this gang of hard characters and consequent recovery of the missing valuables was a piece of excellent detective work, and reflects unusual credit on the officers who worked up the case and who received valuable assistance from our good friend.

EDITOR EVENING NEWS:

The Kennedy *Liquor* store on First South between East Temple and State street was, according to a report made at the police station today robbed between last midnight and this morning. The burglar or burglars descended the transom over a back door and entered through the opening that made. The till was tapped and three cages silver dollars and a number of counter cit quarters and about $2 in pennies coin taken. Many dollars in good cash in an unknown safe was unmolested.

Barn Robbed.

An unknown thief entered the barn on the Continental Oil company's premises near the Rio Grande Western depot last night and departed with a saddle, two strokes and set of harness. The property was recovered in a second hand store today by Detective Paul, who it was sold by the thief soon after the theft. The fellow is still at large.

She Was Set Free.

The little girl Pearl Walker, who was yesterday afternoon turned over to the custody of the U. S. marshal pending the drawing up of a complaint charging her with perjury, has been set at liberty by order of Judge Bartch, no warrant having been issued against her. The alleged offense was committed while testifying as a witness for the prosecution against her father, on trial for criminally assaulting her. A report of the case appeared in yesterday's NEWS.

Not Out of It Yet.

Walter Walker has been acquitted on the charge of criminally assaulting his daughter Pearl, aged 12; but the grand jury have presented another indictment against him charging assault with intent to commit rape.

Attorney W. C. Holly this morning stated that the defendant will be given until tomorrow morning to plead. He expected to set up a plea of former acquittal. Counsel also stipled that his bond be reduced to $500. The time was granted and after some opposition on the part of the prosecution the court fixed the bail at $500, to be approved by U. S. Commissioner Haight, of Park City, from which neighborhood sureties hails.

Returned from the East.

The well known and popular Salt Lake music dealer, David G. Calder, has just returned from a business trip embracing the cities of Chicago, Boston and New York. His brother, Samuel H. Calder, accompanied him as far as Boston, where he remained to perfect himself in a thorough course of piano tuning. Mr. Calder reports that all eyes are at present upon Utah and he was accosted by interested questioners and newspaper interviewers seeking information concerning this new state. The whole trip extended over a very pleasant and successful three weeks.

Day Dispatches on Page Six.

Interesting day dispatches will be found on page six in the issue of the NEWS.