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. 80. MONDAY, FEBRUARY 26, 1894. SALT LAKE CITY, UTAH. VOL. XXVII.

HAWAIIAN REPORT.

Results of the Investigation by the Senate Committee.

NO IRREGULARITIES FOUND.

Everybody Justified, Stevens and Blount Endorsed and Annexation Indirectly Advocated.

WASHINGTON, Feb. 25.—Morgan, chairman of the Senate committee on foreign relations, today presented the report of the investigation of that committee made under the resolution requiring it to report "whether any act or acts of what irregularities had occurred in the diplomatic or other intercourse between the United States and Hawaii, in relation to the recent political revolution of Hawaii." The report is prepared by Morgan and concurred in by Frye, Dolph and Davis, the Republican members of the committee, who make also a supplemental report, Bailey, Turpie, Daniel and Gray, Democrats, submit a minority report. The majority report, with the mass of evidence taken by the committee is very voluminous.

Morgan begins with a proposition that this government, dealing with any form of government in Hawaii, can have no basis in its line of policy corresponding to any change in the office of President. It is to all regards the same government, be it called the same President during the entire period. The President, however, has the right to change at will, in the same proportion. The report then makes argument against interventions in the islands, saying we exercise at best a moral ascendancy over Hawaii, which, it says, "is an American state outcast in the American commercial and military system," resulting in a tacitly considered inferiority, if not we embarrass in the endeavors to release her people from the silken anti-republican regime, subordinating her people to a supposed divine right, of a monarch, whose title to such divinity originated in the most carnal conditions of pagan barbarity."

The report approves Minister Stevens's order limiting the troops from the Boston, on the ground that conditions existed which had relatively to the apprehension of civil commotion, endangering the security of American citizens, and points out that on three or four previous occasions similar action has been taken. This proposition, the report says, grew out of the effort of the queen to overthrow the constitution, and her act amounts to an act of abdication and restricted her power to protect the American citizens.

The report says: "It is evident that the queen's government at that time had no power to prevent the landing of troops from any quarter, no power to protect itself against invasion and no power to conduct a civil government." In other words, insurrection existed. The queen only held the throne under her oath and constitution and were she declared herself absolute monarch, it was an actual act of abdication. Furthermore, she had been overthrown by the white people of the islands before the troops from the Boston landed. The Boston remained but a brief period. In view of this, the report lays down the proposition that in a country where there is no power of law to protect the citizens of the United States there is no law of nations nor any rule of comity that can rightfully prevent our flag from giving shelter to them under the protection of our arms, and this without reference to any direct injury done to the United States, considered the confusion or any advantage it might give the people disputing her right to resume her legal power.

The report declares: "The purpose of Minister Stevens and Captain White was legitimate. They acted in good faith and with no interest except the protection of American citizens and preserving order." The report speaks of the work of American missionaries building up the constitutional government of Hawaii, and says it strikes the people of the United States in sympathies and assist in rendering its overthrow. The Queen's desire to banish or kill her opponents should cause the Americans not to hesitate to support the government opposed to her.

The report then says that President Cleveland, seems to be formed this disposition of the queen, abandoned further attempt to restoration through instrumentality Willis, in the belief that he was following instructions, held two or three interviews with the queen thereafter. The report adds: "When the crown falls in any kingdom of the Western hemisphere it is universal, and when the scepter departs it departs forever. American opinion cannot sustain any American power in an attempt to restore them, no matter how virtuous and sincere the motive may be that seem to justify him."

Stevens's recognition of the new government is justified by the report saying: "It was the duty at the most critical period, to assist by recognition the termination of the interregnum," for the safety of the citizens of the United States. The report says the question of annexation and Stevens's action in advocacy thereof did not induce him from the duty he judged he right to call for troops to protect the citizens of the United States. The committee therefore finds no cause to censure, either against Minister Stevens or Captain White. The unnecessary taking of the American flag on the government building and the interdiction of the United states protectorate was void for want of power, and disavowed by Secretary Foster and revoked by Gresham, who ordered the protectorate abandoned and the flag hauled down to preserve the national honor of this country.

The report makes the point that we have always exerted the privilege of interference in Hawaii to an extent not justified in the affairs of other countries.

FAVORABLE TO ANNEXATION.

The matter of annexation is discussed at length, and while the whole report is favorable to annexation, no direct discussion to that effect is made. It says annexation has been the subject of about constant agitation among the Hawaiians from the beginning of Kamehameha I. to the diplomatic correspondence reported and favorable mission is made to the subject.

The testimony taken by the committee contains the opinions of several of our most eminent naval and military officers that annexation is desirable, necessary in the proper defense and protection of our western coast line. The committee says it is the meeting of thorough investigation and conference and friendly opinion. The report states that the resignation of the provisional government was lawful and constituted in peace.

The report then takes up the question of bound and the investigation. It says he presented a "dishonorable and indefensible report, but that the United state of opinion and feeling in Hawaii at the time made it next to impossible to obtain a fair, fair and free declaration of facts. The evidence taken by the committee under more favorable circumstances established the fact that the revolution originated with Liliuokalani, who succeeded through opium and money bills to secure from the army and her royal guard. The report upholds the right of the President to appoint diplomat and delegates to the plenipotentiary authority. It says the President would not have been justified in using force to restore the queen, and it does not recognize such action. Therefore his action of his part differs for the settlement of the difference was strictly within his delegated right. The fact that the provisional government was formed to assist the annexation to the United States justified the interference by its protection, which would not have been tolerated under other circumstances. Throughout this entire provisional government having thrown itself into the arms of the United states, cannot justly complain if the United states should scrutinize all the properties of it right. Thus the purpose of the entire country and people. Moreover, the queen herself had abdicated personally, awaiting the decision of the United States as to her rights. Under these conditions the President of the United States inferring the intervention to possession of the government was not sufficient to justify commissioner annexation, could not have done justice to himself, to his country, to the people of Hawaii, to the provisional government, or to Liliuokalani without taking some an effort to see the good office to reconvene whether it was justifiable in the opinion of the President of the United States, and which would have prevented the confusion or any advantage it might give the people disputing her right to resume her legal power.

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PROPER PROCEEDING.

The report finds that Stevens's earnest advocacy of annexation is not open to criticism, being in line with Harvey and nearly all his successors as secretary of state and with many of Hawaii's prominent citizens. It concludes: "His dealings with the Hawaiian government is characterized by becoming dignity and reserve, and not in any way harsh or offensive. The only substantial irregularity was the hoisting of the flag of the United States was the declaration of the protectorate by Stevens, though no actual harm resulted from this act which merely required to be disavowed as a precedent.

SUPPLEMENTAL REPORTS.

The Republican members in their supplemental report express special with the committee's findings of the main report, but believe that Blount's appointment was unconstitutional, and the posting of the naval force at Honolulu under his orders illegal. He declares: "His dealings with the Hawaiian government is characterized by becoming dignity and reserve, and not in any way harsh or offensive. The only substantial irregularity was the hoisting of the flag of the United States was the declaration of the protectorate by Stevens, though no actual harm resulted from this act which merely required to be disavowed as a precedent.

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THE DISTRICT COURT.

Willis Ogden Pleads Guilty and Gets Off with Three Months.

THE SMALL BOY BURGLARS.

J. C. Falconer Appointed Assistant Court Stenographer.—A Rising Check Case to Drive, Etc.

When Chief Justice Merritt took his seat in the Third district court this morning he announced that, on the recommendation of the executive committee, he had decided to appoint J. C. Falconer as assistant court stenographer.

Mr. Falconer, who was present, was very shortly afterwards sworn in by Acting Clerk McMillan, and got to work in Judge Barton's division. He is 23 years of age, comes to Salt Lake City from Ohio, some three years ago and was for nearly a year employed as stenographer in the law office of Boreman, Marshall & Bradley. During the last two or three months he has been "practicing" hard in the courts with a view to competing for the position of court stenographer. Mr. Harrowgate resigned, by him to that, but he was successful in the overall contest.

INVOLUNTARY MANSLAUGHTER.

The case of Nellie Ogden, the super of "Kill" Masculine, came up once for hearing in Judge Merritt's court today, and in anticipation of this the court room was crowded at the time the session opened this morning.

The defendant, who is apparently about twenty-four years of age, good looking and of fair-like presence, was allowed to stay sitting, and sat beside her counsel, Judge Powers.

The indictment charged voluntary manslaughter.

District Attorney Judd was the first to mention the case, this when he said he had carefully looked it over after letting with Judge Howat, he said, he had agreed to accept a plea of guilty to involuntary manslaughter. Where, as he had told Judge Powers, he would make the motion with the court as to the amount of punishment, he would agree to recommend as the limit six months in the county jail.

The defendant was then called and pleaded guilty to involuntary manslaughter.

Judge Powers, addressing the court, pointed out that the defendant had been silent in the county jail, awaiting trial, for a period of nearly two months and said he believed the facts were such that no jury would have ever convicted her upon a charge of involuntary manslaughter. He also said he elected to plead guilty to the lesser offense. Counsel stated briefly what the testimony proved to the court to be. On the night of December 24th, 1893, the defendant was "spending" a house kept by one Jane Willis, in South Temple street, in the city, and of which the defendant was an inmate. The deceased man, "Mike" Mason, was her lover. On that occasion Mike Ogden was in the outside room of another house, owned by Lawrence. Mason went into the room during the evening and after being there some ten or fifteen minutes he was observed descending the stairs, apparently. The defendant followed closely behind him. When Mason got down said he (meaning "I) do not want to die in this kind of a house; take me away." He had been stabbed in the left breast, near the heart, by a small pearl handled pocketknife about six inches in length, the property of Miss Lawrence, and which was used as a paper cutter. She kept it in the lower drawer of her dresser. Mason lived a time after receiving the wound. When asked if he desired to charge anybody with the stabbing, he said he did not, and stated that he had no complaint whatever to make against Nellie.

Upon these facts counsel submitted the prosecution would have found it difficult to convict her. It seemed that when Mason went into the room he found fault with the dressing, as he said, she had been drinking. He began to upbraid and violently abuse her. This he followed up by beating her, striking her on the head and finally knocked her down. He then also kicked and bruised over the groin, and Mason declared that he was "going to fix her." When knocked down she became frightened and thought to scare him, never at by getting hold of the knife. Having reached to the bureau she managed to open the drawer with her left hand and reached the knife with her right. Mason, still standing over her, said: "Now, d——you, I'll kill you." She then struck upwards with the knife, which penetrated his breast. Judge Powers insisted that, under these circumstances the defendant was simply protecting herself against the violence of Mason. This was not an aggravated case, he said. The defendant, prior to this occurrence, had contributed to Mason's support; she has purchased clothing for him, and has actually pawned her jewelry for money with which to raise money for him.

Judge Merritt told Mrs. Ogden to stand up. He said she has been indicted for a very serious offense, but having regard to all the circumstances he would accept her plea to three months' imprisonment only in the county jail.

The defendant appeared satisfied and left the court room in the custody of Sheriff Queen.

A VERY BAD BOY BURGLAR.

George Williams and William Johnson, two small boys about fourteen years of age, were arraigned on an indictment charging them with having burglariously entered the residence of Charles Ashton, in Emerson's Addition, on January 20th, last. On application of Attorney Farrer in Williams, the defendants were given until tomorrow morning to plead.

The boys had been, it is said, a terror to the postmistress at Colville for some months prior to their arrest. The postmistress claimed that they are quite capable burglars, forcing and robbing of letter boxes, and that they began their work at the postoffice as far back as July, 1893, and were stopped at last with marked money.

TRIED TO BURGLARIZE.

William Walquist, a respectable looking youth, on trial, who is jointly indicted with James Smith and Dave Hughes for having burglariously broken into the house of one James O. Hunter, on January 20th, of the present year, was arraigned. The court appointed Attorney Frank Pierce to defend him. The statutory time to plead was taken.

AT PRESENT IN THE PEN.

The People vs. James Nicholson—sentenced to twenty years in the penitentiary for rape. Thirty days extension granted to file statement for a new trial.

WHO HAS THAT CHECK?

Morris Brach was next brought in for trial on a charge of forging a check for $35, with intent to defraud McCornick & Co., on February 8th, but when the case was called Judge Judd stated that the check had been mislaid and could not then be found. He promised, however, that if was in the possession of either Judge Howat or Assistant Richards, the former of whom was in Ogden today and the latter in Provo.

Upon motion of the prosecution the case was set till 2 p. m., in order that Judge Howat might be communicated with by telephone on the matter. Attorney Dickson N. Smith will defend.

CIVIL JOTTINGS.

In the case of Smith et al vs Salt Lake City, leave was given till April 5th to file amendments to statement on motion for a new trial.

J. T. Little vs John Black. A further stay of execution for ten days was allowed.

Barber Bros. vs the South Jordan Mercantile and Manufacturing Institution. Motion to pay over money proceeds of sale on judgment denied and an exception taken.

Jeffries Trimmer vs. D. G. Eberhardt et al. Demurrer to answer sustained; demurrer to cross complaint sustained. Defendant allowed ten days to amend answer.

Miller vs De Witt Hammond. Judgment against as Steele. Dismissed without prejudice.

HOW IT WAS.

A Correspondent Gives Particulars of the Railway Wreck at Farmington.

Editor Deseret News:

FARMINGTON, Feb. 24, 1894.—I send you further particulars of the accident that occurred here on the R. G. W. railway on Washington's birthday.

I visited the scene of the accident, about one mile southwest of here, and got my information there. Two large engines with one small caboose, or way car, and two cabooses in which were about 50 laborers from Salt Lake City and other local points, leaving the station first from ten stations south of Salt Lake City, were returning from where they had been working for days, a few miles north of Kaysville. The accident occurred about three-fourths of a mile south of the depot. The car, which was filled with wood, is about five feet deep and nearly six feet in length.

Both engines were backing, one at each end of the train, the train engine apparently did not leave the rails until about half way through but the tender must have slid on the snow some after entering the drift, as it would soon clog up with the already solidly packed snow. The leader is a large one with twelve wheels, and it was packed up the bank to where it is, a little over four feet high, as nearly half of it was out of the rail.

The first coach telescoped through the caboose, reducing the west side, the ends and roof into kindling wood, and the corner of the coach only stopped after being jammed into the heel of the engine. The roof and floor of the north end of the coach, slid up on the floor and roof of the second coach, as the first coach was badly telescoped two feet in the air with a mass of wreckage underneath.

None of the men in the rear car were hurt. The injured, about twelve in number, were in the front coach. No one was in the caboose. If there had been, they would undoubtedly have been crushed into a smashed mass.

The stove in the corner of the car that contained hot fire, the engine was scalded over and the fire scattered through the wreckage. Some of the men who were near the stove were asked the car would catch fire, and although badly hurt they broke two of the windows from the east side of the car and jumped through them, one of the men receiving a slight cut from the glass in making the hasty exit.

It certainly appears to have been carelessness of Superintendent Dickson to place in charge of so many men, and I think the matter should be diligently inquired into, as it seems to me there should have been no excuse for causing the fire that was taken.

C. T.

CASAIGUE ROOT.

Utah Not the Only Place Looking to the Product of Cassia Acid.

The cultivation of cassaigue root is a live topic in Utah, and if the necessary information is forthcoming from those who understand its cultivation, there is no doubt but that it will be given a thorough test in a direct portion of the Territory. In connection with the subject it is interesting to note that other sections of the country are urgent to take the matter in hand, as shown by the following from the Denver Annual Sunday morning:

H. G. Mann of Montrose, Tex., county clerk of Loving county, is in the city on a mission to secure the establishment of a new industry here—that of the preparation of manic acid from the root of the famous Mexican cassaigue. It has been found that the rock for various cut of medicinal purposes, making the finest leather known.

The roots grow in clusters like sweet potatoes, from three to thirty in a cluster, and are substituted the same as ordinary potatoes. In shape they resemble sweet potatoes or yams and are the color of an oak bark. When cultivated they grow to an enormous size and yield from from five to twenty-five tons per acre and bring from $10 to $25 per ton. They are like the potatoes, and lengthwise and are ready for market, where the net profit is from $200 to $400 per acre. Mr. Mann is endeavoring to enlist Denver enterprise to cultivate the cassaigue and ship it to this city, where it can be prepared for the Eastern market. He will appear before the commercial exchange on Monday to outline his plan.

SALT LAKE T. O. B'S.

They Were Cleverly Imposed Upon by a Bogus Frank Daniels and His Friends.

Phil Hillebrock of the Lackawanna & Western at Buffalo, New York, is in town. Phil is a fan of Frank Daniels, the actor, says the Denver Times of Saturday, and laughable mistakes have in consequence occurred. Hoboken and Dunsie passed to Salt Lake at the same time not long ago, and for a joke, Flynn of the Rock Island introduced Hoboken as Daniels to the T. O. B. club, which was composed of George Washington Heinz of the Rocky Mountain Western, Cashier Fields of the Denver and Rio Grande and other officials." The person Daniels was dined straightway by the club and shown about town, while he distributed tickets on a prominent hot among the club. They went, saw and were conquered. That is to say, they got off at the box office. Where the real Daniels appeared on the T. O. B.'s in their offices, not usually observed that he could not be responsible for the promises of every crazy or non-crazy person who passed himself off as Frank Daniels. "Then you are not the man who dined with me?" Daniels replied that he had heard there was some one in town getting up every sort of thing in his name. The T. O. B.'s paid their way into the theater.

THIS DAY'S COUNTY COURT.

Appointment of Two Road Supervisors.—Printing Bids Wanted, Etc.

At this morning's session of the county court all the members were in attendance.

County Physician Worthington reported that there are three county patients in two of the city hospitals at this date—St. Mark's, 1; Holy Cross, 2.

A petition for the appointment of John M. Ball as road supervisor of precinct was received and granted.

The resignation of C. H. Rogers as supervisor of road district No. 23 was received and accepted. He recommends H. T. Vincent as his successor. Samuel Perry and an application for the job. Mr. Vincent was appointed.

The clerk was instructed to advertise for bids for county printing for the year 1894.

A number of appropriations were made.

Before Judge Bartch.

Associate Justice Bartch this morning took up the further hearing of ordinary cases in his branch of the Third district court.

The hearing of the suit of Samuel E. Vance vs John H. Whalen was continued on motion of the plaintiff.

The trial of the case of Andrew Mink vs W. H. Joyce and Martin J. Lynn was begun before a jury, Attorney F. Hoffman for the plaintiff, Attorney Arthur Brown for the defendant. The amount claimed is $2,184, with interest from November 2nd, 1893, at 8 per cent per annum. The dispute arises out of a contract for the erection of what is known as the Lynn block, on Second South street west. The sum above named is given as the balance due on agreed contract price, viz. $7,000.

AMUSEMENTS.

Paul Rudy, the renowned organist, has arrived in the city, and in company with Prof. Dupuy he has spent some time in looking over the great instrument in the Tabernacle the keys of which he is to manipulate at the concert this evening. Tomorrow night he will play in the Congregational Church. At the evening's concert the Tabernacle choir will render two numbers.

THE CHUNG-SHAN, with the new cutouts, opens Tuesday, John Tuttle, by the Home Dramatic club, was presented to Lent Saturday evening to the great satisfaction of a house full of members, and tonight the same bill will be done in the new opera house at Bountiful. This will be the last performance prior to the renovation with the big cutouts since Kinnee and Weiss at the Theater left on Tuesday evening last. The sale of seats for that evening's entertainment will begin at the box office tomorrow morning. A big rush is looked for.

WARDE & JAMES's manager, Mr. Larson, is in town arranging for the appearance at the opera house next week. The repertoire will probably be The Lion's Mouth, Francesca, Julius Cæsar and Damon and Pythias.

Body To Be Sent East.

Steven A. Stair, undertaker, will forward the body of Charles Parker, who died in this city on Saturday, this evening to Cincinnati, Ohio, the late home of the deceased. Mr. Parker was about fifty-five years of age. He came here several months ago, the real cause of his death was due to imparting his health, on the average of the disease were so far advanced as to make recovery impossible.

IN THE CITY TODAY.

What a Salt Lake Capitalist Thinks of the Suburban Home.

SECOND PRECINCT SCHOOL HOUSE.

Democratic Club Consolidation.—Col. Lett, Worse.—Trains on Time Today.—Frank Harris Takes Hold.

A News representative in conversation with a prominent and conservative Salt Lake capitalist today was assured that there was a pronounced reaction in the local real estate market and one that in his opinion augurs well for this city.

He has observed, herself, that there were a good many more inquiries for real estate than for some time past. In emphasizing the correctness of the statement he pointed out a number of advertisements in a newspaper which he held in his hand, and in which property was asked for by purchasers. The inquiries were mostly for residence property with houses already erected. That called to his mind another matter of note which had been brought to his attention by the perusal of eastern papers. Through the chamber of commerce of a leading city a list of inquiries had been sent out to outside persons and institutions for information as to what kind of property was the best to invest in. The majority of responses were overwhelmingly in favor of suburban homes where the city itself was a business like, yet conservative one.

In no city in the country, thought the gentleman, could that sentiment find a more application than in Salt Lake. The original survey and laying out of the city into two acre blocks with farms on the outskirts of ten, fifteen, twenty and fifty acres made the latter the most desirable locations for suburban residences within the range of his knowledge and showed the wisdom of the Pioneers. These tracts were in fertile districts close to the center of population and business and susceptible of supporting to a large extent, with proper cultivation, the families that would go to reside upon them.

The suburban home was a dwelling place that was now being sought by the rich and poor and middle classes alike.

Second Precinct School House.

Superintendent of Buildings Pinney of the board of education is at work on a sketch for a plan for a sixteen or twenty room school house to be erected in the Second precinct. The exact location will be on First West street between Ninth and Seventh South, in the Fourth ward. As soon as the style of the structure and class of material have been decided on by the board bids for its erection will be advertised for. Then as quickly thereafter as possible work will be commenced in order that the building may be completed and ready for use at the opening of the sectarial year.

Democratic Club Consolidation.

There is a movement on foot to amalgamate into one general organization and under one management the several Democratic clubs of the city. With that idea in view committees from the Utah Democratic club, the Pioneer or Central, Executive and Gladstonian clubs met in a joint session yesterday. As to just how that could be brought about was discussed for some time and various plans and options suggested. Subcommittees were appointed to further inquire into the matter and report their recommendations to their respective organizations.

Colonel Lett Not So Well.

Colonel Lett, of the Utah Commission, who has been convalescent for some time since his narrow escape from death a few weeks ago, is still confined to his bed and is in a very weak state. His condition today and yesterday has been worse than for some time past, though not so serious as to exercise alarm. The complicated character of his illness has made it a difficult one for the physicians to contend. It is sincerely hoped that with the approach of milder and more pleasant weather his condition may improve.

All on Time Now.

The Union Pacific officials today reported that all of their trains were now running on time, the blockades having been raised on all parts of the system. They anticipate no more serious trouble or delays from snow this winter at least more than as the one which temporarily protracted service a few days ago.

Frank Harris Takes Hold.

Frank Harris, receiver of public moneys in Utah, was duly installed in office this morning. His office will be in the Wellington block on First South street, in the quarters made vacant by the retirement of Hoyt Pierce, Jr.

Constable Brown Ill.

Constable Brown has been relieving of late from the labors of lawyers and court patrons. The reason of his absence is that he is confined to his room with a severe attack of pneumonia.

At Farmington Last Night.

Prof. W. M. Stewart spoke before the Mutual Improvement Association of Farmington, Davis county, last evening, and was greeted with a full house.