

must ever be open to review by higher courts, but when three justices out of four are served by writ of certioraries by one and the same attorney, within option to purchase the properties for \$30,000, of which \$3,000 was paid down one year, it becomes a terror, and it appears that something is wrong. In cases out of such three the said Ricy H. Jones was himself a defendant. For reasons best known to himself he does not appeal from our decisions, but fotifies himself by writ of certioraries.

TOLD TO BE FAIR.

"We understand that Judge Hart has Instructed the members of the bar to be fair with the justices, and it is only justice to say that none of them serve us like the said Ricy H. Jones does.

"We do not know if it is in the power of your honors to relieve our situation; but if it is we respectfully ask that you structions to the judge of this judicial district as you deem proper in the case." Here follows the signatures of the justices, after which the following note, signed by Mr. Anderson, is added to the petition: "William Horsley, the fourth justice of this city, Boxelder precinct, is under certiorari; but he expects to writ of leave for Europe in a few days, and prefers not to sign this petition under the circumstances." The petition was presented to the members of the Supreme court this afternoon, but it is not believed that any action will be taken for the reason that there is some doubt as to whether the court can take cognizance of the matter as presented.

Hall November 4, 1899, within the stipulated time. McDonald was co-owner with Harrington and McNaily, He refused to join in the complaint and was made a In his answer Mcdefendant. party Donald set out that Hall was the agent of plaintiffs and defendants; that Farnsworth had made all the payments to Hall; that he had received his proportion of it, but that Harrington and McNally refused to receive their pioportions of the last \$15,000 when tendered by Hall, the trustee. The case was submitted shortly before noon today, and taken under advisement

standing.

and the balance within six months.

The deed to the property was placed in escrow with W. C. Hall, who was to deliver it to Farnsworth when the final payment was made. Plaintiffs say the defendant defaulted in the final pay-ment of \$15,000, but that Hall delivthe case and the facts that were patent. It is not known where Hamilton came from. ered the deed to the properties notwith-Farnsworth denied that he had failed to make the last payment good, and alleged that the \$15,000 was paid to His Daughter Left to Avoid Testifying

ture and of means.

in Murder Case.

Mr. John Witbeck, father of Nana One of my children had had chicken-Witbeck, has an explanation to make regarding the departure of his daughter and Emma Mathieson. He states frank. ly that they went East to avoid being mixed up in a murder case, about which they knew so little about. If their evidence would be of great importance elther to the prosecution or defense, Mr. Witbeck says he would not have permitted them to leave. He and Mr. Mathieson, Emma's father, provided the girls with funds for their trip.

swore in a coroner's jury composed of William Brown, W. G. Kind and James True, who held an inquest over the body this afternoon and submitted a verdict according to the evidence in

WITBECK'S EXPLANATION.

David Evans, justice of the peace,

ease.

sary

and family.

CREES.

was afraid it might develop into some thing worse, so I requested him to flag us for fear it might spread. He said that was entirely unnecessary and that he would make us another visit in two or three days. He did not do so, however, and after three days had passed, wrote him demanding that he come and make another investigation, but he did not do so. We turned away the people who were boarding with us the day after Dr. Andrews' visit. Three weeks after that first visit, Dr.

Andrews wrote the board of health at Sterling to go up and see how we were getting along, and to see if any mem-ber of my family who had had chickenpox before was down with this disease.

When Dr. Andrews came again he

commissioners said it would be putting

the county to too much expense to

make the trip when it was not neces-

Dr. Andrews told me he had a great

deal of experience with smallpox and

is a true statement of the whole affair

and I think it fustifies me in writing

this statement in exoneration of myself

A Subscriber's Prescription.

A "News," subscriber sends the fol-

lowing prescription, which, he says, is a cure for smallpox as well as a prevent-

ative and valuable also in scarlet fever

hundreds of cases with great success:

(foxglove), one grain; sugar, one

Sulphate of zinc, one grain; digitalis

spoonful; water two teaspoonfuls. Mix

thoroughly and add four ounces of wa-

It has, he says, been used in

JOHN THOMPSON.

was thoroughly familiar with it.

Ephraim, Jan. 3, 1900.

Captain Stidger, timber inspector and prosecuting witness, was placed on the ery against some fifty persons, includ-

visement.

This

tending that the information was based

on the wrong statute; that it should have been based on the law of June,

1878, which provides the lesser penalty.

United States Attorney Whittemore maintained that he had investigated

the case thoroughly at the time the in-

formation was drawn, and that he had

made no mistake. In his argument Mr. Sutherland contended that the law of

1878 repealed the former statute. Judge Riner did not decide the point

at once but took the matter under ad-

gold are among the metals that may be deposited in this way. A process al-ready well known uses the plating bath with zine in contact with the object, but this is unsatisfactory because the zinc itself becomes plated nearly as quickly as the article immersed with

an alkaline phosphate, or (2) a solu-tion of a double cyanide of potassium

and of the metal, to which is added an

alkall. Nickel, cobalt, tin, copper and

Paper is proving a very satisfactory material for driving ropes. At the English factories of Wolver-hampton, the rope is made like

CERTIORARI DEFINED.

For the benefit of those who do not what a writ of certiorari means, it be well to state that it is a procers which issues from a superior court to an inferior court, commanding the latter to return the records of a cause before it to the superior court for review.

Z. C. M. I. CASE DECIDED.

Jury, After Being Out All Night, Finds in Favor of the Defendant.

How Jurors Stood-Attorneys for Directors of the South Jordan Co-op. Intend Taking an Appeal.

The jury in the case of the South Jordan Co-operative Mercantile Institution against Z. C. M. L. after being out all night, came into court this morning with a verdict for the defend-

The action was brought to recover the sum of \$6,500 alleged to be due plaintiff on certain accounts assigned to the defendant. It was learned today that the first ballot taken stood five to three in favor of plaintiff. The second was divided. It was not until o'clock this morning that a feeling of unanimity existed among the talismen. The attorneys for plaintiff say an ap-

peal will be taken to the State Supreme court.

WAS SLIGHTLY INEBRIATED.

Matt Nelland Appears in Judge Norrell's Court Room Under "a Load."

His name is Matt Nieland, and be had been subpoenaed by Deputy Sheriff Harries as a witness for the prosecution in the Harman larceny case, now on trial before Judge Norrell and jury. He was told to be on hand promptly at ten o'clock, but it was nearly eleven by the time the witness reached the court room. The "star" entered the west door of the joint building, and wandered aimlesiy about for time in the basement, going first into one office and then another, inquiring for Mister (hic) Harries, end of the way Mister (hic) Harries. Finally he sen, the elevator operator, on his way to lunch, and asked if he had seen Ben (hic) Harries,

"Just took up to the fourth floor," said Guibransen, pointing to the eleval Nieland walked towards the ele. tor. vator shaft and commenced to fumble with the mesenger alarm. Just then the elevator, run by Engineer Lawrence, came down, and the little man stepped inside.

Where do you want to get off at?" Lawrence inquired.

"Forty (hic) floor," replied Nieland. he opened the iron door. "Step t." Nieland compiled with the order, out." and was turning the south corner when he bumped up against Scotty Rankin. "Exchuse (hic) me," said Nieland. "That's all right," said Scotty. "Where ou going to?" "To see Ben (hic) "larries " replied Nieland.

HIS VALISE WAS STOLEN.

Trial of the Suit of A. F. Holden Against Pullman Palace Car Company.

Judge Cherry and a jury today took up the case of A. F. Holden vs the Pullman Palace Car Company. George L. Nye appeared for plaintiff and F. C. Loufbourow for the defendant.

The action was brought to recover \$25, the alleged value of property taken out of the Pullman sleeper "Inez" at Provo, in June, 1892. According to the deposition of Holden, who formerly lived in this city, but who now resides

in Glenville, Ohio, it appears that he was a passenger on the Rio Grande Western train coming from Grand Junction to Salt Lake. At Provo he vaated the car for about fifteen minutes for the purpose of getting some refresh-ments. When he returned his valise, or grip, containing articles of wearing aparel, etc., was missing, someone dently having walked off with it. Holden sued the Pullman Company to reover \$25, the alleged value of the valise and contents and got judgment for that amount before United States Commissioner Harmel Pratt, away back in 1894. From that judgment an appeal was

The defendant claimed it was taken. and treasurer, W. E. Racker; these gentlemen, together with George Webb not liable for plaintiff's loss, and this question was made the main issue in and Henry Lewis, also comprise the the case. directorate.

INJURY TO EYES.

The Same Old Story of Encountering Services Over the Remains of the Late an Unexplored Hole.

Yesterday evening Dick Malony and John Coleman were brought in from the old pioneer, Archibald N. Hill, were Park City and taken to the Holy Cross held yesterday in the Twenty-second hospital for treatment for injuries reward meeting house, Bishop Solomon ceived from an unexpected explosion at presiding. Previous to the ceremonies the remains had been viewed by friends the Silver King mine. It was the old story of coming into contact with an unexploded blast. The eyes of both men were teribly injured and it is impossifilled with friends and relatives and ble for the attending physician at the they listened to addresses by Elders hospital to say today whether or not the sight of either of the men is per-Geo. Bishop Raleigh and Presidents Chas. manently impaired. The inflammation W. Penrose and Jos. E. Taylor. The is so great now that a perfect determinfirst speaker's address was particularly ation cannot be arrived at. However interesting from the fact that he had been acquainted with the deceased for the unfortunate men are receiving the best of attention and will be given the over fifty years and had worked with benefit of all that skill can do for them. him in the erection of the Nauvoo Tem-

NO DIRECTOR CHOSEN.

Tabernacle Choir Has Not Chosen a Successor to Prof. Stephens.

T. Hill, Ernest Hill, A. Cross, Archibald Pettit and Edwin Pettit. At the meeting of the Tabernacle was a large funeral cortege in attendchoir last night it was expected that a ance at the cemetery uccessor to Prof. Evan Stephens, as lirector of the Tabernacle choir, would annunnunnunnunnun be chosen, but on account of the abence of the first presidency no action was taken and the matter was deferred for one week, or until such future meet-Junummunummunut ing as the first presidency shall be able to attend.



While they rouse the liver, restore

full, regular action of the bowels,

they do not gripe or pain, do not

Charley Daly May Be Absent.

Charles Biglow, better known as Daly, ho is an important witness in the Benbrook murder case, may be missing at the trial unless the prosecution is willing to allow him to usual milage fee. cents per mile, from San Francisco and return. Mr. Biglow was a waiter at the Merchant's Cafe at the time of the shooting, and his evidence is very

material He left Salt Lake some months ago, and is now employed at Zinkands, the swell Market street restaurant of San Francisco.

CO-OP. REINCORPORATES. Capitalization is Fixed at \$100,000-

PIONEER'S FUNERAL.

Archibald N. Hill.

Funeral services over the remains of

at the late residence, 373 North Fifth

West street. The meeting house

Ronney and John Smith,

The services lasted nearly two hours

There

and interment was made in the city

cemetery, the pall-bearers being all grandsons of the deceased, C. T. Hill,

POLICE POINTERS.

dition was such that his family became

Mother Martell is now the only wo

alarmed and summoned a physician.

Dose, for adult, one tablespoonful every hour, children less, according T. R. Cutler President. to age. As a preventative, it should be taken The People's Co-operative Institution only when in contact with the disease, of Lehi, with a capitalization of \$100,000 four or six doses in twelve hours be-

divided into 10,000 shares at \$10 each, ing sufficient When the disease has developed, it will usually yield to this treatment in reincorporated today, by filing articles of agreement with Secretary of State twelve hours, and good nursing and diet, he says, will do the rest. The officers of the institution are: President, Thomas R. Cutler: vice president, William Clark; secretary

LATE LOCAL NEWS.

The city employes received their reg. ular monthly salaries today, and Treas-urer Morris paid out in all the sum of \$10,537.20.

The fog last night was one of the densest that has ever visited the city, and rendered objects only a few feet distant very obscure.

CLEARING HOUSE REPORT.

January 5, 1900. Today's clearings \$326,520.32 Same day last year 305,270.50

ORE AND BULLION REPORTS

M'CORNICK & CO.

Mingo bullion\$4,100 Silver and lead ores 4,100

HUMOROUS.

A policeman swore to an affidavit as "The prisoner sat upon me. Hows: alling me an ass, a precious dolt, a scarecrow, a ragamuffin, and an idiot. all of which I certify is true."-Tit-Bits.

Proprietor (to editor): "Well, the first number of our new paper looks but here is one thing I don't like." well, What?

"Why, this communication signed An Old Subscriber,' "

"Ma, may I go out to play?" "No; you must sit still where you Pause

"Ma, may I go down into the kitchen "No: I want you to sit perfectly

"Sep" was very quiet but when the station was reached became quite belli-Pause. cose. Yelling, cursing and fighting, he was locked up on the charge of resist-

"Ma, mayn't I sit on the floor and play marbles?" "I have told you twice that I want

to sit just where you are and be quiet and I mean exactly what I say." "Ma, may I grow?"-Collier's Weekly

"I wish I knew how to act when I meet a baby. I always feel like a fool. "All you have to do is to act the way

stand, who proved himself to be a very pox but that one did not take this disgarrulous old gentleman, introducing During the time that had much extraneous matter with his teselapsed since Dr. Andrews first visit, timony which kept the judge busy rulfour members of my family had been ing out. sick with the disease and had recovered.

The substance of Stidger's testimony was to the effect that he had made excused himself for not coming when I wrote for him, by saying that one of the members of the board of county three trips to the place where the timber was being cut, where he found about fifty men employed at loading ties on the railroad, and in the sawmili, He counted some 75,000 ties that etc. were being used in building the spur. He saw R. S. Deal and J. M. Deal on the ground.

When he sawSuperintendent Welby he said he recognized Stidger's authority to seize the ties and that he presumed the timber was cut from government land, said the witness. But his contention on that point was somewhat weaker after being subjected to a cross-examination by Judge King.

John Blackett, who had once hauled ties for the Deal Brothers, visited the place with Mr. Stidger, and corroborated the evidence of that gentleman respecting timber cutting. W. S. Thomas of Colton, bore Stidger out in his tes-Louis Scott Burnett, Frank timony. Smith, of Springville, and a man by the name of Ferron, all testified to the same effect

The case against Welby came to an abrupt termination today. After ex-amining Mr. Davis of the State land office, in regard to how much of the land on which the timber had been cut had been surveyed, Attorney Whitte-more called Mr. R. A. Deal, but Judge King objected to Mr. Deal's testifying. Mr. Whittemore then dismissed Mr. Deal and annulled the indictemnt so far as Deal was concerned, and used him as a witness for the government. Deal testified that he had called on Welby and submitted the proposition of furnishing the Rio Grande company so many ties, providing the com-pany would assist in the construction a railroad spur to facilitate the transporting of the ties. After refering the matter to his superiors. Mr. Welby called on witness at Springville and agreed to the proposition

It was clear at this point that there was no case against the other Deal or against Mr. Mendenhall the other defendant, and the government prosecutor endeavored to center the case against Mr. Welby,

The court was of opinion that there was no evidence to indicate that Welby knew the timber was being cut on the public domain, and held that it was no crime for a railroad company to buy tles. Mr. Whittemore cited the testimony of Captain Stidger as evidence that Welby realized that the ties were coming from public lands. There was some argument by the attorneys when the court adjourned until 2 p. m

No Challenge for America's Cup.

London, Jan. 5 .- A report is published ere this afternoon that Sir Thomas Lipton has issued another challenge for the America's cup, but a representative of the Associated Press learns that the situation remains as cabled December Sir Thomas' plans for 1901 are 28rd. making progress, but he has not yet even decided on a designer.

Arrived from Puerto Rico.

New York, Jan. 5 .- Gen. J. W. Davis, governor general of Puerto Rico, arrived here today on board the steamer Ponce. Other passengers were Gen. J. P. Sanger, Col. C. H. Hyle, chief of the census bureau in Puerto Rico, Lieut. J. Battle and Auditor John W. Connor.

Rioter Convicted.

Pana, Ill., Jan. 5 .- A verdict of guilty was returned today in the case of Henry Stevens, colored, charged with having incited the coal miners riot on April 18, 1899, in which seven persons vere killed and a number wounded. Sentence has not yet been passed.

TO CURE A COLD IN ONE DAY. Take Laxative Bromo Quinine Tablets. All druggists refund the money if it faile to cure. E. W. Grove's signature

ing thirty-eight members of the legislature, there had been no proceedings against any of the men thus involved in any of the Montana courts. This was evidence that the present proceeding was not sustained by public sentiment.

Nolan, and had been presented and re-

ceived by the Montana court in the dis-

arment proceedings against John B.

Ex-Senator Faulkner made the for-

mal statement on behalf of Mr. Clark.

He reviewed the politics of Montana, referring to the "Daly gang and the Clark faction" in the Democratic poli-tics of the State. It was, he said, an

acknowledged fact that the opponents of Mr. Clark in the State had deter-

mined to prevent his political prefer-

ment regardless of all the proprieties. It would be shown that notwithstand-

ing that charges were made of brib-

Wellcome

He said: "The prosecution was conceived in the womb of personal malice; rocked in the cradle of personal hate and nourished upon corruption and jealousy." All the members of the legslative committee were opposed to Mr. Clark.

Outlining the defense, Mr. Faulkner said it would show the proceedings against Mr. Clark had really had their origin in the senatorial contest in 1893. when the idea of springing a pretended exposure of Mr. Clark upon the leg-islature was conceived by the Daly fac-tion, and that the leader of the faction had turned prophetic in December, 1898, and declared that if Clark had showed his head something would be heard to drop that would drive Clark out of the State.

Other points of the defense were outlined and the statement was made that if necessary each charge against the senator will be met "by direct and posltive proof of its falsity.' After

hearing these preliminary statements the committee held an executive session to decide upon the status of the papers before it but after considerable discussion on the points adand maize rust. journed without action

ope.

tained.

tomorrow.

It is a Big Job.

Washington, Jan. 5 .- Secretary Gage nay not be able to transmit to the House on Monday the information called for by the resolution adopted yesterday relating to the deposit of government funds in national banks and the transactions connected with the sale of the New York custom house site. The wide scope of the resolution makes it necessary to copy over 500 documents from the files, and the actual physical work of copying them may delay their transmission several days.

SCIENTIFIC MISCELLANY.

Of two dynamical problems that have long attracted Lord Kelvin's attention, that of the boy's spinning top has been

under consideration by him for seventy years. Mathematicians have solved the problems of the precession of the equinoxes, the nutation of the earth's axis, and the retrogression of the nodes of the moon's orbit, but have stumbled over or avoided the problem of the boy's top. Only Archibald Smith has made any approach to success with this. As every boy knows, there are three acts in the spinning of a topthe first the rising of the top after a series of spiral motions to the sec ond or perpendicular or "sleeoping" position, and the third the "waking" or tumbing position. The first act is the most difficult to explain. Smith was the first to show that it was not the retarding effect of friction on the point of the top, but the spin of the toy assisting the procession of the point through a series of movements, that brought the top up; and has shown further that the rounder the point the greater is the inclination of the top in planing to the upright position. Kelvin has been estimating the smallest angular velocity that would cause

the top to rise. He concludes that the less the angular point the longer is the period of rotation; and that five times round in a second would suffice if the point were moving in a ring with a radius of a centimeter; or ten times in second if the radius were a quarter of a centimeter.

By a novel combination of a telephone with the usual electric alarm. the cause of any disturbance in a bank vault or similar place can be made out before the police are summoned. sensitive transmitter is placed in the vault, and at the end of the alarm, the person at the receiving end has only to

that from other materials. contains three main strands, each made up of a number of continuous strips of twisted pulp paper. The material is made waterproof by treatment with boiled oil. The rope is fairly smooth and wonderfully pllant, and in recent tests for driving machinery it has been only slightly polished under conditions that have caused cotton rope to become badly worn and frayed. Its actual tensile strength is supposed to be considerably less than that of manila

The heat-insulating composition of Mr. C. Hardy, an English inventor, consists of five parts of disintegrated sandstone, six parts of potter's clay, and three parts of blue cisy. Some porous material, such as cotton or linen, is added, with, in certain cases, a little tar and ammonia. The materials are made into a paste, which may be applied with a trowel to steam pipes or other objects whose heat is to be re-

At least six distinct rusts-probably seven-affect the cereals of the United States, according to Mr. M. A. Carleton. This is the list: Orange leaf rust of wheat, orange leaf rust of rye, crown rust of oats, black stem rust of wheat and barley, black stem rust of oats,

The hearing of testimony will begin

DIED.

THOMPSON .- In Sugar ward, Salt Lake county, Utah, January 5, 1900, of blood poisoning, John Le Roy, son of James M. and Einora Stoker Thomson, ager 8 years, 2 months and 24 days. Funeral services will be held Sunday

at 12 noon, from parents' residence, Eleventh South and Flfteenth East Friends are invited to attend. streets. Interment in City cemetery.

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SPECIAL RATES

Are you a withess.	ACTIVACE OF INDUCTIC COUNTERLINE OF CONS.	man prisoner connned in the city jail	you reen	I AP ON ONCE DOA. EUC.	i chill a switch, sending current inrough	
"Yesh."	but have a positive tonic effect. 25c.	and she doesn't like it a bit.	Contract on the local division of the local		the coll of the transmitter, when the	
"In what case?"	at all druggists or by mail of	"It's a shame," said she last even-	ANNUAL MUSLIN UNDERWEAR SALE	ANNUAL MUSLIN UNDERWEAR SALE	slightest sound in or near the vault	Subscribers of the Semi-Weekin
"State (hic) case."	C. I. Hood & Co., Lowell, Mass.	ing, "and it's not rolght fer me ter be	Week commencing Monday Ian 8	West somessies Markan sale	can be distinguished.	News when the semi-weeking
"Against whom?"	And a state of the	kept here, and that sphalpeen uv a		Week commencing Monday, Jan. 8,	A late experimenter claims to have	News who desire the Saturday
"Georgie (hic) Harman."	Autor - Autor - Autor and Autor and Autor Autor Autor Autor Autor	Fitzmaurice, sure the nixt toime he	city.	Rarest Bargains ever offered in this	A late experimenter claims to have	News can obtain it for \$1.50
			and the second sec	i cuty,	proven that cathode rays are streams	e year, in edvance