

the protection of growing vegetation as well as the fertility of the ground.

Dr. Faust delivered a lecture on the necessity of making a state park, which is given in full in today's issue.

Discussion followed, Secretary Whiting, Augustin Nordvall and W. S. Roylance taking part, after which the following program was given out for the next session: "Forestry in Europe," by Augustin Nordvall; "Protection of Forests from Fire and Other Destructive Elements," by W. S. Roylance.

The announcement of the death of Sister Elizabeth Cheshire Baxter, of the Tenth ward of this city, will come as a painful surprise to the many friends of the family. The sad event occurred yesterday (Sunday) afternoon. Sister Baxter has been ill, but seemingly was progressing favorably. In the afternoon she had been conversing cheerfully with those about her, when she was suddenly seized with an excruciating pain at the heart. This continued about half an hour, efforts at securing relief proving futile. The result was of the saddest character, for the heart had ceased to beat.

The deceased was born in the Tenth ward of this city, and was aged 36 years, 10 months and 10 days at the time of her demise. She leaves a husband and six children—the latter ranging from three weeks to fifteen years of age—to mourn her loss. She was a most estimable woman, devoted and true, and was a faithful Latter-day Saint. Brother Baxter and family and relatives have the sympathy of a large circle of friends in their sad bereavement.

Some of the relatives of the deceased reside at a distance, and the painful tidings has been telegraphed them.

In the case of young Oakley, of Springville, telegraphed to Saturday's News, an error was made in the report brought over from Springville. The boy was bound over to await the action of the district court (and not the grand jury as stated in the telegram). Justice Boyer ordered him to be taken before the district court for the purpose of having him committed to the reform school. There was also a typographical error in stating the amount of the bond, which was \$500.

Marshal George A. Storrs brought the boy over Saturday afternoon and he is now in the county jail. It is certainly a wonder that someone was not poisoned. Mr. Storrs says that when he came in the office Oakley remarked to him: "Say, George, that deputy of yours has put something in the water; its nasty; I took a drink of it and it's made me sick." Mr. Storrs replied he thought the water was alright; but he did not taste it, and fortunately most of it was thrown out and some of it drank. A bottle containing a small amount of liquor in the office was jokingly taken hold of by a visitor, who remarked he would take a drink, but put the bottle down without doing so. Mr. Storrs found that young Oakley had an empty strychnine vial in jail with him, and at first thought the boy had poisoned himself; but when he found the bottle had been taken from the office and that young Oakley was not poisoned, he remembered the remark about the water being bad, and had a

test made of a small quantity remaining in the bucket, which was found to contain strychnine; the liquor in the bottle was also poisoned, and some bread, left in the cell where tramps are usually given lodging, had strychnine scattered over it.

Young Oakley admits that he is guilty. At first he said that he was so angry that he did not know what he was doing. Afterwards he said that he did it for "fun," and seems to treat the whole affair as a trivial matter.

National Guard headquarters presented a scene of intense business activity Friday.

The occasion for this extra amount of quill work was yesterday's election for field officers. A certified copy of the result was got out in writing for each captain in the guard in both regiments. Besides this special orders for another election were drawn up and those will all be sent out with tonight's mail to the militia organizations of all parts of the Territory. A copy of each is reproduced below.

SALT LAKE CITY, Feb. 1, 1895.

Headquarters National Guard of Utah.

General orders No. 3.

1. At the election held pursuant to general orders No. 2, series 1895, from these headquarters resulted in the election of the following named field officers:

To be colonel First Infantry, Henry Page, Salt Lake City; to be lieutenant colonel First Infantry, J. H. Denhalter, Provo; to be major Second Battalion, First Infantry, W. E. Stevens, Tooele; to be major Third Battalion, First Infantry, Ferdinand Erickson, Mt. Pleasant; to be major First Battalion, Second Infantry, R. W. Erwin, Logan.

2. A majority of the votes cast not having been received by any one candidate, either in the First Battalion, First Infantry, or in the Battalion First Cavalry, a second election will be necessary.

By order of the commander-in-chief.

G. M. OTTINGER,

Adjutant General.

SPECIAL ELECTION CALLED.

Headquarters National Guard of Utah,

SALT LAKE CITY, Feb. 1, 1895.

Special orders No. 2.

1.—In the election for field officers held pursuant to No. 2 series, 1895, from the Adjutant General's office, the First Battalion, First Infantry, and the Battalion First Cavalry, each failed to elect a major; a second election is therefore made necessary in their cases. Ballots for major for each of these Battalions will be forwarded to the Adjutant General, Salt Lake City, so as to reach him not later than 12 o'clock noon on Feb. 9th, 1895.

Attention is invited to the following clause in section 29, Military Code: "In all cases a majority of all votes cast at an election shall be necessary to a choice."

2.—Company E, First Infantry (Tooele), Company M, First Infantry (Provo) and Company E, Second Infantry (Logan) will each hold an election on Saturday, February 9th, or as soon thereafter as practicable, to fill vacancies existing among the commissioned officers. Major W. E. Stevens, Lieutenant Colonel J. H. Denhalter and Major R. W. Erwin will superintend these elections respectively at Tooele, Provo and Logan.

3.—The resignation of First Lieutenant R. M. Shields, Company E, First Infantry, is accepted, to take effect Jan. 31st, 1895.

4.—Leave of absence for three months, with permission to leave the United States, is granted Captain Hubert D. Page, Second Infantry, to take effect at such a date as he shall notify the adjutant general as necessary for his business interests.

Saturday having been specially set apart by the Territorial Supreme Court for the hearing of legal arguments on appeal in the Sanpete county election cases, there was an unusually large number of persons in attendance when all the judges took their seats on the bench shortly after 10 o'clock.

When the matter was called up this morning, Chief Justice Merritt inquired whether counsel proposed to argue the mandamus and prohibition cases together. An affirmative answer was given, and Attorney P. L. Williams then took the floor and made the opening argument.

Attorney Parley L. Williams had finished his opening remarks just before high noon, having urged all be possibly could on the part of the Utah Commission, as appellants; and then it was that Attorney John M. Zane, of counsel for the respondents, metaphorically rolled up his sleeves preparatory to launching out. But the court refused to hear him. Later we find the following report:

In the Supreme Court of Utah Territory. J. D. Page, respondent, vs J. R. Litcher et al, appellants. Mandamus case; prohibition case. The court having upon the opening of the argument of John M. Zane, attorney for J. D. Page, respondent, asked the said John M. Zane whether or not a certain article published in the Salt Lake daily Tribune was authorized by himself, and the said John M. Zane having declined to answer the said question, and the court having refused to permit the said John M. Zane to state his exception, but having permitted him to put his exception in writing, he comes now and assigns as error and objects and exceptions to the said ruling and action of the court for the reasons:

1. That the said court has no right to ask the said Zane to answer the said question for the reason that his answer thereto might tend to expose him to a proceeding either for contempt or for the imposition of a penalty, and therefore the said John M. Zane is protected by well-settled constitutional principles and by the adjudications of courts from answering the said question.

2. That the present occasion is neither the proper time, nor the proper place, for any proceeding based upon the alleged article.

3. That the said John M. Zane, by arrangement between the counsel for the respondent, was designed and prepared to make the opening argument in favor of the respondent and the action of the court places the respondent at a disadvantage and has a tendency to prejudice his rights.

4. Finally, on behalf of himself the said John M. Zane desires to protest respectfully, but firmly, against the action of the court, for the reason that it has a tendency to interfere with the independence of the bar, to place the bar in subservience to the court, and to destroy the just confidence of litigants in relying upon a fearless advocacy of their rights in courts of law.

JOHN M. ZANE.

For the respondent.

Judge Zane followed Mr. Williams, and finished his argument about 3:45. Then came Attorney Ogden Hiles, on the same side, and Judge Handerson will make the closing address on behalf of the appellants.