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. 6. TUESDAY, NOVEMBER 27, 1894. SALT LAKE CITY, UTAH. VOL. XXVIII.

UTAH HONORED.

Hon. George Q. Cannon Presiding Officer.

ELECTED FOR ONE YEAR

By the Delegates to the Trans-mississippi Congress.

OTHER BUSINESS TRANSACTED.

Reports of Committees Adopted—Discussion on the Voting Power of the Delegations.

Special Dispatch to the NEWS.

ST. LOUIS, MO., Nov. 27.—Hon. George Q. Cannon was elected president by acclamation, for one year, of the Trans-Mississippi Congress. The election was unanimous.

By Associated Press.

ST. LOUIS, Nov. 27.—It was nearly three-quarters of an hour after the appointed time when President Whitmore called the Trans-Mississippi Congress to order today. The adoption of the report of the committee on credentials last night, which enrolled all the appointed delegates, property accredited, without regard to their presence, gave especial point to the report of the committee on rules and order of business, which provided for the voting power for each state delegation of not to exceed thirty votes. If so many delegates are present, all the states to have a voting power of not less than ten, no matter what is the number attending the delegation. The report was adopted.

The report was adopted without discussion with the exception of the clause limiting the voting power of delegations. At the point Delegate F. J. Cannon, of Utah, moved to strike out the maximum limit, thus giving the delegations a full vote for every man. He supported the motion with the contention that the states and territories sufficiently interested to send all the delegates to which they were entitled should be allowed to vote such delegates.

Ex-Governor Prince, of New Mexico, insisted the original report as necessary to prevent sear-by settlers from overpowering by their easily transported organizations, those unable to send a full delegation from far-away points.

Delegate Black, of Washington, offered a substitute, making clearer the voting powers of each delegation, but retaining the maximum and minimum limits of 30 and 10.

Delegate Williams, of Arkansas, member of the rules committee, explained that the report was prepared on a basis of fairness. Moreover, upon the committee Utah had a representative who accepted the report.

Delegate W. G. Hyatt, of Nebraska, opposed the amendment offered by Cannon as it tended to permit two or three states to rule the convention, reducing the weight of the recommendations to Congress.

After some further debate of a desultory character, Cannon withdrew his amendment. The original report was then adopted.

Members of the committee on resolutions were announced as follows:

Arizona, T. N. Comstock, W. J. Chaney; Arkansas, George Sharp; C. S. Collins; California, D. Lubin, G. W. Parsons; Colorado, L. L. Johnson, J. S. Sherman; Idaho, William Hodge, H. Rice; Indian Territory, D. G. Denison, Pickens Lewis; Iowa, S. F. Smith, Hart E. Mansfield; Kansas, W. H. Tonlinson, Stephen Crane; Minnesota, Thomas Shearer, Simon Stone, E. O. Stanchard, C. E. Yerkes; Nebraska, W. J. Ryan, R. W. Richardson; New Mexico, G. W. Cubbin, L. B. Prince; Oklahoma, Sylvester Clark, J. A. McKinny; Oregon, S. B. Dodge; South Dakota, O. E. Wilson, J. R. Brennan; Texas, Lewis Hancock, E. A. Stanchard; Utah, F. J. Cannon, C. C. Goodwin; Washington, A. L. Dines, D. E. Devine; Montana, Thomas H. Merrill, W. H. Wheeler; Alaska, J. C. Greene.

Wyoming, Louisiana, Nevada and North Dakota are not represented in the convention.

Among the resolutions adopted were: Endorsing Secretary Herbert's note and one of Secretary Morton's; favoring legislation to enjoin upon naval officers to use always American products where it can be done without financial loss; favoring governmental investigation of the forest fires on public lands; urging the admission as states of Oklahoma, New Mexico and Arizona; favoring federal encouragement of a cable from the Pacific islands to Hawaii; favoring the improvement of Oakland, Cal., harbor; opposing legislation to repeal the Bennett law, or any other form of national bank issue upon the national currency system; favoring legislation to increase the price of cotton; favoring farmer and greater government aid to Texas fever and river improvement.

Delegate W. J. Bryan, of Nebraska, introduced a resolution favoring the resolution of the free coinage of gold and silver at a ratio of 16 to 1, without the aid of any other nation.

Delegate Cabell, of Missouri, introduced a resolution favoring the direct by the government toward inducing other governments to recognize silver more fully as money metal.

The committee on permanent organization presented its report, naming Gen. Q. Cannon, of Utah, for permanent presiding officer, with one vice president from each state, to be named by the delegation.

The present secretary, M. G. Butler-field, of Oregon, was retained in continuance through this congress, the executive committee of Utah instructed to name his successors, when the next place shall be chosen, to be ratified by the congress. The report was adopted and President Cannon escorted to the chair.

After brief speeches of congratulation and thanks to Retiring Officer Whitmore, congress adjourned for dinner.

American Bimetallic League.

ST. LOUIS, MO., Nov. 27.—An informal conference of the American Bimetallic League called by President A. J. Warner, met this morning. It is to continue two days and the object, as stated by General Warner, is to outline the policy for the silver business of the new party and the silver policy for the People's party for the next two years.

Closing of a Bank.

GRAND ISLAND, NEB., Nov. 27.—The Security National bank closed its doors today. It is held on good authority not to be an open failure as a compromise between the officers, it has a capital stock of $200,000. The deposits are $80,000, on which $20,000 are county funds. Senator Vest, of Missouri, who is largely interested, has arrived and a directors' meeting is being held. A. S. Vest is the cashier, H. F. Palmer, county treasurer, is president.

NEVER MET BEFORE.

But They Knew Each Other Well Enough to Get Married.

ST. LOUIS, MO., Nov. 27.—A very romantic affair, which only became known last night, was the marriage in the new Union station of two young people, who, until the time of their meeting had never before the wedding ceremony was performed, and never before met. The young people were George W. Malone, of the city, and Miss Sacie Fraiser, of Kansas City, who, on the Burlington train from the West rolled into the Union station about 9 o'clock Sunday morning. A handsome woman, stored in a neat, dark traveling costume, stepped out of one of the coaches and walked up the platform to the gates. She had scarcely passed through when a gentleman attired in a Prince Albert coat and dark gray trousers, stepped forward and addressed her.

She looked at him a moment, while a pretty blush tinged her handsome face and then put out her ready gloved hand which he took and failed to release, turning it under his arm as they walked away together in the ladies' waiting room. On reaching the saloon they turned west in Market, to Jefferson, father of the groom, Leslie Malone, a brother, Marion Frazier of the Union station, who had secured the privilege of using the saloon for the bridal couple, the deputy recorder of deeds—with a marriage license—and the Rev. H. H. Sharp, of Grace church. The bridesmaids was introduced to her relatives-elect, and after having retired a few moments with Marion Frazier to brush off the stains of travel, announced that she was ready for the ceremony.

While the hoarse cough of locomotives and clanging engine disturbed the air the solemn words which made the twain one were impressively uttered by the minister. Upon the conclusion of the ceremony, those inside received the congratulations of those present and afterwards were driven to the home of the groom on Twenty-fifth street, where a wedding breakfast was served. Late when in the happy culmination of a romance. The bride and groom had never met until a few minutes before they were married.

The bride was an intimate friend of some relatives of the groom and both are been frequently mentioned to the other. A correspondence was thus begun. Both were mutually pleased, photographs were exchanged, and the marriage was proposed and the proposal accepted. The bride is well known in St. Joseph where she has resided for many years and has a large circle of friends and acquaintances, while the groom is equally well known in St. Louis.

Killed an Indian.

ATTICA, Ind., Nov. 27.—Sera Martin, a cadbosed Indian, was shot and killed by Willis Lewis, a boy eight or ten years old last evening, in a river joint. The Indian had been drinking and the boy, who was running the joint, asked him to get down off the counter. He would not and the boy shot, breaking his neck.

STILL A MYSTERY.

The Disappearance of Ex-Congressman Walter H. Butler.

GENEVA, N. Y., Nov. 27.—Ex-Congressman Walter H. Butler's disappearance is still a mystery. A pass will be sent out by the citizens tomorrow in search of him. He has a large number of friends who will expend money and time in the search. Mrs. Butler and Miss Walter held a consultation with friends last night trying to reach a decision as to the best course to pursue in the matter. Telegrams have been sent in every direction. The large sum of money on his person makes it possible he has been foully dealt with.

Li Hung Chang Further Disgraced.

CONSTANTINOPLE, Nov. 27.—A cable dispatch dated Shanghai has been received here saying an Imperial decree has been issued, depriving Li Hung Chang of all honors, but allowing him to retain his present functions.

Earthquake in Italy.

ROME, Nov. 27.—A violent undulatory and vertical earthquake shock was felt at Rimini, sixty miles from Milan, at 5 this morning. A similar though less severe shock was experienced at Bologna and Verona at 5:05. At the latter place a second shock was felt at 6:05.

New York Stock Market.

NEW YORK, Nov. 27.—Speculation on the stock exchange was generally heavy at the opening and the market quickly took a downward turn. Canada Southern opening 1; Northern Pacific preferred 1 higher.

Trading up to noon has been very light. About half a million a hour of 11 per cent was made in Erie, making a total loss of two per cent.

Farmers' Union.

CHICAGO, Nov. 27.—Leading members of the various farmers' organizations met here today to perfect plans for a federation or at least a union of the "Farmers' Union." A supreme council has been formed consisting of Col. L. H. Brigham, master of the National Grange; Milton Hatch, president of the National Farmers' Alliance and Industrial Union; Edward Farmer, president of the National Farmers' Alliance; Dr. C. A. Robinson, president of the National Farmers' Mutual Benefit association; Frank Gooch, president of the National Patrons of Industry.

Dividend Declared.

NEW YORK, Nov. 27.—The Northwestern's semi-annual dividend of two and a half per cent on common and one and three-fourths on preferred quarterly was declared today.

Ezeta Goes to New York.

SAN FRANCISCO, Nov. 27.—General Antonio Ezeta will start for New York tomorrow evening. He says if he ever regains power in Salvador he will recommend the purchase of the U. S. of Bennington to be maintained in Salvador's principal harbor as a national monument to the kind treatment given to the refugees. Ezeta has received a telegram stating that his nephew, Col. Juan Cienfuegos had probably fallen a victim to bandits on his way from Acapulco to Mexico City. Ezeta has also received a cablegram from Salvador stating that ex-President Sala of Honduras is conspiring with President Barrios of Guatemala to effect a revolution in Salvador. Ezeta, in particular, is very uneasy to Ezeta as the revolution will not advance the interests of Ezeta or his party.

Debs Remains Id.

MILWAUKEE, Nov. 27.—Eugene V. Debs, president of the A. R. U., has written a letter to a Milwaukee friend denying the report that he will fight the American Federation of Labor at the convention to be held in Denver.

McKANE'S CASE.

The Court of Appeals Confirms the Judgment of the Court Below.

ALBANY, N. Y., Nov. 27.—The court of appeals has unanimously affirmed the conviction of John Y. McKane. The appeal was from a judgment of conviction for perjury.

The crime of which McKane was convicted was that of the fraudulent and commission of registry lists for the general election in 1888 in Gravesend.

Manifesto to the Russians.

ST. PETERSBURG, Nov. 27.—The czar in his manifesto to the Russian people says: "Conditions in the capitals at our new reign we deemed it well not to delay the fulfillment of our heart's wish, and the legacy sacredly left by our father, now feeling with fervid zeal defer the realization of the joyful expectations of our whole people, that our marriage be hallowed by the benediction of our parents and blessed by the sacrament of the holy church."

Abolishing Executions in Puebla.

MADRID, Nov. 27.—A decree abolishing public executions has been issued.

The Death of Princess Bismarck.

BERLIN, Nov. 27.—Count Herbert Bismarck was present at Varzin when his mother passed away at 3 o'clock this morning. Although it is feared the effect of his wife's death upon the count will be serious, the condition of his health of late and has recovered his daily drives.

VON KOLTZE'S EXAMINATION.

Court Martial to Establish His Innocence.

BERLIN, Nov. 27.—The prefectory examination of von Kolte, ex-master of ceremonies, arrested upon suspicion of being the author of a series of scandalous letters and postal cards sent anonymously to members of the highest aristocracy has been concluded and a final court martial ordered. The court martial is to be held at von Kolte's request as the sole means of establishing his innocence.

Failure of a Dry Goods House.

VICKSBURG, MISS., Nov. 27.—Stettner, Nettler & Co., the largest dry goods house in this state, made an assignment today to J. D. Sullenger, trustee, and closed the doors. The liabilities are $140,000; assets, including the four story stone front building on Washington street, are considerably in excess of the liabilities. Preferred creditors $40,000.

THE ARMENIAN HORROR.

Committed, it Seems, with the Approval of the Government.

CHICAGO, Nov. 27.—The Chicago Armenians are positive the recent massacre in Sassoun, Armenia, was committed under direct governmental authority. The belief is based upon private advices from Constantinople, asserting that the Mufti of Mosul, who has control of religious matters in the district of Sassoun, with some Sassoun, has been decorated by the sultan.

CLOUDS THICKENING.

England Refuses to Recognize the Nicaraguan Government.

PANAMA, Nov. 27.—Advices from Managua indicate a grave situation in the Mosquito reservation. British Minister Gosling has notified Nicaragua that Great Britain refuses to recognize the Nicaraguan government. After an exchange of views Minister Gosling telegraphed to Port Limon for a British warship to come at once to Bluefields. It is reported that the Nicaraguan canal project is at the bottom of the trouble.

Business Portion in Ashes.

NASHVILLE, Nov. 27.—The business part of Athens, Ala., was burned this morning. The losses aggregate about $150,000; insurance, probably $50,000.

Receiving Gold.

NEW YORK, Nov. 27.—The subtreasury today received $6,000,000 in gold, the bulk of which came from city banks. $10,274,000 was received last night and it is said $20,000,000 will have been turned in by the evening.

President Cleveland Still Sick.

WASHINGTON, Nov. 27.—As the President is still obliged by the physician's orders to refrain from going his studied out, he did not come to town today. The regular cabinet meeting was abandoned.

SHOT AND KILLED.

Two High Railroad Officials and Others Arrested.

ACCUSED OF THE CRIME OF MURDER

The Circumstances of the Death of a Pullman Conductor in to Looked Into.

FORT SMITH, ARK., Nov. 27.—Fort Smith was crowded to a genuine excitement by the arrest of two high railroad officials for the crime of murder. They are W. J. McKee, superintendent of the Missouri Pacific, and Timekeeper Walsh. With them were also arrested for the same crime, Jack Barker, a colored porter, and Jerry Nunn, cook on Superintendent McKee's private car. Warrants are sworn out for the porter as McKee's car and an unknown gentleman who was in company with McKee and Walsh the night of the tragedy. These men are charged with the murder of Pullman Conductor John Brown on the morning of November 15, at a few minutes past 4 o'clock. Brown was a new conductor on the territory run and seems to have had some premonition of his fate, as he said the night he was murdered, Kansas City alive, he would never get back again.

Before reaching Fort Smith the train was notified that a holdup was expected at Hacton, or McKay. Guards were placed on the train at Fort Smith, at which place the train left at 4 o'clock Monday morning. At the McKay tank was reached. It is half a mile from McKay. Here the train stopped for water. Brown settled after saving Fort Smith, in a bench in the rear end of the sleeper. Behind was a special car containing McKee and Walsh, a trained gentleman and the servants. The conductor of the train passed through the sleeper at this point and Brown got up from the settle and standing in the aisle asked what was the matter, the soldiers being near the car door responded: "Oh, nothing." The conductor saw Brown no more. When the train reached McKay a shot was heard at the end of the train but no attention was paid to it except by Conductor Morgan, who after he reached his sleeper, went back and examined the pistol belonging to Pullman Porter Barker and found it loaded all around. Two witnesses of McKay say they saw the body of Brown thrown off the train after the shot was fired. The supposition is that the Pullman conductor was shot when standing on the platform between the special and sleeper and that it was a stray bullet. The cook and porter are in the United States jail and McKee and Walsh are out on $5,000 bonds.

INCOME TAX LAW.

Depew Thinks It Is Unconstitutional and Will Not be Enforced.

NEW YORK, Nov. 27.—The action of the Chicago railway directors in not issued to the Philadelphia & Reading in deducting 2 per cent from the net earnings to meet the new income law, has created some consternation among small investors who had believed they were safe so long as their earnings were less than the exempt income were within the $4,000 limit.

"Our road has not taken any action in the matter," said Chauncey M. Depew. "Some time ago I delivered an opinion at the board meeting that the law was unconstitutional and I believe it is. In the first place I do not believe the law will ever be put into force. There is no appropriation adequate for the purpose and unless the present Congress provides the money before next March the law becomes inoperative.

"If the law is carried out, I presume that the New York Central and all other roads will deduct the amount of the tax from their net earnings in case the will not be the stockholders.

This will make the law pretty hard on investors who own small holdings of stock, but whose incomes do not even approach the limit established by the new law."

DISASTROUS VOYAGE.

The Falcon Wrecked and All Aboard Drowned.

HALIFAX, NOV. 27.—A correspondent at Port Mulgrave, C. B., writes that an American fishing schooner put in there the other day and reported that the Falcon, returning from Philadelphia to St. Johns after conveying home Mrs. Peary and the auxiliary exploring parties, was wrecked on Virgin rocks off the coast of Newfoundland last Saturday night and all on board were drowned.

Will Introduce Deer.

BARANAC LAKE, N. Y., Nov. 27.—Gen. Hernandez, minister of war of Venezuela, who has taken up his residence at Lake Placid for the winter, has been requested by his government to ask permission of the New York state authorities to ship red deer and two bucks from the Adirondacks to Venezuela. There are no deer in South America and the Venezuelan government will introduce them.

Erie Railway Figures.

NEW YORK, Nov. 27.—The report of the Erie Railway company for the year ending September 30, shows gross earnings $25,204,019, decrease $4,795,731; net earnings $6,008,231, decrease $1,194,497; net income $1,197,807 against a surplus of $411,003 in 1893.

Jumped From Brooklyn Bridge.

NEW YORK, Nov. 27.—Harry Menier, a young Englishman, is alleged to have jumped from the highest point of the Brooklyn bridge into the river without injury, by the aid of a parachute, but before daylight today.

PRINCESS BISMARCK DEAD.

A Slow Lingerer to Affect the Health of the Aged Statesman.

LONDON, Nov. 27.—Princess Bismarck died at 3 o'clock this morning.

Princess Bismarck (Duchess of Lauenburg), wife of Prince Bismarck, has been in poor health for a long time. Her illness became pronounced two months ago. She was deeply affected and received a severe shock when the death of her lifelong friend, Frau Eugenie Becker, president of the Berlin Institute for Scanted Women, was announced. Three weeks ago Dr. Schweninger was called to Friedrichsruhe to prescribe for a serious attack of neuralgia. Since that time she has been ailing, continually under the care of physicians.

It is feared that the effect of his wife's death upon Prince Bismarck will be serious because of his own failing health and advancing years.

ARRESTED FOR MURDER.

A Salt Lake Boy Accused of Killing a Chinaman in California.

The Salt Lake police authorities received last night of a sensational and important character. At 8:30 they received a dispatch from California asking for the apprehension and detention of a young man charged with the serious crime of murder. Captain Dinsdale, Detectives Paul and Ferguson and Officer Raleigh went promptly to work and did precisely what the following telegram requested they should do, and that within the brief period of one hour:

NAPA, CAL., Nov. 26, 1894.

To Chief of Police, Salt Lake City, Utah:

Arrest Charles Westin, alias Charles Fong, age 20, gray coat, sackcoat. I send warrant for murder. Description—Age about 21 years, clothing just about as described in telegram. Be careful he has no suspicion. Make every effort to capture him. Notify me at once and I will start with property officer for Utah.

J. MAIN, Sheriff, Sheriff.

The alleged offender was located at the residence of his mother, Mrs. Westin, who lives on Ninth street, between Third and Fourth East and Eighth and Ninth South streets. Captain Dinsdale and Detective Paul went into the house by way of the front door, leaving their colleagues on guard without, and found Westin, who, hearing them come, made a bolt through the back door, only to run squarely into the strong arms of Officer Raleigh, who in 10 time as though grooved by a wire. When told what he was arrested for his sister fainted and his mother was greatly distressed.

At the police station Westin stated that he had been in California a number of times. Recently shipped and another young man, Samuel Anderson, left Salt Lake, and a professional tramp whom they fell in with on the road, walked into Napa. While in the vicinity of that place, he says, they camped near a Chinese vegetable garden. That was on the afternoon of October 30th last. In order to get feed with which to cook a beefsteak they helped themselves to the Chinaman's lettuce. The owner protested but they paid no attention to him. The lots then got some wine and they all drank heavily of it. Westin says he went to sleep and that when he awoke his pals had gone. Next day he met a friend who told him that the Chinaman had been murdered and advised him to come to Salt Lake, which he did forthwith, arriving here eight days afterwards. Anderson and the tramp are confined in jail at Napa. Westin is a trunk maker and formerly worked at Manning's establishment on Second South street. The Napa officers have been notified of his arrest and one of them is expected here with the necessary papers on Thursday to take him back.

Today Chief Pratt received a telegram which read:

NAPA, California, Nov. 27.

Chief of Police, Salt Lake:

I will start tonight or the morning just as soon as I can get requisition papers.

GEORGE S. MCKINNEY,
Sheriff.

THE DETAINED CHILDREN.

They Have Arrived From San Francisco in Charge of the Missionaries.

Elder Wm. P. Hunter, of Cedar City, is one of the party of missionaries who have just returned from Samoa, he having arrived in the city this morning. Elder Hunter left for his field of labor on November 8, 1893, and was appointed to the Tonga branch of the Samoan mission. He labored in Tongatabu from December 29, 1893, until May 31, 1894, and in connection with Elder Kingdon was set apart to open up a mission at Haapai, where he remained until October last. He reports the prospects in the parts where he has been laboring as more encouraging at the present time than ever before.

The missionaries returned on board the steamer Mariposa, which reached San Francisco on Thursday last. Elder Hunter has been with him in Salt Lake one of the two children mentioned in yesterday's NEWS as having been detained by the commissioner of emigration pending an investigation. This is the little boy William Vernon, aged eleven years. The little girl, Rachel Giles, aged eight, is in the keeping of Elder A. Twomey, of Kanaranie, Garfield county, who will arrive from Ogden this evening. Both children will be well cared for by the families of the Elders until other arrangements are made for their future.

Elder Hunter declared to be wholly false the statement, published in the San Francisco Examiner, to the effect that information had been received from the American consul at Apia "that the missionaries were treacherously assisting the possession of native children to take to America for some unknown reason" into was not a particle of truth in it. In regard to the little boy, he was been brought here from Samoa to be educated, and his parents (English people) are both living. The mother of the girl, a native of the Friendly Islands, is dead, but the father is living, he being an Englishman by birth.

Elder Hunter spoke highly of the treatment accorded them by Captain Howard, the one of the docks at San Francisco, during the period of the children's detention there. He gave the little ones a fine china earth on the steamer, and the Elders were allowed to remain with them. Justinus H. Olsen, Esq., a San Francisco attorney, also rendered them, he says, valuable assistance in obtaining the release of the children.

The statement of Elder Hunter as contained in the Examiner—quoted in last night's NEWS—was substantially correct as to the parents of the children, and the desire on their part that the little ones should be brought to America to be educated. The "desire of each is well to go, and was manifested the necessary funds to that end.

HURT WHILE CUTTING WOOD.

"Bert" Bixby Inflicts a Wound in His Own Forehead With an Ax.

"Bert" Bixby, a lad of fifteen or sixteen years, was the victim of a painful injury of a serious character yesterday and as a result he now sweeping around with his head swathed in bandages.

He was engaged in chopping wood at the home of his parents at the corner of Almond and Apricot streets. He had taken up a position almost directly under a clothes line, in which he as was caught, causing it to rebound with great force, the blunt portion striking him in the forehead inflicting a deep cut from which the blood flowed freely. He was able, however, to walk into the house and Dr. Brown, the family physician, was summoned. The doctor dressed the wound and put in several stitches to hold it together during the process of healing.

The accident is attended with painful results and a scar will always remain on the young man's forehead as a reminder to never repeat the indulgence of cutting wood under a clothes line.

THE COURTS TODAY.

That Action in Regard to Land in Pepperton Place.

THE HEARING STILL PROCEEDING.

Judge Bartch Returns From Beaver and Will Take Up the Work Here.

The trial which began in Chief Justice Hartch's court before a jury yesterday afternoon, and which was unfinished when an adjournment was taken for the day, was resumed this morning.

The plaintiff is O. C. Barlow, of Beaver, and the defendant Annie Peters Brain, administratrix of the estate of the late Edward Brain, a brickmaker of this city. The former is represented by Attorney Frank Pierce and the latter by Williams, Van Cott & Sutherland.

The facts of the case appear to be that in the month of June, 1891, one Chas. Pepper, of New York, leased a subdivision of land in the northeastern part of the city, now known as Pepperton place, to the now deceased Edward Brain, for five years, the rental being $500 per annum. The leased area consisted of one square block, some three and one-half acres in extent, and it adjoined Brain's brickyard. In the lease was a provision that the lessee would, at the expiration of the lease, surrender the land in as good condition as when he received possession. On January 23d, 1893, Mr. Pepper sold the whole of the Pepperton place relate to the plaintiff Barlow, and on May 23rd of the following year Brain's death took place. During the probate proceedings plaintiff went in a claim to the widow, as heir-at-law, amounting to $7,500, alleging that this was due to him for damages caused by the removal by the late Mr. Brain of clay from the leased ground for manufacturing purposes. The claim was disallowed on the ground that Brain had taken the clay for the very purpose of taking brick clay from it. On April 11, 1894, plaintiff then brought suit in the district court. The trial has been pending ever since, and the estate has not been, therefore, yet distributed.

As to how it is held that Mr. Pepper agreed that the excavation might be made; that he saw the property while the clay was being removed; that the ground at the time of the lease was worth nothing for any other purpose than brickmaking; that on May 23, 1891, the plaintiff agreed that if the defendant would permit the construction of a road across the leased land, he would waive all claims for damages that accrued prior to April 1, 1894; that Brain made the excavation but failed to bought the lease; and that if any one was a cause of action it is the lessee, Pepper. But the plaintiff insists that until the expiration of the lease and the failure to surrender the premises in the same condition as they were when leased, the covenant was not broken, and the right of action was not created, and that therefore Mr. Barlow is the proper plaintiff and entitled to recover.

This morning the taking of further testimony was proceeded with, and the hearing is proceeding this afternoon.

JUDGMENT BY DEFAULT.

In the case of Wm. Crowther vs Geo. L. Yeadon et al, default was entered, and an judgment as prayed for, plaintiff $[illegible], interest 8%.

JUDGE BARTCH'S RETURN.

Judge Bartch has returned from Beaver.

SIDAN'S PROBATE COURT.

Judge Blair made the assigned orders in the probate court today:

Estate of Samuel Lowry, deceased. Hearing on petition to set over the entire estate to the widow, which was allowed.

Estate of Geo. W. Phillips, deceased. Hearing on petition for probate of will. Will admitted to probate and Mrs. Lucinda Harris was appointed executrix, without bonds.

CITIZENS INDIGNANT.

Aroused Over Officials Assessing Everything in Sight.

SCHOOLS, CHURCHES, HOSPITALS,

All Taxed for the Use of Water for the First Time in the History of the City.

The make-the-water-rate assessments are high on practically every which seems to have been forgotten regardless of its far-reaching consequences threatening no end of trouble to the creators. As every citizen irrespective of political predilections or business pursuits have been waking up to a high point of indignation by receipt of notices squeezing from them that they are expected to pay from $5 to $50 per cent more for the water consumed by them than ever before.

In some instances, perhaps, property owners, in the matter of paying water taxes, have been too leniently dealt with. But why there should be a universal [illegible] upward, of a sky rocket order, affecting all classes is difficult to understand. It is well known that the rates this year, relatively speaking, are as far in excess of those of last as Ensign Peak is above Capitol Hill. Property that has hitherto been exempt from taxation under every preceding administration of the municipality has been hauled out and made a target for high assessment shooting. The fact that the property referred to belongs to religious organizations, the board of education, or benevolent associations, has not deterred officious clerks in a little brief authority from exercising functions that are without justification or precedent in the community. It has remained for these gentlemen to first step forward and assess every church and meeting house in the city for the water used in them, to strike the first blow at the free school system by levying a tax upon all buildings of public instruction erected under its operations, to make it more expensive to maintain hospitals or other similar worthy charitable institutions by compelling the collector conducting them to pay a water rate. And all this in a city where water is almost as plentiful as the countlessness of the river fresh and breaking out at three mountain ranges.

Chilingsher Dahl, who was employed to do the assessing, but who is in no way responsible for the [illegible] and manifestations referred, stated to two members of the board of education last evening that the city officials had been asked about its ox for the use of the water whom will this year be required by the citizens attending them, or about 30 cents per head. Mr. Dahl states that he recognizes the wrongness of this and that he pleed with the city officials in behalf of the schools, churches and hospitals. He told them, he says, that they would bring down the wrath of the public upon them. But his representations, expostulations and warnings were in vain and he went to work, completed his labors and is now out of the employ of the city, declaring that he had nothing further to do with the matter. The argument made by some of the new who never this additional assessment is that the city treasury—its finances generally are in such a condition that "something must be done" to prevent an absolute ex-chequer within more than one current solar years will come before another election. The water-works system is regarded as a great source of revenue and it is looked to as the only means of help to prevent the expected crash.

While the board of education has taken no formal action concerning the matter as it affects the schools, it is understood it will make complaint on the ground that all school buildings are exempt from taxation. Just what action it may take, the other organizations have contemplated propose to do in the premises, is not known as yet. It is believed, however, that they will make some move and looking toward relief.

The Matrimonial Path.

The county clerk issued marriage licenses today to the following couples:

Hazel K. Harris, 23, of Louisville, Idaho, and Rhea Walker, 22, of Hailey, Salt Lake county; George G. Weaver, 26, of Lewiston, Idaho, and Emma H. Herbert, 24, of Mill Creek; Joseph C. Platt, 22, and Margaret Beck, 19, both of Salt Lake City; George Cowdle, 21, of Morgan, and Hannah Robinson, 18, of Riverton, Salt Lake county.

Smoke Stack Ignites.

Mr. Fred Auerbach and others complained to Chief Devine of the Fire Department last night that they were alarmed at the danger arising from a big blaze which has issued nightly that up from the big smoke stack of the Electric Light works of late. Their fear was that flames might be communicated to their property and result in great loss to them. The chief was investigating the matter today. It is expected that the fire and police board will also give it immediate attention.

Alcohol Through the Bars.

Thomas Ryan and Frank Clinton, a pair of prison birdlike, were caught last night trespassing in the jail yard and attempting to pass a bottle of alcohol through four vees to the inmates. They confessed their guilt before Justice Smith today and were sentenced to ten days imprisonment each.

Firemen Dangerously Ill.

A member of the fire department in the person of Captain John Mangels of the Axial Truck or Hose and Ladder brigade, is lying dangerously ill at his home with typhoid fever. He has been confined to his bed for three weeks. And as he participated today it was stated that his recovery was despaired of.