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. 40. MONDAY, JANUARY 21, 1895, SALT LAKE CITY, UTAH. VOL. XXVIII.

BROOKLYN STRIKE.

Numerous Indications of Serious Trouble Today.

TROOPS DISPERSE A MOB.

Gray Trampled Under Foot, Others Wounded by Bayonets—Dissatisfaction Growing.

BROOKLYN, Jan. 21.—The first brigade of the New York National Guards, composed of New York city troops, has gone to Brooklyn. The executive board of strikers has been called before the grand jury.

THE POLICE RESERVES HELD READY.

NEW YORK, Jan. 21.—Superintendent Byrnes has announced that the entire police force reserve will be held at the several stations for any emergency that may arise during the absence of the militia on duty in Brooklyn.

SERIOUS TROUBLE STARTED.

BROOKLYN, Jan. 21.—There is indication of serious work today in connection with the street railway strike. The total number of troops now under arms in Brooklyn is 8,000. The refusal of the company to promise the reinstatement of the strikers where they have indicated their willingness to call the fight off has made many, hitherto peaceably disposed, desperate and ready to participate in acts of violence directed against the property of the corporations. It is possible that the only line not hitherto involved in the strike, known as the Coney Island line, will now be brought into the trouble.

The men on the De Kalb line who resumed work on Friday under compromise with the company may be called out. Acts of violence supposedly in the interest of the strikers have been almost continuous in one part or another of the city the last 18 hours. During last night the trolley wires were cut in all directions; those who performed the work evading the police. Early in the day a mob blocked the Seventh avenue line from Twelfth to Fourteenth streets, moving off from one place as militia or police approached and congregating a short distance away a few minutes later, thus avoiding collision with the representatives of the law while effectually stopping traffic more than an hour. About 8 o'clock a mob numbering a thousand or more stoned a Bushwick avenue car near Broadway and Flushing avenue. A policeman and a citizen that came out too soon to interfere were injured. The officials of the Broadway, Queen's County and Suburban road say they will run the cars today. Forty-eight patrolmen are off duty today on a sick leave, most of it caused by over-exertion.

CHARGED WITH FIXED BAYONETS.

As Captain Louis Wendell's battery was proceeding up Broadway to Halsey street, under the escort of the Sixty-ninth battalion, Major Duffy, at the corner of Halsey street and Broadway, a mob of 1,000 men guyed and jeered the militia and a few stones were thrown. The officer was so great that Major Duffy ordered a charge on the soldiers, with fixed bayonets, charged on the mob and dispersed it. It is reported that some a number of men were trampled under foot and some slightly wounded by the bayonets.

Twenty thousand men and boys hang about the stations where the military are posted and annoy the soldiers by jeering and yelling them with stones. All night the police were subjected to these attacks. Missiles were thrown from the darkness and they could not retaliate.

There will be a meeting this afternoon, when the board of arbitration and the committee of strikers will discuss the situation. The men now hold out only on one point—that if the strike be declared off all the strikers be taken back and the new employes sent back to their homes. Hyatt Scholem believes the companies which now seem obstinate, will recede from their position.

A mob at the Halsey street depot threw a volley of stones at the militia. Many of the soldiers received bad bruises and before they could charge on the mob it dispersed.

THREATS TO BURN THE BARNS.

The men hanging about the depots threaten to burn all the horse stable barns, if the alleged wrongs of the strikers are not remedied today. The points around the barns will be increased tonight and nobody allowed to pass the lines. No attempt had been made up to ten o'clock to open any more lines, except those operated the latter part of last week.

SEVERAL CONFLICTS.

In deploying of the first battalion of the Thirteenth regiment, Major Cooke came into an altercation from the crowd in front of the strikers' headquarters at Fifth avenue and Twenty-fourth street. Major Cochran ordered a charge before which the greater part of the crowd, numbering about 500, fled beside the building.

Colonel Appleton, of the Seventh regiment at Halsey street, with three companies, sent men out to the neighboring stores to purchase provisions. The shop-keepers refused to sell to the soldiers who then charged on the mob, scattering them in all directions.

The guard upon an elevated train carrying a company of soldiers came a soldier, who was smoking, to pull him off the train when the other militiamen went to their comrade's assistance and beat the guard severely.

Captain Lyons, commanding the company, placed the guard under arrest but released him when the company reached their destination.

Several cars on the Bushwick avenue line were stoned at the corner of Green and Skillman avenues. Six unarmed men surrounded the cars and tried to induce the motorman to join the ranks. They became angry and boisterous. The police charged them, dispersing the mob.

Major Workman M. J. Connolly, the strike leader, is confined to his home by sickness. His wife and child are also ill with pneumonia.

Held Up the Wrong Man.

GRAND JUNCTION, Colo., Jan. 21.—The man who was shot and brutally killed by Deputy Marshals Stephens of the Denver & Rio Grande road last night, has been identified as Jesse Debo, who came here recently from the west. The man who was with him at the time was still at large. Officers were scouring the country and immediately upon being informed as to time on his hands drew his revolver and fired.

Hungarian Ministry.

BUDA PESTH, Jan. 21.—Dr. Jacobine Desseweffi, liberal, formerly president of police, has been elected president of the Chamber of Deputies in succession to Baron Banffy, now premier of Hungary.

STRUCK A ROCK AND SUNK.

Cause of the Disaster to the Steamer State of Missouri.

Details of the Accident as Related by one of the Survivors.

CINCINNATI, Jan. 21.—Joseph McCabe, engineer on the wrecked steamer Missouri, arrived here today. He says:

"The steamer struck a rock at 8:30 Saturday evening at Horse Shoe bend, seventy miles below Louisville. There is a point of rock running far out into the river there. The Missouri's bow passed all right, but the current swung her stern around and she struck hard. She immediately began to fill and listed to starboard side. The current tore the fire in the engines to fall out, setting fire to the deck. With others, I rushed to the hurricane deck. All officers, the white assistant of the mine and passengers were huddled together, trying to find such. The negro roustabouts began jumping into the water. I saw five of six of them drown right about and I saw at least ten near me drowned.

"Oliver Hall, Jr., was at the wheel when she struck. He tried to run her from against the bank. Her stages were run out and a negro tried to fasten a line to a young tree, partly submerged, but the tree snapped and the boat swung off in the current, driving rapidly all the while, about forty yards out in the river. The fire burned so fiercely that a number of us jumped from the hurricane deck, a distance of about forty feet, into the cold water. I must have been under water fully five minutes. Fighting against being drawn under the boat. I finally came to the surface and made for a clump of trees we had endeavored to tie to. We hung on these trees until a tetanic lock set off in a yawl. While in the yawl I saw the roof part from the hull, float down the river, there an it sinking about two feet in water.

"The captain and head engineer were last to leave, after seeing everybody else off safely."

LOUISVILLE, Ky., Jan. 21.—The loss of life occasioned by the sinking of the Memphis and Cincinnati line steamer State of Missouri, near Harding's landing is smaller than at first supposed. Some reported drowned have since turned up and the present showing, as known to the survivors in the city, are:

Charles Meredith, colored, freight handler; Jacob Barbour, colored, deck hand; West, Smith, colored, deck hand; William Sims, colored, deck hand.

One hundred and fifty passengers on board were saved, as were all the officers.

Killed His Rival.

DANVILLE, Ill., Jan. 21.—Frank Bonnarous, a merchant of this city, shot and killed J. F. Campbell, a blacksmith, at Georgetown, last night. Both Campbell and Bonnarous are married men, but the latter had previously boasted of his infatuation with a Danville widow. Bonnarous formerly lived at Georgetown, where he joined the Odd Fellows. Reports of his misconduct coming to the ears of the lodge, he was summed there for trial before the lodge last evening. Campbell, who has been living on Ridge farm, heard of the proposed trial. He arrived at Georgetown at 5 o'clock and was observed by several parties standing at the foot of the stairs that led up to the lodge hall. He made no concealment of the fact that he was laying for Bonnarous and repeatedly asked if his rival was still in the hall. When Bonnarous came down stairs, Campbell sprang at him, striking him on the head. Bonnarous shot his assailant through the left breast. Bonnarous was looked up in the Danville jail.

BROKE UP IN A ROW.

Meeting of the Union Laborers in New York.

NEW YORK, Jan. 21.—The Central Labor Union meeting last night broke up in a row by a fight between Joseph Barondess, of the Cloak Makers' union, and A. J. Smith, of the Cloak Cutters' union.

The meeting had about ended when Barondess, through a delegate, asked to be allowed to make a statement regarding the charges of misappropriation made against him.

Smith, after others had objected, said that Barondess most account to the Amalgamated Board of Cloak Makers and Cutters. Barondess then ran to the front of the hall and commenced to be heard, but the chairman adjourned the meeting and Barondess attacked Smith. The men clinched but were dragged apart and Barondess was ejected, march Fishkeisen and Kim followed had followed Barondess, and while the men fought, urged Barondess to retain Smith. The women scattered after the fight and denounced Smith and others of the union.

Rich Gold Strike.

CHARLESTON, S. D., Jan. 21.—The wonderful result of the Holy Terror mine as a gold producer bids fair to be surpassed by the rich strike just made in the Lookwanna lode adjoining the Deadwood, started on Green mountain, Lawrence county. The present owners of the Lookwanna mine, James Collins and Curley O'Leary, have been working the property since 1888 developing it and extracting a rich grade of ore, of which they now have nearly 2,000 tons on the dump. Numerous assays have been made, the results varying from $1,000 to $1,700 gold per ton. The ore body is twelve feet thick between slate rock and trachyte. Future work may determine that the ore body is even wider than is now thought.

A SERIES OF LECTURES

On Socialism From an Ethical Point of View.

NEW YORK, Jan. 21.—Prof. Felix Adler has commenced a series of lectures on socialism. He will treat the subject from an "ethical point of view." For some time the professor has been saying things that gave his audience the impression that he was drifting towards socialism. He says in part:

If anyone has experienced evils or proposed changes, he must be prepared to have the same compared each to the tests and to have stoned against him all the passions that are called up by the Henry Bell. There has been a change though. The idea of socialism was considered most odious ten years ago. Nowadays the mention next to you at dinner, though to be uttered in the best manner, will tell you in no indifferent manner, that he is a socialist and you do not show the least sign of fear. Times have changed.

"This is partly due to the fact that the system has made many converts. We know that a state socialist is on the throne of Germany. We know that Christian socialism is preached from many pulpits and what is more, practiced in the same pulpits.

"There are many outside who contemplate a complete change in the constitution of society and yet are opposed to many measures. They believe that than will surely see the changes they are advocating. But there are others who are making threats. Just because these threats are vain it does not make socialism any the less dangerous, it dangerous it is at all.

"Socialism is not to be confounded with social reform. The socialists are wrong when they claim that one must be either an individualist or a socialist. It is possible to agree with the socialists in many practical reforms and still not be a socialist. Thus, to instance the income tax, which is claimed to rest on the ground that the burden of taxation should be placed on the wealthy and not on the poor. I do not say I believe in this, but I merely give it as an example. It is possible to believe in the abolition of the private of the state and still not be a socialist."

VISITING SCANDAL.

The Actor Evidently Sensing His End—Mysteriously Disappeared.

NEW YORK, Jan. 21.—James C. Brown, the playwright and actor who wrote "Shore Acres" for William Shanklin in which the comedian starred for six seasons, visited the unfortunate actor at the Bloomingdale asylum last evening.

Mr. Roach and Shanklin were very intimate friends, having toured together during the rehearsals of "Shore Acres." Speaking of his visit Mr. Brown said:

"Shanklin has had much flesh since I saw him last, and while he certainly had indications of sanity since his confinement, his condition today is that of a perfect imbecile and has been so for several weeks. The authorities say that he is to no immediate danger, but that the end will undoubtedly come without warning. They say that on certain occasions they have thought him to be sane when he has improved his mental strength than before. I am not, of course, a specialist on insanity, but if any judgment can be formed from the appearance of a patient Shanklin is certainly declining."

The playwright who is rehearsing his play, Story of the Hill, he wishes to be to appear himself, is anxious to arrange a benefit performance. The proceeds, he says, if Shanklin's wife is not in need, could be used in some way to commemorate the once popular and quite beloved Irish comedian.

MURDERED IN GUATEMALA.

American Citizens Travelling in That Country.

STRING CITY, Jan. 21.—The report comes from Tehuantepec that Coldman and Thomas Murphy have been murdered in Guatemala while en route for the line of the Guatemalan railroad. There is little doubt, it is said, the outrage was committed by renegades along the border for the purpose of getting better mounts for use in the threatened conflict between Mexico and Guatemala. The murdered men were Americans formerly connected with the Tehuantepec Railway Construction company. Investigation will be demanded by the Americans in Mexico and Guatemala.

Injured by a Falling Building.

CHICAGO, Jan. 21.—At the falling of a new Fort Dearborn building, at Clark and Monroe streets today, timbers were thrown from their position and falling fourteen stories, killed two men. R. J. Barnes is thought to be fatally injured. The others seriously injured are A. J. Donaldson, ears, shoulder struck; Frank Woodward, teamster, arm crushed; William Loftus, pitter, scalp wounds; H. S. Fisher, restaurant employe, badly bruised.

H. H. Irwin, clerk, dangerous internal injuries; George Bay, stenographer, head badly cut.

Good Eye Glasses Praise.

PARIS, Jan. 21.—Ex-President Casimir-Perier formally vacated the Elysee palace at 11 o'clock today. By order of President Faure, when the ex-president appeared in the court yard a guard corps rolled out a salute and the band played "Sonnez Clairons." All the members of the ex-president's civil and military households assembled to bid him good bye.

Death Announcement.

NEWMARKET, Eng., Jan. 21.—Mr. Barrack, jockey is dead.

Italian Troops in Egypt.

MASSAWAH, Egypt, Jan. 21.—Gen. Baratieri and the bulk of Italian troops have arrived at Asmara on their way to the coast.

STORM AND SNOW.

Severe Weather Reported East and West of Utah.

RIO GRANDE TRAINS TIED UP.

Snow Alongside Railroad Tracks Thirty Feet Deep in Places—Impediment for Hundreds.

SACRAMENTO, Cal., Jan. 21.—Another storm is raging in the mountains and, although there is none now on the ground then there has been for five years, it is rapidly growing deeper.

The storm began yesterday morning and has continued without ceasing all day. The wind is howling through the canyons and the snow is falling thick and faster than at any time during the past 24 hours.

Owing to the violence of the storm and the possibility of a temporary stoppage, no more freights will be moved until the storm abates. Passenger trains will be kept moving as long as possible.

The snow is banked up alongside of the track in places nearly thirty feet deep, and the rotary plows are beginning to work with difficulty in these places. Hundreds of men are employed in shoveling the snow so as to allow the snow between the tracks. As it now is, the snow strikes the wheels of the cars and as the plows do not work to advantage there, shovelers working in here make the tracks.

The storm in the Sierra division is equal to, if not greater, than that on the Truckee division. A number of engineers and brakemen have come between Donner and Sisson, and, although it is hoped that the track will be cleared in time to allow the southbound Oregon express, now held at the latter place, to proceed on its way today, it is by no means certain that it will be able to do so.

North of Dunsmuir there is an extremely slide which the passengers are trying to handle. A number of engines coupled together take a flying start on the hump for a mile and lands of snow and are slowly forcing it off the track.

If there are no more big slides or drifts of obstructions will be removed from the track by morning and the trains will be able to get through, but if it is now snowing heavily between Sisson and Dunsmuir, more slides are likely to occur.

HEAVY SNOW.

The Rio Grande Western Road Blockaded.

DENVER, Jan. 21.—Dispatches from all through the mountains report heavy snows. At Telluride, where the snow was already three feet deep, nearly six more inches has fallen today. A slide blocks the electric plant of the Smuggler Consolidated Mining company, which furnishes the motive power to many of the principal mines. As a result the plant is now idle and the miners are idle.

Quite a genuine blizzard is in progress and at Red Cliff the snow is many places is four and five feet deep. Many snow slides have been reported but no fatalities have yet been heard of. On the Rio Grande Western road there is little prospect of getting a train through for three or four days at the least.

An Actor in the Pulpit.

OAKLAND, Jan. 21.—The Rev. Edward Curtis looks like an actor. Tonight he illustrates a sermon on "Eternal Judgment" by assuming the character of Richard III and quoting in a dramatic manner the famous soliloquy in the first scene and also from the last act of the play. The preacher's acting was realistic. There was a big audience, many attracted by curiosity. The clergyman is very young.

In acting out the dream that overtook Richard III, the preacher fell on the stage just as Keene and Warde do.

Alleged Murderer Caught.

ALTOONA, Cal., Jan. 21.—The posse in pursuit of Abe Taylor, the murderer of City Marshal Emerson, came up with him after eight hours hard riding. The man was covered with Winchesters and although he had two six-shooters, he made no great resistance. He has been taken to Conejos, as it was believed that he would be lynched if brought here. Two alleged accomplices have been placed under arrest.

A Millionaire in Rags.

PARIS, Ky., Jan. 21.—At a boarding house in this city last night the death of H. E. L. Williams, aged 70, occurred. His death was caused by pneumonia. After his death his clothing and effects were examined and papers were found showing that he possessed vast wealth, in fact proved him to have been a millionaire owning a vast estate in California. In addition to Winchester instituted in seeking the check on account of the ragged appearance of the applicant, he finally telegraphed to California and the officials telegraphed that Mr. Williams's check was good for any amount under $1,000,000. Thirteen dollars in money was found in his pocket.

THE GING MURDER CASE.

Proceedings in the Trial Commenced Today.

MINNEAPOLIS, Minn., Jan. 21.—The trial of Harry Hayward, for the murder of Catherine Ging was formally begun today. Harry Hayward went to his seat as blithely as if entering a theater. He chewed gum vigorously and played with his spectacles, while waiting for the proceedings to begin. W. Irwin, already well known from his connection with the Minneapolis and Duluth cases, and John Day Smith, a best attorney, represented the defendant. County Attorney Frank M. Nye, brother of William Nye, the humorist, and Albert H. Hall, are prosecuting. It is deemed significant that the attorney of Clara Ellstrom upon the prosecution's side of the table. Soon after the proceedings began Miss Julia Ging, the twin sister of the murdered woman, took a seat at his side from the prisoner. County Attorney Nye moved that the case of Hilet be fixed for Feb. 5, and this was agreed by Hilet's attorney.

It is believed the work of securing a jury will consume a week.

SUPREME COURT DECISIONS.

Opinion of the Circuit Court in the Sugar Trust Case Confirmed.

WASHINGTON, Jan. 21.—The Supreme court rendered an opinion in the sugar trust case of the United States vs E. C. Knight and others, involving the validity and constitutionality of the Sherman anti-trust law. The decision holds the law to be inapplicable to the case in hand and confirms the opinion of the circuit court.

TRAIN DELAYED

On Account of an Accident Near Cheyenne, Wyoming.

Special Dispatch to the NEWS.

CHEYENNE, Wyo., Jan. 21.—No. 1, the morning passenger train from Denver which is due here at 7:35, was delayed three hours today on account of an accident at Cole Station, seven miles south of Cheyenne. The bridge of one of the wheels on the leader came off, throwing the trucks from the track. The train was coming on a heavy grade at the time. The engineer signaled the train to a stop before any of the coaches left the track.

Chicago's Public Building Bill.

WASHINGTON, Jan. 21.—The Hitt bill for the Chicago public building was reported today. It provides, says, 44, for erecting in package in the house.

WASHINGTON, Jan. 21.—Chicago public building bill passed the House 192 to 41.

Struck by a Cyclone.

MEMPHIS, Tenn., Jan. 21.—At 8 o'clock this morning a cyclone struck Covington, Ky., blowing off the tower of the court house and wrecking several stores and residences. The total damage is about $50,000. No loss is reported yet.

Cleaner Do It.

PARIS, Jan. 21.—M. Burgette has relinquished the task of attempting to form a new ministry.

Debs Admitted to Bail.

WASHINGTON, Jan. 21.—The Supreme Court of the United States today ordered Eugene V. Debs and associates to be admitted to $5,000 bail each. The hearing in these cases is to be had on March 11th.

Bryan Denies the Charges.

WASHINGTON, Jan. 21.—Judge A. J. Hicks, accompanied by counsel, arrived in this city today to appear before the committee of the House to answer the charges preferred against him by the Central Labor union, of Cleveland, of retaining fees which should have been paid over to the United States. He says there is absolutely no truth in the charges.

U. P. MORTGAGE DECISION.

Separate Receivers for a Portion of the System Granted.

ST. LOUIS, Mo., Jan. 21.—U. S. Circuit Court Judge Walter H. Sanborn today handed down a decision upon application of E. Gordon Dexter and Oliver Ames, second trustee for the first mortgage bondholders of the Union Pacific railway company, for separate receivers for the portion of the Union Pacific system covered by the first mortgage. The decision or order covers seven closely type-written pages and in effect grants the application. The receivers appointed are the same as those now in charge of the system, viz: S. H. H. Clark, Oliver W. Mink, E. Ellery Anderson, John W. Doane, and Frederick H. Cossidy. The order provides that the lines already owned and operated by the receivers shall be settle the debts and just claims under the present receivership. In addition the court reserves the right to order that any deficiency of such funds shall be made up from the future earnings under separate receivership.

In effect the decision today simply sequestrates the old main lines from the rest of the system, only as the accounts are concerned, any funds of the mortgages.

CASSIUS CLAY DEFENDED.

That is the Rumor Now Current About the Aged Statesman.

CINCINNATI, O., Jan. 21.—The Commercial special from Lexington, Ky., says:

General Cassius M. Clay, aged 84, is in trouble, owing to the reported desertion of his young bride, aged 15.

CUT IN TWO

By a Section of a Falling Plate Glass Window.

CHICAGO, Jan. 21.—About 5 o'clock the heavy iron of Bagelel on Kingsley's hotel, opposite the government building, was torn from the case and hurled into the street, dangerously injuring Edward Harper, a fireman. It was thought blackall was injured.

A heavy plate glass window, in the Hartford building, at Dearborn and Madison streets was blown in. James Hanson was struck by a large falling section of glass and cut almost in twain. He died in a few minutes.

THE SENATE.

WASHINGTON, Jan. 21.—In the Senate today Lodge offered a resolution declaring that the United States should keep a warship at the Nanawha islands; that measures should be taken for the construction of a cable from San Francisco to Honolulu and for the annexation of the Nanawha Islands to the United States. Sherman objected to present consideration and the resolution was given.

At 5 o'clock the Nicaragua canal bill came up and was laid aside for the urgency deficiency bill. Hill discussed the elimination of his amendment relating to the income tax question.

Interstate Committee Meeting.

WASHINGTON, Jan. 21.—An important meeting of the House appropriation committee was held today in which Secretary Carlisle took part, at the request of Chairman Sayers. The conference was over the question of a policy by which the secretary hopes to put into circulation an increased volume of silver certificates in small denominations in place of treasury notes. The committee decided to strike from the sundry civil bill the stipulation that for several years has been added to the item providing for the purchase of treasury notes to replace those redeemed at the treasury.

HERE'S ANOTHER OF THEM.

Mrs. Margaret Gregory Deserted and Left to Manage for Herself.

Margaret Gregory, through her attorney, Morris Sommer, this morning brought suit for divorce in the Third district court against her husband, Samuel Gregory, on the grounds of drunkenness, desertion and failure to provide.

The marriage took place at Pueblo, Colo., on Sept. 27th, 1891, and the parties resided for some time in this city. Mrs. Gregory alleges that in March, 1894, the defendant abandoned her and has ever since refused to contribute anything towards her support. She claims that she is alone and compelled to work for her living, and prays for a decree of divorce and for the custody of her child.

A Mule the Cause of It.

Deputy Sheriff Comstock arrived from Bingham canyon this morning, bringing in custody Charles Miller, again of whom a warrant of arrest was issued from Commissioner Greenman's court on Saturday, charging him with violently assaulting Thos. Pritchard. The parties are aliens and reside at Bingham. The assault was made on Saturday, January 12th, 1895, says, 44, because in passing in the house.

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THE SUPREME COURT.

Further Argument of Cases Brought Up On Appeal.

39 OPINIONS RENDERED YET.

Reversal By the U. S. Supreme Court.—A Prisoner's Application.—Other Business.

The Territorial Supreme Court entered upon the second week of the January term this morning, all the judges being present.

SOME CASES AT THE BAR.

Upon the favorable report of the examining committee, presented by Attorney E. B. Critchlow, Morris Gee, M. Lowenstein, Robert T. Brown and H. C. Edwards were admitted to practice at the bar of this court.

Attorney C. C. Varian moved the admission to the bar of Hon. A. C. Halsey, of Heber City, and the application was referred to the examining committee.

JUDGE ON THE BENCH SIDE.

A couple of habeas corpus cases had been previously set down for hearing today, and the attorneys for the respective defendants, Messrs. H. H. Hoyt and S. P. Armstrong, called the court's attention to this fact as soon as the usual preliminary business had been run through, but Judge Merritt answered that more were other cases upon the docket which must take precedence.

District Attorney Judd remarked that "these petitions hardly should be heard always had preference over other matters; he added, however, that so far as the territory was concerned, it would not suffer by waiting, as the prisoners held possession of the defendants who were petitioners.

The court intimated that the attorneys could be within reach, and if the other cases had been disposed of in time to try the habeas corpus cases might find time to take up.

THE COURT REVERSES.

In the case of the Northern Pacific company vs Isabella Daly, administratrix of the estate of Wm. H. Daly, deceased, the opinion of the Supreme Court of the United States read and filed.

The judgment of the Territorial Supreme Court, affirming that of the district court is reversed, with costs; "and that the said appellant, the Northern Pacific company, recover against the said respondent $217.75 for its costs herein expended, and have execution therefor." It is further ordered that the cause be remanded to the Territorial Supreme Court with direction to order a new trial.

The opinion of this court was by Chief Justice Zane, Judges Anderson and Blackburn concurring.

FURTHER PURSUE THEM.

Attorney Frank (Frank & Allen) on behalf of S. P. Armstrong, doing business as the Inter-Mountain Electric Co., presented a petition for a writ of mandate against the county court of Salt Lake county, viz: Probate Judge Blair, presiding judge, E. Smith and Christopherson. The matter arises out of the recent decision of this court, published with the judgments of the lower court by order of the court to enter of certain lamp posts, the supplying of globes and electric lighting at the grounds of the new infirmary and county building, in the city and suburbs, on application for which the new board has refused to make.

The facts in this case are stated in Saturday's NEWS.

The court took the application under advisement.

"PRONOUNCE JUDGMENT."

Attorney James A. Williams, acting for the appellant in the case of Martha Ann Cassidy vs the Salt Lake & North Douglas Railway Co. et al, respondents, moved that the respondents be not allowed to be heard on the merits of this cause on oral argument, they having failed to file their brief within the statutory five days after the serving of appellant's brief upon them. Appellant was willing, however, that respondents should be heard on the merits upon paying the clerk of this court, within the day so ordered, the sum of $50 for the appellant."

TAKES ABOUT AFTERNOON.

CHOICE IS IN CONTEMPT?

C. L. Mackey, plaintiff, and appellant, vs F. Lowenstein, defendant and respondent.

Heath, Dow and Gray for the appellant; Powers & Hiles and B. M. Rimey for the respondent.

In the third district court, upon trial of the case, the jury found for the defendant, and the only point now in issue was by the appellant for at trial was that the jurors were not unanimous in their filing. This court is now asked to hold that the statute of the Territory, which authorizes a verdict in a civil case to be found by nine jurors, is invalid, as being in contravention of the Organic act of this Territory and of article 7, of the Revised amendment to the Constitution of the United States.

A REHEARING.

In the rehearing of the case of Wm. S. McCormick, plaintiff and respondent, vs Henry Waller, defendant and appellant, the latter was represented by Smithwood & Howat and Attorney Chas. Baldwin; for the respondent, Hayes & Henderson and Attorney C. S. Varian.

The case is one of long standing and the particulars have been already several times published. In brief, Waller entered into an agreement with Fall & Kingsbury, contractors, to build a house for him, and this was completed in 1890. The contractors were heavily indebted to McCormick at this time and assigned to him the balance of the account due to them from Waller, viz., $2,325.25. Suit was brought in the Third district court to recover this, and the jury found for the plaintiff in the sum of $1,313.75, and $100 at costs. The case was carried

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