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TRUTH AND LIBERTY.

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TODAY'S TELEGRAMS

Senate Schedule Discussed From Southern and Western Standpoints.

SCHIG AND LLOYD SHIPPED.

An Engine on the Lehigh Road, Reversed and Deserted, Does Great Damage.

WASHINGTON, Dec. 2.—There are indications of a severe struggle in the senate over the sugar schedule of the Wilson bill if it is not modified to the House. A prominent southern senator said today, senators from all the states which produce sugar, including those from the cane sugar producing districts of the south, and those from the beet sugar producing states of the west, such as Nebraska, Kansas and California would unite to oppose the change proposed in the bill. The plan proposed is the direct bounty, it is said, would result in the killing of sugar producers by inches, sugar could be added, were never in need of the bounty plan, but preferred an import duty. They would not, he said, ask for protection in the same manner as McKinley, but would be content with a revenue duty of say 1½ cents per pound on raw sugar and 1½ on sugars refined above 16, Dutch standard. From the inception of the government till the present county law went into effect sugar has been recognized as an article from which revenue could legitimately be drawn, and the whole sum so made effectively distributed than almost any other. It was, he asserted, fully for a government, with revenues running low, to call off sixty-eight millions of revenue which it obtained during last year by foreign sugar taxes. Four hundred thousand people will be deprived of the means of livelihood in Louisiana alone by the Wilson measure.

Fire in London.

LONDON, Dec. 2.—Poulter's warehouse, filled with printing paper, was gutted by fire this morning. The loss is many thousand pounds.

Receivership Made Permanent.

INDIANAPOLIS, Dec. 2.—In the Iron Hall receivership case Judge Winters this morning rendered a decision making permanent the receivership and ordering a distribution of the funds of the order.

Carpet Mills Resuming Work.

PHILADELPHIA, Pa., Dec. 2.—The Kensington carpet mills at Kensington are resuming operations on full time and claim that the prospects for the future are good.

Fatal S. B. Wreck.

WILKESBARRE, Pa., Dec. 2.—A last week occurred on the Lehigh Valley road at Whitehaven this morning. Thirty cars were piled up against the house which was built close to the track, and several buildings took fire, but the fire was extinguished. One brakeman was killed and two were injured.

It is thought at least three men are burned to death in the wreck.

A later report from Whitehaven says the fire has broken out again. The loss, it is now believed, will reach $80,000.

Epidemic of Influenza.

VIENNA, Dec. 2.—Influenza is spreading very rapidly here. One of the prelimbs and both vice presidents of the reichsrath are prostrated. The parliamentary sitting is therefore brought to a close. Half of the government officers are deprived of staffs.

SENATOR JONES

Gives His Experience and Views on Silver.

WASHINGTON, Dec. 2.—Senator Jones, of Nevada, who has spent the greatest part of the time since the adjournment of the extra session in New York, has returned to Washington. He says his observation of financial affairs confirms him in the opinion expressed by himself and other silver advocates prior to the passage of the bill, repealing the Sherman purchasing silver act, that there will be no material revival of business because of that action by Congress. He finds that some men who have been hoarding money since the panic began, are showing a disposition to put it out for gilt edged securities, feeling that it is better to have a small income from their capital, than to keep it lying idle, but that the disposition is modified by the fear that if it was generally distributed it would be of no consequence there is little doing looking to an extension of the industrial interests of the country. This he attributes to the small volume of currency. In fact persons with money will not make large investments when prices are falling. Jones says he does not expect to see any legislation which will materially benefit silver during the present administration.

Open Conclusion, Etc.

SOUTHAMPTON, Dec. 2.—Schulz and Floyd, the Minneapolis bank embezzlers, sailed for the United States on the steamer New York this morning. They are anxious to get back, and say they will make a clear breast of it when they reach home. It is understood they have already informed officers where the stolen money is concealed.

Bank Statement.

NEW YORK, Dec. 2.—The reserve increase $3,200,000; loans increase $4,229,600, specie increase $3,070,000, legal tenders increase $4,934,000, deposits increase $12,033,900. The banks now hold $76,000,000 in excess of legal requirements.

AN EXCITED ENGINEER

Reversed His Engine and Jumped—The Result.

GREENBRIDGE, N. J., Dec. 2.—An engine on the Lehigh road, going east this morning, overtook a coal train. The engineer reversed the lever, and he and the fireman jumped. The engine started back at a terrific speed, and at Philipsburg crashed into Freeman Wolmer's portable cot and passed it back two miles to South Bethlehem, where it collided with an engine drawing a loaded coal train. Wreckage is strewn along the track for miles. The crew of the runaway engine have not been found.

The Railroad Conference.

ST. PAUL, Minn., Dec. 2.—The Union Pacific officials have not yet arrived from Omaha. It is stated that the transcontinental railway rate conference will not be held till Monday.

The New Cabinet.

PARIS, Dec. 2.—The members of the new cabinet were to be presented to President Carnot this afternoon. Their names will be gazetted tomorrow. There is no change from the list as given last night.

OUR MR. VON GROTTA.

Requisition Papers Not Honored—He Will Probably Get His Liberty.

DENVER, Dec. 2.—Von Grotta, the supposed secret emissary of President Dole of Hawaii, is President Cleveland, is in the city still. The Salt Lake officer who wants to take Von Grotta back to that city to answer a serious charge of fraud, presented the papers to Gov. Waite today but that executive refused to grant the requisition on technical grounds. He said the official papers were not made out properly. There will be habeas corpus proceedings today and Von Grotta is confident he will not be held when he shows his papers.

Dr. Johnson examined Von Grotta and found him suffering from a tumor. He pronounces the man unfit to travel and this will probably serve to give the prisoner his liberty.

Mighty Secret About the Message.

WASHINGTON, Dec. 2.—Every possible precaution is being taken to preserve the secrecy of the President's message. The President and his private secretary were closeted today looking over the proofs of the typographical errors. It is not likely that any further revision of the text is intended. The message will probably make some fifteen thousand words.

The Montreal Vestrial Students.

MONTREAL, Dec. 2.—The three young French-Canadian students who attempted to destroy the Nelson monument in Jacques Quartier square with dynamite—Mercier, Pelland and DeMartigny, the first named a son of ex-Premier Mercier—were arraigned in court this morning to answer to the charge. The ex-premier and other well-known lawyers appeared for the defense. After some testimony showing that the young men admitted the intention to destroy the monument and that an expert to the effect that the charge was not sufficient to entirely destroy the structure, the further hearing was adjourned till next Saturday.

Killed by Falling Sixty Feet.

ALLENTOWN, Pa., Dec. 2.—Frank Mery, Chas. Schneider and an unknown Hungarian were precipitated sixty feet to the bottom of a pit at the slate quarry this morning, by the breaking of the rope, and instantly killed.

Quiet at the Collieries.

PITTSBURG, Dec. 2.—Everything is quiet at Monongahela and Connellsville collieries. Some of the men went to work under guard this morning. It is thought the strike is broken.

Pinkers to Be Discharged.

CHICAGO, Dec. 2.—About 650 workers of exhibits at the World's Fair gratuitous will be discharged tomorrow. They understand that Italians are to be employed in their places at much lower wages, and declare they will not permit them to work. Colonel Rice, commander of the Columbian guard, is preparing for trouble on Monday morning.

It is "Countess" Now.

LONDON, Dec. 2.—The Earl of Warwick died today. This will make Lady Brooke, the favorite of the Prince of Wales, countess of Warwick, as her husband, Lord Brooke, is the eldest son of the late earl.

DR. CRONIN'S MURDERERS.

Another Sensation as to the Jury to Try Dan Coughlin.

CHICAGO, Dec. 2.—The Coughlin case came forward with the usual sensation today, when it was announced that the prosecution were preparing to ask for the dismissal of another juror, the suspected man being Henry E. Taylor, and it is claimed that during his examination some of his sworn statements were not in accordance with the facts. Affidavits to this effect it is said will be presented in court Monday morning.

THE OFFICERS BORROWED $113,000

The Depositors Received Only Three Per Cent.

KANSAS CITY, Mo., Dec. 2.—The fact has just come to light that shortly before the Continental Trust Co. failed, November 6th, its officers borrowed $113,000 from it, giving their personal notes. The grand jury will investigate. The depositors have received only 3 per cent.

Smooth Joe Van Grotta.

Captain Dawson of the Salt Lake City police force arrived in Denver today, says the *Times* of that city, after Joe Van Grotta. He says Van Grotta got a wide swath there and succeeded in obtaining to come straight from San Francisco with $200,000 in cash to start a jewelry store. The man was very smooth, and became the idol of the hour. All of women he came across were in love with him. It was then learned that various people in the city were out through spurious checks and various dodges about $500. Grotta is an employee from 18 to 20 advanced degree. He was highly indignant when Capt. Dawson showed up.

TWO SCHOOL MEETINGS HELD.

Will Be Nominated in the First Municipal Ward and Baldwin in the Fifth.

There was a very large meeting of citizens of the First municipal ward in the Exposition building last night for the purpose of nominating a candidate for member of the board of education to be voted for on Wednesday next.

The meeting was as exciting as it was large. It was called to order by George A. Alder, who stated the purpose of the gathering. Partisanship was some manifest to a marked degree and the Republicans rallied to one end of the hall and the Democrats to the other. The latter organized with Harry McCallum as chairman and J. P. Meakin as secretary. The names of R. Alff, G. S. Kinney and Wilford Dooe were placed in nomination. The ballot resulted as follows:

Alff	128
Kinney	108
Dooe	41
Wilson	11
Total	288

The nomination of Mr. Alff was made unanimous.

A campaign committee was appointed as follows: First ward—W. Stookey; second ward, W. J. Lynch; third ward, A. H. Paul; fourth ward, Ali Eshlimi; fifth ward, J. P. Meakin; sixth ward, E. R. Critchlow; Amos, W. J. Moore.

An adjournment was then taken.

The Democratic meeting was presided over by A. T. Schroeder; P. W. McCarthy acted as secretary. No formal action was taken, and the meeting adjourned until Monday night.

BALDWIN ALSO RENOMINATED.

At the meeting in the Fifth precinct Captain Paul was chosen chairman and A. C. Bose secretary. The meeting was a quiet and business like one. After the call had been read Thomas Maxwell nominated Charles J. Baldwin for re-election. The nomination was seconded by C. S. Varian. No other candidates were mentioned and the nomination was made by acclamation.

A VOICE FROM THE SECOND.

A call reading as follows has been issued to the voters of the Second precinct: "There will be a meeting of the citizens of the Second precinct at Shiltz Hall, corner of Second West and Fourth South streets, on Saturday evening at 8 o'clock to nominate a school trustee for the second precinct. All voters will please attend. By citizens of the Second precinct."

The published notice has but seven signatures attached to it.

Train to Manti.

The Union Pacific, in connection with the Sanpete Valley railway, is now running trains daily to Manti as follows: Passengers leaving here at 8 a.m. change cars at Nephi and arrive at Manti at 2 p.m. The train when leaves Manti at 10 a.m. catches the morning Union Pacific train from the south which arrives here at 6 p.m.

Priesthood Meeting.

The Priesthood of the Salt Lake Stake met in the Assembly hall at 11 today, Elder Joseph E. Taylor, of the Stake presidency, presiding.

The roll call was responded to by three Patriarchs, Elders Elias Morris, George R. Wallace and William C. Dunbar of the presidency of the High Priests' quorum of the Stake, eleven presidents of Seventies and twelve home missionaries. All the wards in the Stake were properly represented excepting the Second city ward, and Union, Sandy, Draper, Riverton Herriman and Hunter of the county. The First, Third, Fourth, Fifth, Tenth, Twelfth, Thirteenth, Fifteenth, Seventeenth, Nineteenth, Twentieth, Twenty-first and Twenty-second quorums of Elders were represented by their presiding officers. The quorums of the Lesser Priesthood were represented by members from the Twelfth, Sixteenth, Seventeenth, Twentieth, Mill Creek, South Cottonwood and North Jordan wards. Upon the recommendation of their respective Bishops eighteen young men received certificates authorizing their ordination to the office of Elder.

The speakers were Elders Joseph E. Taylor, Charles W. Penrose and Orson F. Whitney. The topics treated were proper supervision by the Priesthood over the amusements of the young people; personal visitations to the people by the Bishops; the prevention and cure of personal animosities; patience and long-suffering in dealing with those who become weak in the faith; earnest and consistent teaching; the care of the poor during the approaching winter; the counteracting of false notions arising among the people, and the necessity of attendance upon the Sacrament meeting each Sabbath.

It was suggested to the Bishops that the forms of recommendation for ordination to the office of Elder have been prepared and are now on sale at the Deseret News office.

The meeting adjourned for one month.

Revival Services.

The following notice was handed in for publication today, too late to be placed in the usual column:

Special revival services will begin at Burlington Congregational Mission, H and Third streets, Sunday evening. A stereopticon sermon will be given the first twenty minutes with choice and beautiful pictures from the screen, at 7:30 sharp.

Services every evening except Saturday.

BUSINESS AND MINES.

Utah Will Make an Exhibit at the Midwinter Fair.

A SILVER RESOLUTION DEBATE.

Nevada Southern Railway—Attachment Suits—Miscellaneous Mining and Business Items.

There was a large attendance at the public meeting called by the Chamber of Commerce last night, and an enthusiastic feeling prevailed, resulting in a decision to have Utah make an exhibit at the California Midwinter Fair which opens next month.

As stated in the NEWS last evening, Governor West was invited to the chair. The meeting was first called to order by W. L. Hubbard, president of the Chamber of Commerce, who directed attention to the importance of Utah being represented at the Fair, and predicted that if there was a concert of action, a proper display made and advertising literature judiciously distributed, the year 1894 would prove the most prosperous the Territory has ever enjoyed.

When Governor West took the chair he made a pleasant speech, and suggested that by a united effort Utah could gain new laurels at the Midwinter exposition and attract more attention from capitalists to the resources of this locality.

Richard Mackintosh, a member of the Utah World's Fair commission, said there was a considerable proportion of the exhibit that was at Chicago which could be made available. He would also permit his valuable mineral cabinets to go. He urged that Utah make an exhibit of agricultural products, and of wool, coal, iron, and manufactures.

Mr. Hubbard named E. G. S. Ia, the Provo Woolen mills, Cutler Brothers, the Utah sugar factory, and others who would exhibit. There was some discussion on the rates of transportation of exhibits to the Fair, Mr. Hubbard giving the information that practically free transportation would be given. The railways had expressed a willingness to do the best they could.

A motion was then carried, declaring it to be the sense of the meeting that Utah should make an exhibit, also that a committee of twenty-five, with President Hubbard as chairman, be appointed to consider and to carry into effect this idea, the committee to be appointed by the Chamber of Commerce, and upon organization to divide itself into sub-committees in order that the work in hand might be prosecuted with vigor. The committee was requested to arrange for the holding of a mass meeting, in the interest of the fair, as an early date, and to invite each county to send a delegation thereto.

A resolution was offered by J. H. Bennett, and passed as follows:

Whereas, silver mining, which has been an important industry in this Territory, has been severely affected by adverse legislation, making necessary a wise adjustment of business to the new order of things; and

Now, in the name of this Chamber, Utah would have seen a great and prosperous region, though silver bonus had from the first been eliminated from its commercial life; and

Resolved, that with silver mining temporarily suspended we still have abundant resources to make, with wise management, prosperity for our Territory, and that under the patronage of this Chamber a compilation of Utah's resources and the opportunities which it offers to capital and enterprise, as well as the unequaled facilities for invalids and the establishment of desirable homes, shall be prepared for distribution, in confidence believing that a frank and fair exhibit will induce a vastly greater amount of investment and to people seeking new homes that no other locality affords as many inducements as our own Territory of Utah.

When the document was introduced it contained, before the word "silver white," in the first paragraph, the word "recent." This caused considerable discussion, in which Gov. West, Richard Mackintosh, J. H. Bacon and others took a lively part. The arguments were vigorous both for and against the retention of the word. The governor thought that to retain it would be a reflection on the political party now in power in the nation, whereas it was not alone responsible for the anti-silver legislation, which began, in his view, as far back as 1873. Messrs. Mackintosh and Bacon contended that it was recent legislation which reduced silver to the condition of a commodity, and it should be so stated. They did not believe that either party was to blame, as it was an evil of political position, representatives of both parties being responsible for the existing legislation. The word was finally stricken out and the resolution accepted as here given.

A motion to the effect that each person present constitute himself a committee of one to advance the interests of Utah and the Midwinter Fair, prevailed. This was followed by another motion to the effect that the meeting endorse Delegate Rawlins's efforts to have the Uintah and Uncompahgre indian reservations thrown open to settlement. This was also adopted and the meeting adjourned.

THE COMMITTEE.

President Hubbard and Secretary Smyth of the Chamber of Commerce expect to make up the list of committees this evening. The selection had not been completed at the time the NEWS went to press.

The place and time for the next meeting have not been decided on yet.

SUITS.

Sheriff McQueen yesterday sold the entire stock of Schweitzer & Hasselhoff under attachments to H. S. Josephs for $900. The sale took place shortly after 3 o'clock and was made as a whole.

Richfield Advocate: The Grasshopper and Anna Laura mines have been bonded and work will commence inside of thirty days. We hope they will soon have some of the precious metals in abundance before long; we need them bad enough.

Phoche, Nevada, Lodi: The United States postal department obtained judgment against the Union Pacific railroad for a failure of that company to run daily trains from Lodi to Mineral, Utah. This was the primary cause of much trouble with our mail service here last summer.

Los Angeles *Express*, Nov. 30: President Blake states today that the property are that the line for the Nevada Southern railroad will all be secured here by the end of this week. This means that the work is to be pushed right on to the coal fields, and the cheapest coal produced by next July should be realized.

Among the specimens recently received at the California Mining Bureau at San Francisco there are three said to be of considerable value. One is noticeable in quartz taken from the stockwork mine in El Dorado county. The mineral, said to be found in no other place in the world, is very rich in gold. The specimen on exhibition is a remarkably good one. Another specimen rarely seen is a piece of petroleum. It came from Rock's Bar, El Dorado county. A piece of manganese ore, 80 per cent pure, from San Benito county, is also a valuable acquisition.

Hailey, Idaho, News: Further particulars were learned yesterday in regard to the explosion which early injured William Boyd. Muffley also was near the Narrow Gauge. The accident happened at the Hidden Treasure mine, where Mr. Boyd was working. He had taken out six or eight sticks of giant powder from the water and laid them on the logs to dry while he did some blacksmith work. He noticed a spark from the forge fall on the powder, which began to smoke, and he started to run out of the shop, but did not get farther than six or eight feet away when the explosion occurred. It literally demolished the blacksmith shop, besides knocking Boyd down and really lacerating his body, upon which there were found twenty-four wounds of varying serious size, and from one half inch to two and three inches deep. The strongest feature of the explosion was that sight of the unfortunate man's teeth were knocked out and no wounds were found about the face and only one on the back of the head. The only bone broken was in the right elbow, and very serious—but it may cause a stiff joint. The physicians think that the wounds, from their appearance, were caused by pieces of the powder. There is a fair chance for Mr. Boyd's recovery.

THOSE DAMAGE SUITS.

The Chief Justice Handles One and Judge Miner the Other.

This morning in both divisions of the Third district court damage suits were in order. Before Chief Justice Zane the hearing of that of John G. Good and wife against Salt Lake City was resumed. The claim was for $5,000, for injuries alleged to have been sustained through the negligence of the defendants under circumstances detailed in yesterday's NEWS. Mrs. Gold was being driven along Grape street on May 25th, 1892, and when near the intersection with First North street the buggy was overturned and went down a steep embankment. It is claimed that the accident occurred and she sustained her injuries through the defective condition of the embankment at the time, due to the defendants' carelessness.

The jury just before noon found for the plaintiff and assessed the damages at $250.

ANOTHER.

Before Judge Miner the further hearing of the personal damage suit—claim $25,000—of Timothy J. Sullivan vs the Anchor Mining company was again taken up. The facts were reported in yesterday's NEWS. Plaintiff was injured by the falling of stones while working in the defendants' mine at Park City.

MISCELLANEOUS ORDERS.

In the case of Joseph Ruffati vs the Societe Anonyme des Mines de Lexington, thirty days additional time was given to file statement on motion for a new trial; stay of execution in the meantime.

In the default divorce case of Unity Brown vs James Brown, on the ground of desertion, Judge Zane granted the decree as prayed and gave the plaintiff the custody of the only child, F. E. Barker was Mrs. Brown's attorney.

John R. Bothwell vs Patrick Ryan et al. Default and decree of foreclosure.

Sidney Tonney vs Adelaide Hampton et al. Attorney H. E. Booth submitted questions of fact for the minor defendants.

The case of Fraser and Chalmers vs L. C. Trent, motion of defendant to dissolve attachment, was in course of argument this afternoon by Judge Henderson and Attorney Arthur Brown for the defendant, and by Bennett, Marshall & Bradley for the plaintiffs.

Christmas "Contributor."

The December number of this popular and most excellent magazine comes to hand fresh from the press and redolent of Holidays and good cheer. In addition to the usual choice variety of articles on travel, adventure and incident, the present number contains the first and second prize Christmas stories, both founded on historical fact and dramatically and eloquently written. Editor Wood adorns the pages of his best magazine in the country. The *Contributor* gets better and better with every issue.

About a Will.

In the Probate court yesterday afternoon a petition was filed by Elias Henry Free, asking that the order admitting the will of his grandfather, Absolom F. Free, to probate, entered on March 19, 1889, be revoked and that the will be declared and adjudged of no effect, and that some proper and discreet person be appointed administrator of the estate. Petitioner says he is the only son of Andrew Free, deceased, (son of Absolom F. Free, deceased), and that his will the latter failed to provide for the petitioner through inadvertence, mistake, restraint or undue influence, notwithstanding the latter was entitled as the only heir of Andrew Free, to a share which's interest in the estate, which is valued at $10,000. Wednesday, January 3, 1894, was set as the date of hearing on the petition, and a citation was issued to Anna Hicks Free, executrix of the estate.

AN ACCOUNTING HAD.

The Ernest Young Estate Matter Again Before the Probate Court.

Mrs. Clayton on the Witness Stand Today—The Attorneys Show Some Signs of Excitability.

Subsequent to the report which appeared in yesterday's NEWS of the hearing in the Probate court in regard to the Young estate, the account and objections thereto, Mrs. Clayton, the guardian, was called to the witness stand. She testified as to the various sums which she had expended for the said minors since her appointment as guardian. Mr. Clayton produced the original checks, showing to whom the amounts were paid and for what purpose. Prior to this examination, however, Mrs. Clayton had stated that the sum of $5181.73 under the head of "amounts received" was all the money which had come to her in the capacity of guardian to the estate.

In cross examination the witness was asked whether or not lot 3, block 45, in sale plat A, belonged to the estate as set out in her petition for letters of guardianship filed in 1888, and stated that it did not, having been sold prior to that time for $3300, which sum appeared under the head of amounts received.

The petitioner's attorneys reviewed Mrs. Clayton's official acts from the time she was appointed administratrix of her late husband's estate in 1879, up to the present, with the object of showing that she had not protected the rights of her wards.

This point was under discussion, when the court adjourned until this morning.

The further hearing of the case was taken up this morning, when Mrs. Young was again called to the witness stand. She was under examination by Attorney Waddell greater part of the time until the hour of adjournment at noon. During the examination Mr. Waddell had cause to use the letter (Judge Howat and Hon. F. S. Richards) received from Mrs. Clay, because the first named would persist, as they claimed, in introducing "argument" and asking questions of the leading character. More than twice Judge Blair rules upon counsel to have more regard for friendly relations, and at length was led to remark that, though old now, he feared old age would make further inroad upon his frame before this case was through unless the gentlemen tried to assist it. This observation was not without effect.

In the course of her examination Mrs. Young was questioned as to the petition filed in the court in 1884 for the sale of the property, on the ground that the income was insufficient to support her and her children, the sale was as to the disposal of the surplus after the purchase of a cheaper place. It was not within her knowledge that her present husband was the actual purchaser of the property. Neither had she any reason for knowing that Mr. Clayton furnished the money for the purchase in the first instance. He, however, afterwards bought it from the actual purchaser, Mr. Lyman. Her husband paid the money for her, in the first instance, as Mr. Lyman's agent. She received from the Brigham Young estate certain stock belonging to her husband—172 shares. Ernest L. had his shares and without had the balance. She had property of her own now between $5000 and $6,000 which Mr. Clayton gave her.

The hearing was in progress this afternoon.

Dr. Bissett Fined $50.

The decision in the case of Dr. J. A. Bissett, of the Zion Medical Institute, whose hearing before Commissioner Pratt was reported in yesterday's NEWS, was not made known until the second edition of the paper had gone to press. He was fined $50 and costs, the offense consisting of his having practiced medicine without a license, in violation of the territorial law. Attorney J. M. Hamilton, on behalf of the defendant, gave notice of appeal to the Third district court.

"THE ITALIAN MASTERS."

A Musical Night With Them Arranged by the Choral Union.

In the "Dramatic and Lyric" department of this issue will be found the excellent program arranged for presentation in the Congregational church, this city, on Tuesday evening next, by the well-known Choral society. The singers and instrumentalists who are to take part need no praise of introduction to the Salt Lake public. The occasion should draw out a large and critical audience, for it will assuredly be one of the finest musical treats of the season.

High Council.

The next regular meeting of the High Council of the Salt Lake Stake of Zion will convene at the office of the President of the Stake, Salt Lake City, Wednesday, December 6, 1893, at 7:00 p.m.

JAMES H. WOLSTENHOLME, Clerk.

Mrs. Brooks' Funeral.

The funeral services of Sister Elizabeth H. Brooks will be held in the Twentieth ward, Sunday afternoon at 2 o'clock.

F. H. DYER ESTATE.

Judge Blair Grants the Widow An Allowance of $75 Per Month.

HE REMEMBERS THE CHILDREN.

His Honor Makes an Exhaustive Review of the Case and Interestingly States His Reasons.

In the Probate court this morning Judge Blair rendered his decision in regard to the application of Mrs. Lilia F. Dyer Sessins for a family allowance out of the estate of her deceased husband's estate (Frank H. Dyer), heard on Tuesday last.

His honor said that since the filing of the petition no action had ever been taken by this court upon it. Now counsel for the executors came in and contended that inasmuch as the court did not act upon the petition until Mrs. Dyer ceased to be a widow, on Oct. 18th last, she had forfeited any right that she might have had, during her widowhood to obtain what was known under the statute as a family allowance—that all rights were now barred and this court had now no jurisdiction or power to grant her anything. To this contention counsel for Mrs. Dyer (Attorney Ogden Hiles) indignantly demurred and set forth proposition, and in his zeal for his client averred there was no law making it a crime for people to marry. (Laughter.) With commendable earnestness he also declared that it was the duty of all persons to get married. To this the court here desired to add its judicial caution and, parenthetically, to remark that its admonitions grew into amusement when it was remembered that the learned counsel himself had for years refused or neglected to achieve wifehood and perform his duty in this regard. (Laughter.)

In December, 1892, Mrs. Dyer filed her petition. What more could she do? She for some reason unknown to his honor—but no doubt the time prior to his judgment—no action was taken upon the petition even about the time she changed her marriage relation. True, she was no longer a widow; it was also true the statute said "it might be for the widow an family allowance." But was it a good reason, because this court had failed to act during her widowhood, for saying that she and her children should be cut off from all allowance? He thought not. He was of opinion that this court had the same power now to grant the allowance as it would have had if she had not again married.

Another question was raised. The statute said that the court "may," upon the application of the widow, grant such family allowance as, in the discretion of the court, "may" seem just and right. Was that imperative? Very frequently the word "shall" in the statute was construed as "may;" "may" was substituted for "must;" and yet if one took the statute as it read, it was imperative on the court, regardless of any circumstances whatever, to grant this allowance. His honor was inclined to construe it thus—that a necessity, as a prerequisite, must be shown before the court granted the request.

Judge Blair then went briefly into the provisions of the late Mr. Dyer's will. The deceased, he said, bequeathed to his widow $10,000 in cash. He also gave her the homestead in which she now resided, and all the appurtenances thereto belonging, in addition to a place in Ogden, on Monroe avenue. The former was valued at $35,000, according to the evidence, and the latter at $35,000 or $40,000. Mr. Dyer obligated his executors to remove the mortgages of both pieces of property, so that the widow could have them entirely clear; and Mrs. Dyer herself admitted upon the witness stand that she had an advance from the executors of about $2,000, and that she received as rentals after paying for necessary repairs and insurance on the property the sum of $300 per month. So far as the widow was concerned that would seem to be an ample amount for her support, without any allowance from the general assets of the estate.

But the most important point had yet to be raised. By the terms of the will Judge Henderson was the guardian, not only of the persons but of the estate of the three infant children. The mother had to give up over them without the guardian's permission. Mrs. Dyer had already, it seemed, instituted suit to recover $27,000 against the sureties of the executors and testified that she threatened another suit for $50,000 more, and that if she were successful in these the estate would probably become insolvent. If, however, she failed, there would then be left several thousand dollars for the children; for the will provided that after the payment of all its debts and certain legacies, the remainder should go to them. So it really depended upon the result of these suits whether the children would ever get a dollar or not. Mrs. Dyer had testified that she had had the children under her care, provided for, clothed and educated them ever since her husband's death, and that there is now, and has been owing for some time, a doctor's bill of $500, which she has no means of paying.

While his honor did not think Mrs. Dyer needed anything more in the way of an allowance for her support, he was driven to the conclusion that there might be something allowed for the benefit of the children. A friend for the executors had asked, "Why not let Mrs. Dyer make out an account against the guardian for their care and custody? She could of course do so very easily, and it would not take this court long to allow it, but if the estate has to become insolvent owing to the suits already referred to, where has the guardian a dollar to pay it? Therefore he really thought justice demanded something in the way of a family allowance for the children's support.

"I have concluded in this case," continued the judge, "to give a family allowance of $75 per month from the time the executors qualified till the 18th of October last—the time when Mrs. Dyer ceased to be a widow; and it is so ordered. Counsel will draw up an order in conformity with my decision."