

instill within them a love for the Gospel and a desire to render allegiance unto their Maker. If parents would see to this, then they had performed their duty, and if the children became recreant to the truth, the sin would not fall upon the heads of the fathers and mothers. The Church institutions should be supported, the children of the Saints should be found in them, and then great good would be accomplished, and God would bless His people.

The choir sang the anthem:

Song of the Redeemed.

Benediction was pronounced by Elder Charles W. Penrose.

#### HORRIBLE ACCIDENT.

A most terrible fate overtook little seven-year-old Annie Liddell, shortly after nine o'clock Friday, on her way from her home on Fifth West street to the Training school. Two minutes after bidding her sick mother goodbye she had been mangled to death on the rails of the Oregon Short Line at the corner of First North and Fourth West streets.

The locomotive under which she was ground to atoms was switch engine No. 551, which was taking the passenger cars from the depot out to the north yard to be cleaned and put in order for the next trip. The fatality was one of the most shocking and lamentable of its kind that has ever occurred in this city. The victim was a bright child, daughter of Mr. and Mrs. Alexander Liddell, who reside on Fifth West street between First North and North Temple streets.

For some time past her mother has had bad health, and the child was kept at home occasionally to assist in such domestic duties as she was able to perform, as her parents were too poor to employ better assistance. Last week she was kept home all of the time, and again yesterday afternoon.

She was a vivacious and intelligent little tot, and when this morning she was informed that she could return to school her eyes lit up with innocent glee at the thought of being able to resume her studies. Soon after the father went to his regular employment as furnace-man in the shops near by, and a little later, kissing her mother good morning, she merrily left her home and met the fate indicated.

At this point the company has an aged watchman, whose duty it is to signal the approach and departure of trains to all points according to the necessities of the occasion. How old he is was not learned, but he is so aged and decrepit that he has of necessity to walk with a cane. As to whether he always gives warning to passing pedestrians is not known, but it seems certain, according to his own admissions, that he did not do so in this case, and that he did not see the little child as she was crossing the street eastward towards the Training school. Neither does he remember whether he was on the inside or the outside of the small house that gives him protection from the elements. Nor is it known whether the engineer observed the unfortunate victim.

But there were two witnesses in the crew of section hands who were employed at the intersection of the streets. They were John Greer and George Moss, and as soon as the engine had moved from the body, they picked up the mangled and bleeding fragments from the rails and roadbed. After this sickening task had been performed they carried the headless, shapeless, horrible mass to the humble home of the parents, scarce half a block away, and broke the news to the invalid mother of the frightful fate that had so suddenly overtaken her beloved child. She became frantic with grief

and swooned away, and it was with difficulty that she was restored to consciousness.

The lower part of the child's body was all that remained, the head being literally ground into an unrecognizable pulp. Not one feature of identification was left. Flesh, blood, brains, hair and the little comb the child wore were all mixed up together. All in all the corpse was mangled beyond description. Nothing like it has been witnessed here in years. It was a sight so soul-sickening as to impress the beholder with an instantaneous desire to have it shut out of view forever. Whether the responsibility for the tragic affair will be sifted to the bottom is unknown, but it appears that the hapless victim was badly frightened when overtaken by the engine which crushed the life out of her tiny form, not by the locomotive that killed her, but by another switch engine which was coming from an opposite direction on a parallel track and which was close upon her. The section hands cannot remember whether the bells were rung or not, and the old flagman's mind seems to be a perfect blank on the matter. Altogether it is a most deplorable affair.

Some time afterwards a "News" representative visited the tragic scene and also the saddened home of the parents; the father in the meantime had returned, and led the reporter into the front room of the house where the sickening mass lay, in the folds of an old cloth upon the one table of the house. A little later Drs. Pinkerton and Worthington appeared on the scene representing the Short Line, and were immediately followed by Justice of the Peace Nielsen and Constable McDuff of the Third precinct, who took notes and names preparatory to a possible inquest.

Justice Nielsen, however, was very much averse to making an official inquiry, saying that it was altogether unnecessary. The cause of death, he declared, was too apparent and he expressed himself very strongly against the company employing so old, and, as he alleged, incapable a flagman. He criticised it as nothing short of criminal negligence. Doctors Pinkerton and Worthington, the justice and constable, and the newspaper man again repaired to the spot where the child was killed, and questioned the flagman and the two eye-witnesses. At that time the section hands were engaged with picks and shovels in the gruesome task of digging up and scraping over the blood stains and such tiny fragments of flesh, bone, brains and hair that had not been gathered up by the men who saw the terrible accident.

#### POLICEMEN ARE REINSTATED.

A policeman's lot may not be a happy one, but there are eight ex-members of the Salt Lake police force today who are in a jubilant mood, brought about by a Supreme court decision, handed down Friday afternoon, which reinstates them to the positions they held last May, before they were removed, and furthermore, entitles them to their salaries for the time they have been "walking the plank."

The names of the officers, whose breasts are again to be adorned with brass buttons and stars are: Thomas J. Everill, George R. Raleigh, Richard L. Shannon, Matt Rhodes, Frank C. Wire, Joseph A. Busby and Horace A. Heath, and William E. Carey.

It will be remembered that the men were removed by an action of the City Council last May, when, two months subsequently, Everill, in his own behalf, as well as that of his compatriots, made an application before Judge Cherry for a writ of mandamus directed against the city auditor to compel him

to draw his warrant on the treasurer for their salaries for the months of May, June, July and August, amounting to \$1,429.96.

Judge Cherry refused to issue the writ or to grant any relief, when the policeman appealed.

Counsel in behalf of the deposed men contended that the tenure of their office was for the term of good behavior and that therefore the action of the Mayor and City Council was illegal. The other side insisted that the laws of 1897 and section 215 of the revised statutes of 1898, gave the Mayor and Council the power to remove and appoint successors.

Justice Bartch, who writes the opinion, discusses, at some length, the law bearing on the question and says, referring to policemen:

"The duties which have been imposed upon them, by the laws of the State, they are bound to perform, independently of the corporation, such duties being of a public nature. The fact that the appointment of such officers was devolved upon the city, or upon a board, by the legislature, does not deprive them of the character of public servants. Their appointment was so lodged simply as a convenient way to exercise a function of government. They are not, therefore, to be regarded as the mere agents or servants of the municipality, but as public or State officers. This court so held in *Royce vs Salt Lake City*, 15 Utah, 401."

"They being such officers, the subdivision in question does not apply to them. It, doubtless, was intended to apply only to officers who are merely the servants or agents of the municipal corporation. It contains no express words which would make it applicable to policemen in cities of the first class, and we are not inclined to aid the arbitrary power, here contended for, by judicial construction, and hold that it exists by implication. We have no desire to extend that provision of the statute to public officers who do not come clearly within its terms, because it confers a power susceptible of being exercised to the injury of the public service. The power granted, under that subdivision is in its nature arbitrary and despotic and is contrary to that principle of natural justice which says that no person shall be condemned unheard or without having had an opportunity to be heard, and that principle courts will never disregard, except under the mandates of positive law. When a public officer is rightfully in office, justice demands that no attack shall be made upon his name and fame, by removal, without an opportunity to be heard in his defense, upon charges preferred.

*People vs McAllister*, 10 Utah, 357. "That the views herein expressed, respecting the tenure of office of policemen, accord with the intention of the Legislature, seems also clear from an examination of the journals of that body for 1897."

The court then quotes from the Journal of the House of Representatives, referring to an act in relation to police and fire departments of cities of 12,000 or more inhabitants; also to the Senate Journal on a report of a committee on the same bill. Continuing the court says:

"From these entries it may be seen that the bills introduced for the purpose of enacting a fire and police law, and to repeal the act of 1896, which is a re-enactment and amendment of the act of 1894, failed to pass.

"An examination of the measure which thus failed of passage will show that it provided for complete police and fire departments, and an examination of the Revised Statutes, as shown in the case of *Pratt vs Swan*, Supra, reveals the fact that the same legislature which defeated that measure, made ample