THE FYLER CASE.

Habeas Corpus Proceedings in the Third District Court.

MRS. FYLER GIVES TESTIMONY.

Miss Ella Little Testifies as to Mrs. McKone's Character—Court Notes.

In Judge Bartch's division of the Third district court this morning, the habeas corpus proceedings involving the punishment of Marshal Adams, the complaining witness in the Fyler case, for contempt of court, in refusing to testify against the parties whose arrest he had brought about for adultery, came up. Attorney U. S. Varian defended his client, Adams, while assisted by U. S. Attorney Richards heading the case for the prosecution.

Mr. Varian's contention was that a United States commissioner had not the power to punish a person for contempt, and in support of his argument he cited numerous authorities, holding that a commissioner was simply an arresting, examining and committing magistrate. He declared that inasmuch as commissioners were officers of the Supreme court, that body was the only tribunal that could act on the question at bar. "It would be a monstrous hardship," said he, "upon citizens, to clothe commissioners with that power, as in our territory, at least, the larger portion of such officers are unlearned in the law, and very few of them profess to be even practicing attorneys. If they had the right to punish for contempt they would have to get that right from the acts of Congress." He therefore asked the discharge of Mr. Adams.

Mr. Richards arose at the conclusion of Mr. Varian's elaborate argument, to explain his side of the case. He spoke of the issuance of the warrant of commitment, and stated that in case the order of commitment should be set aside, another similar warrant would immediately issue.

"We tired of this monkey-business resorted to by the prosecution," hotly retorted Mr. Varian.

"The prosecution resents the insult," said Mr. Richards, "and regards it as being entirely uncalled for and ungentlemanly in the extreme. The case has been proceeded with by the prosecution in a fair and proper manner, and we have no desire to act in any other than the manner prescribed by law."

Mr. Richards then went on and resumed his argument, contending that a commissioner had the jurisdiction to punish for contempt and cited authorities to support his proposition. "Mr. Varian in closing cites of the United States commissioners in Utah as unlearned in the law," said Richards, "and unfit to exercise the right to punish for contempt, casts a slur at the Supreme court, which appointed them, and emphatically says, that they did not discharge their duty properly."

At the close of Mr. Richards's peroration Varian arose and explained that he did not wish to cast any reflection upon Mr. Richards, when he spoke of "monkey-business," as he had particular reference to the actions of the commissioner, who had ordered the witness Adams to be imprisoned for contempt.

At 12 o'clock the court took the question under advisement until 3 p. m.

At 3 o'clock Judge Barton handed down his opinion, holding that a commissioner had the right to punish for contempt—a right which was granted by territorial laws to justices of the peace.

It was stated that Mr. Adams was sick at present, and he will likely be given a chance to recover before Commissioner Sommer's order is carried out.

THE HEARING DELAYED.

The habeas corpus proceedings in the district court, prevented the going on of the hearing before Commissioner Sommer, at 10 o'clock, although at that time Judge Powers, his clients and witnesses, were ready and anxious to proceed to business at once. The judge expressed his indignation at the strange actions of the prosecution, and hoped the commissioner would do all in his power, to compel the prosecution to a speedy hearing of the case. "If Mr. Fyler was not a prominent man," said he, "I would move for a dismissal of the case, but on account of his prominence in business circles and the scandal that has been brought to bear upon him, and given to the public, I want to have a thorough hearing that the public may know to what extent these parties are guilty of the offense charged."

Commissioner Sommer concurred in the statement made by Judge Powers as to the peculiar actions of the prosecuting attorneys, and stated that inasmuch as this was the last day of his official life he would press the case to a finish, if he had to discharge both of the defendants.

MRS. FYLER TESTIFIES.

At noon Mrs. A. H. Fyler was sworn and being questioned by Judge Powers stated that she had known Mrs. McKone since the first week in September at which time she had come her in the rooms of the Mercantile block. Mrs. McKone was there for the purpose of examining certain furniture that had been advertised for sale. The furniture had been previously used by Mrs. Fyler and husband in rooms which they had previously occupied, they having at that time rented a house already furnished. Mrs. McKone made a payment of $25 down and was to pay the remainder $40 in installments. (Witness's husband was at home on the night of the 21st—all night. On Thursday night, the 19th, Mrs. Fyler went to the Grand, her husband promising to meet her at the close of the performance. She missed him, however, and upon going direct to her home, found her husband there. The witness was present at the Manitou bath-rooms during the whole night of the 20th, having gone there for Turkish bath treatment. Her husband made no visit upon her while there.

MISS ELLA LITTLE

Was next sworn and testified to being acquainted with one of the defendants, Mrs. McKone. She had been very intimate with her for the past six years, they having lived together almost as sisters. Had always considered the defendant's character above reproach.

An adjournment was here taken till 2:15.

ORDERS BY JUDGE MARSHALL.

H. Dinwoodey Furniture Co. vs Marie Sommer; order making appointment of James H. Lee as receiver, permanent.

Alfred G. Bilas et al vs Thomas W. Jones; remittitur presented by plaintiff and order of judgment entered accordingly, defendant withdrawing the answer and electing to stand on demurrer.

In the matter of the estate of Milton H. Aiwood, deceased; motion for a new trial argued and overruled; order giving defendant leave to use statement on motion for new trial in transcript on appeal.

BEFORE JUDGE BARTCH.

United States vs Reilly; defendant released upon his own recognizance.

United States vs Walter Gillespie; dismissed on account of a lack of evidence.

The People vs A. Caine; same order.

The People vs Weigold; same order.

The accounts of U. S. Commissioner Morris Sommer for the quarter ending Dec. 31, 1895 were approved.

A. O. U. W., Notice.

The installation of the officers of Temple Lodge No. 15 has been postponed to January 18th on account of inaugural day being a legal holiday.

PROVO.

PROVO, UTAH, JAN. 3, 1896.

First District Court.

The following business was transacted in the First District court this morning.

Assistant District Attorney Thurman appeared and asked that the following United States cases be dismissed for the reason that there is not sufficient evidence to convict.

Nathaniel Edwards, operating coal mine in an unlawful manner.

James Gorgson, adultery; James Skeins, fornication; Charles Morris, unlawful cohabitation; Hefer Ayers, adultery; Hester Ayers, unlawful cohabitation; Benjamin Goddard, unlawful cohabitation; Peter Anderson, unlawful cohabitation; Frank Anderson, adultery; Isaac Foster, adultery; Joseph Fisher, unlawful cohabitation.

Several Territorial cases will also be dismissed before the State district court assumes judicial control, in order to turn over nothing but live cases.

Margaret Price has commenced suit against James Hansell to collect $700, which she claims is due her from defendant on several promissory notes given to him for collection in July, 1892, and which he refused to render any account of or to return.

In the case of J. H. Enslen vs the U. C. Coal Co., defendant's motion for a new trial denied.

Hebertsen vs Nelson; upon agreed statement of facts and stipulations, judgment was entered for defendant.

Amanda Robson vs Peter Greenhalgh; motion for possession of property sequed.

Lehi M. & B. Co. vs John Wilson et al, demurrer overruled; upon payment of $18 by plaintiffs to defendants, complaint may be considered filed.

Notes.

Henry A. Barton and family have arrived from Texas with the intention of making Provo their future home. Mr. Barton is a brother-in-law of Judge Kellogg of this city and is interested with him in the Rock canyon coal mine.

The ladies of the Democratic club will give a leap year ball in the Opera house this evening.

The two-year-old daughter of J. H. McKewan was taken ill with convulsions last evening and for some time she was not expected to recover. She rallied, however, and is now believed to be out of danger.

Wm. F. Cabell, of Lake View, and Mary L. Cooper, of Salt Lake City, were married yesterday afternoon by Judge Duesenberry.

County Clerk Jones has prepared a financial statement of the county for the year 1895. It shows a balance on hand of $6,865.88. There are, however, claims against the county for loans amounting to $21,873.33. The total receipts from taxes for the year were $14,797.63 and the actual expenditures were $21,865.89.

The celebration of statehood day tomorrow will be an enthusiastic demonstration from all appearances. Other towns in the county will also celebrate the day.

The insane asylum board met today for the last time previous to turning the institution over to the board provided for by the Constitution, consisting of Governor Wells, Auditor Riggs and Treasurer Chipman.

Judge Howat was in Provo this morning on legal business.

Hon. David Evans, of Ogden, is in Provo.

OGDEN.

OGDEN, UTAH, JAN. 3, 1896.

Ogden Notes.

Quite a shower of salt water fell on Wednesday evening about 5 o'clock.

The public schools will meet at 9 a. m. on inauguration day and short school exercises suitable to the day will dismiss.

Sarah L. Bates has been granted a divorce from her husband, William A. R. Bates.

HARK TO THE SIGNAL

Will Be a Discharge of Forty-five Guns by the National Guard.

TOILETS FROM CAPITOL HILL.

Hon. Joseph L. Rawlins Chosen to Read the Proclamation—Official Line of March Announced.

Manager Brown, of the Western Union Telegraph office, announces that on the first flash that President Cleveland has signed the Statehood proclamation for Utah, he will fire two shots from a shotgun in front of the Western Union office on East Temple street. The general signal to the city, however, for the blowing of whistles, ringing of bells, etc., will be the booming of cannon from Capitol hill, when then Utah National Guard will open proceedings with a salute of forty-five guns.

If the news of signing of the proclamation is received before 12 o'clock, the Guard will not fire the salute until the noon hour, at which time the people may be on the lookout for the joyful news to be proclaimed by the booming guns. In case the proclamation is not signed till later in the day, the guard will give the signal by its salute as quickly as possible after the news is received.

The executive committee having in general charge the inaugural exercises in charge met at the office of Chairman George M. Cannon, early at noon today and selected Hon. J. L. Rawlins to read the proclamation proclamation in the Tabernacle.

It was also decided to have the incoming State officers, including legislators, meet at the Templeton at 1:30 and there take their oaths which will be assigned to proper places in the procession.

INAUGURAL PARADE.

Official Announcement of the Line of March.

Various contradictory and misleading reports in regard to the inaugural parade next Monday having been put in circulation it is deemed proper and necessary at this time to state officially the line of march which has been agreed upon. The right of the column will form on South Temple street, between East (or Main) and West Temple streets, the front resting on West Temple. When set in motion, the procession will move as West Temple to First South; east on First South to Main; south on Main to Fourth South; west on Fourth South to East Temple or Main; thence north to South Temple and the place of beginning, where the column will be dismissed.

The positions to be occupied by the various subdivisions of the parade cannot now be announced, owing to the failure of their commanding officers to report, as has been several times requested. Those who have not yet made report as to the certainty of their participation, with the number of men who will be under their respective command, are again requested to do so at once, in order that the arrangement of the procession may not be longer delayed.

The beginning of the exercises in the Tabernacle having been fixed for 12 o'clock noon, the column will move at 11 o'clock a. m. precisely, and those who are not in readiness at that time, or who have not been assigned to a place, will have no alternative but to follow the organized portion in the majority of civilians and with the general public.

R. T. BURTON, Marshal.
JOS. Q. CANNON,
Chairman Com. on Parade.

RAILROADS REFUSE RATES

For People to Attend State Inaugural Ceremonies Monday.

Three hundred Indian war veterans wanted to come to Salt Lake on Monday for the Inauguration Day ceremonies and requested excursion rates from the railways. The following dispatch received at 3:45 this afternoon tells the result:

SPRINGVILLE, Utah, Jan. 3.
Gen. John Q. Cannon, Chairman Committee on Parade:
Railroads refused to give rates. Indian veterans will not come.
J. M. Wentworth,
Chairman.

"THE JIG IS UP."

One Witness Sufficient—Honest When Sober, But to the Contrary When Drunk.

W. Porcher, an honest man at heart, but a de'il, as it were, when intoxicated, was before Judge Wenger in the police court today charged with being drunk, and guilty of petit larceny. To the first charge he entered a plea of guilty, but to the second, which consisted in the theft of a sled from the Utah Store & Hardware company's place of business last night, he entered a most emphatic denial.

The prosecution placed on the stand George W. Galen, who testified that Porcher, while badly tangled up, had committed the offense alleged.

At the conclusion of the witness's testimony, Porcher asked Prosecutor James, if he had any more witnesses against him.

James replied that he had, when Porcher exclaimed: "That'll do, the jig is up; I'll take my medicine, and Judge Wenger inflicted punishment to the extent of a $20 fine for both charges.

Louis Hafson and Ed. Lewis, pleaded guilty to vagrancy and were given a chance to leave town.

J. T. Walker, J. Pearle and H. Steiner, charged with stealing a rifle, were allowed to go.

Joe Sullivan, who now declares his right name to be Cullinane, will have a hearing tomorrow on the charge of burglary, to which he pleaded not guilty.

LETTER LIST.

Remaining uncalled in the Postoffice at Salt Lake City, Utah, on January 3, 1896. To obtain any of these letters the applicant must call for "Advertised Letters," and give the date of the list. If not called for within two weeks they will be sent to the Dead Letter Office at Washington, D.C.

LADIES' LIST.

Allen Matilda
Andrews Linna
Barnes Nellie
Barnes Lulie
Berry Polly
Black Sarah
Bowman Marion
Chase Sarah
Cunningham Maggie
Dayton Mrs J J
Cotta F
Cornish Mrs F S
Culley Mrs T A
Davis Mary M
Davis Mrs Lee
Dalton Molly
Dawson Jane
Day Ethel
Edwards Miss O R
Edmunds Ida
Francis Alice
Hammond Anna
Hawkins Mrs J E S
Hammond Mrs W
Johnson Maud
Kell Mrs
Kessler Miss T
Kelly Margaret
Lang Carrie T
Leonard C J
Leighton Mrs H C
Lindsay Annie
Mahoney Anna L
Mooney Mrs Charles
McGhie Ella
Moore W H
McNeill Anna
Murphy Mrs A H
Owen Nellie
Stevens Lena
Stevens Carrie
O'Neill Mrs
O'Connor Agnes
Morton Frances
O'Connor Maggie
Perry Gertrude
Pierce Rose E
Pickering Clara
Pierce Mrs Ed J
Palmer Mrs Carrie
Palmer Maggie V
Price Nellie
Smith Caroline
Lewington Mrs H J
Robinson Tessie
Sweeney Mrs M
Sweeney Mrs C
Smith Lena
Sullivan Mary
Stone Ida
Stone Mrs
Williams Mrs W
Wade Lizzie
Wilson Mrs
Wilson Lena
Wilson Annie
Wilcox Jessie

GENTLEMEN'S LIST.

Adams H
Amsey W (2)
Atwood W H
Alger Leslie J
Abbott A K
Barnes G
Bingham J A J
Bolar Wm
Bridgeforth
Brown H
Barton Mrs Co
Carney C
Carlson Jno
Childs Wm
Clawson E
Christensen C F
Clark A A
Crawford C N
Cullen R
Conway F
Davis Dr H W
Dalrymple C G
Dow Chas H
Dunbar J
Dunn J M M
Dixon J P
Davis J D
Davies F W
Hughes W S
Hoover J H
Hallows H F
Howard Wm
Howard Ed
Irving Mrs Nil
Jones A R
Jones J
Johnson J
Kelland
Lee H
Lewis Robert
Lowering Chas
Lee Narcisse
Larson John
Leonard F
Malone F A (2)
Flanigan F
McCarty Samuel
Lawlor F
Smith Jas
Lewis Will
Smith W H
Smith Geo
Smith C E
Smith Hyrum
Smith A
Smith Geo A
Salem Lake F
Sorenson N
Stevens J W
Stephens Jno
Thomas Jas
Wilson Jas
Williams R
Wagstaff Geo
Wilson Jno
PACKAGES.
Sorenson Margaret
Morgan Mrs W
Neal Mrs
Page H C
Reef Son J R

C. E. BURRITT, Postmaster.

FRAGRANT
VANITY FAIR
CIGARETTES

THE GREAT SUCCESS OF THE

DESERET EVENING NEWS

Is an evidence that this progressive paper is appreciated by progressive people.

Thousands Read the News

ADVERTISERS GET BETTER RESULTS FROM THE "NEWS" THAN FROM ANY NEWSPAPER CIRCULATED IN THE GREAT WEST.

Read The Saturday News.

12 to 16 pages, filled with the news of today (not yesterday and articles from the best writers in the country.

COMMERCIAL.

SALT LAKE CLEARING HOUSE.

Today's clearing house exchanges amounted to $412,872, same day last year, $360,139.

TODAY'S QUOTATIONS.

New York.—Silver, 60½ bid, $5.00.
London.—Silver, 30 d.

ORE AND BULLION.

Wells, Fargo & Co. received today: Twenty bullion, $9,049.

C. R. Jones & Co. received today: Ores, $10,001.

Wm. S. Cornish & Co. received today: Silver and lead ores, $10,000; Harvey bullion, $1,300; gold ores, $1,000. Total, $22,301.

New York Stock Market.

[illegible]

SUGARS AND MARKETS.

Chicago Market.

[illegible]

Chicago Live Stock.

[illegible]

BIRTHS.

[illegible]

DEATHS.

[illegible]

CHURCH BLANKS.

Printed and For Sale at

THE DESERET NEWS OFFICE.

SALT LAKE CITY.

[illegible]

R. K. THOMAS,

26 to 32 East First South St.

THE UP-TO-DATE RETAIL HOUSE

Of the State of Utah.

Modern Merchandising Means Making Moderate Margins.

THIS KIND OF SELLING FROM NOW 'TIL AFTER CHRISTMAS.

Jackets.

In addition to the largest and best assorted stock of Jackets and Capes of the city, we have a few lots of last season's goods to close. They'll keep you just as warm as new goods.

A $7.75 Jacket for $4.75.
A $9.75 Jacket for $5.75.
Yes, that's right.
$5.75 instead of $9.75.
$4.75 instead of $9.75.

Jackets.

CAPES

People come to us for their Capes and Jackets because, as they say, we are lower on these goods than any other house. Of course we are. We know how to buy these goods, and are satisfied with a moderate profit.

FROM NOW 'TIL AFTER CHRISTMAS.

CAPES

Dress Goods.

"R. K. Thomas for Dress Goods." Has become a household expression, which speaks volumes. From now 'til Christmas we are going to offer some rare bargains in this department.

Shoes.

Yes, we know how to buy Shoes—bought before the advance in leather. You'll get the benefit of our shrewdness. From now 'til after Christmas we'll place before you the best Shoe for the money you ever bought in your life.

Underwear.

We've had to duplicate and re-duplicate our fall purchases in Women's and Children's Underwear. That tells the story better than anything else—we are headquarters for these goods. Will continue our small margin selling 'til after Christmas.

Handkerchiefs.

We always have been, are now and always will be headquarters for Handkerchiefs.

Our usual grand display from now 'til after Christmas.

Gloves.

We have the best 75 cent Kid Glove in the market. Come to us for Gloves.

Remnants of DRESS GOODS.
Remnants of OUTINGS.
Remnants of TOWELINGS.
Remnants of TABLE LINENS.
Remnants of SILKS.
Remnants of BUTTONS.
Remnants of FLANNELS.

Silks.

300 pieces of Black Silks, assorted weaves, in lengths suitable for a waist, skirt, or a full dress. So that all may have a Silk dress, we have marked these goods just two-thirds their value. Don't miss it.

Blankets & Comforts.

The cold, cold nights of December, January and February, you need not be cold. We sell Blankets as low as 75 cents a pair. We sell a good Comfort for $1.25.

We sell Blankets and Comforts.

Men's Goods.

Our 75 cent wool ribbed Shirts and Drawers are the best things ever offered for the money. Ask to see them.

We carry a complete line of Men's Furnishings, but remember this:

There's no fancy prices on them.

Babies' Bonnets.

We were successful in securing another big drive in these goods. So we can sell you Babies' Bonnets at just half what they are usually sold for elsewhere.

A splendid line of Boys' and Girls' Caps for winter, just arrived.

Remnants of SHOES.
Remnants of SHEETINGS.
Remnants of LININGS.
Remnants of TRIMMINGS.
Remnants of LACES.
Remnants of EMBROIDERY.
Remnants of Everything.

Wrappers.

Our superior heating facilities have made it possible for you to buy these goods cheaper than you can make them up.

$1.25 Wrappers for 75c.
$1.50 Wrappers for 95c.
$2.25 Wrappers for $1.50.

Our Wrappers are cut full.

The prices are cut short.

Wrappers.

SHAWLS

What is nicer than a good warm Shawl.

Fashion's fancy brings us many new warmers, but the shawl, the old faithful, holds its own.

Just ask to see

Our $1.25 Shawl.
Our $1.75 Shawl.
Our $3.00 Shawl.
Our $7.50 Shawl.

HAVE ONE.

SHAWLS

R. K. THOMAS