HISTORIAN'S OFFICE. Church of Jesus Christ of Latter-day Saints.

CHANCE OF VENUE

THE DESERET EVENING NEWS.

TRUTH AND LIBERTY

MONDAY, JANUARY 27, 1902. SALT LAKE CITY, UTAH.

MAYOR WM. GLASMANN

FIFTY-SECOND YEAR

MINNESOTA STATE IN SUPREME COURT

Motion for Leave to File Bill of Complaint Against Northern Securities Co. Renewed-To Prevent Merger.

States Supreme Court today Atty .-Ces. Douglass of Minnesota, renewed his motion for leave to file a bill of comwhile on behalf of the state against the Nerthern Securities company in the natter of the merger of the Northern Pacific railroad with other railroads gying he had given notice to the deindents as required by the court. Chief Justice Fuller announced that te argument upon this motion would wheard later in the day, as soon as prhearing in the case under considera-

on could be completed. what the preceding case had been casions, unpleted, Atty.-Gen. Douglass was recspized to make his argument in supjet of the motion for leave to file his lines of competing companies, but it also prohibits the consolidation of the bil of complaint. stock of such railway companies in any way whatever. This statute is a part

lit. Douglass made the following points in support of the rights of the state to file an original suit in this

BASIS OF COMPLAINT.

which enters into and forms a part of the stockholders' contract with the The complaint bases its request for state, and is therefore binding upon the Northern Securities company. This we to file and present its bill of complaint upon section 2, article 3 of the enstituion of the United States, which the orginal jurisdiction to this to all controversies between states be a stockholder in these railroad com-panies. The Northern Securities combetween a state and a citizen of anether state, also upon congressional en-sconent relating increto-section 687 et corporation, was organized to purchase the stock of railway companies in the e revised statutes of the United state of New Jersey or any other state in the union and to vote the same. From this it follows that any stock of a rallway company acquired by it

The right of a state to invoke the juradjetion of this court to protect its property and individual rights and ininstantian action against citizens of ester states has long been recognized. ister states has long been recognized. The state of Minnesota owns upward of these million acres of land within its meta which is near to, or in the ter-nory alone traversed by the two rail-ways in cuestion, and the state is de-pendent sinust entirely upon these tosis for the development of this land so the tarnishing of transportation fa-cides is the same. The value of these idus to the same. The value of these lands and their satiability will be great-ly implied by the consolidation. The nexted the state derived from taxathe instatenace of state institution as well as the performance of is assuive, legislative and the ju-

Tonight a public reception will be given at the Louisville hotel. Wishington, Jan. 27 .- In the United ; capacity as the representative of its In the party are former Govs. Stone court of competent jurisdiction.

contrary to the declared public policy

of New Jersey or of the national gov-ernment. The declared public policy

of New Jersey and the United States is against the consolidation and unifica-

ion of competing lines of railway and

the removal of competition in freight

and passenger rates. This policy is

declared in the so-called "anti-trust law" of the United States which has

of the general law of the state author-

izing the formation of railroad corpora-

tions, and is an obligation or limitation

company cannot complain of an en-forcement of this contract obligation or

the state statutes because it claims to

pany as declared by its articles of in-

SITUATION SUMMARIZED.

The situation can thus be summar-

corporation issuing it.

and Crittendon. Former Gov. Francis, president of the exposition company, will arrive tomor-WHAT MINNESOTA ASKS. The state of Minnesota in attempting to enforce its statutory right and The party will leave here tomorrow for Frankfort and on Wednesday will remedy by means of this action, is not visit Lexington. asking this court to enforce anything

Writ for John Collins Refused.

tion of Minnesota. He pointed out that as neither of these companies is a party to the suit no relief could be

APPEAL FOR STATE'S RIGHTS

In conclusion, Mr. Guthrie contended

for the continuance of the policy which had prevailed, he said, during the

history of the government of allowing each state to control its own affairs

without interfering on the part of the federal judiciary.

To Visit Kentucky Legislature.

Louisville, Ky., Jan. 27.—A party of distinguished Missourians, many of whom formerly resided in Kentucky, arrived in this city today on their way

to Frankfort where they will memorial-ize the general assembly to make an

appropriation for a state exhibit for the Louisiana Purchase exposition in

1903. They held an informal reception today at the Pendennis club.

district court:

THE DECISION.

granted against them.

Topeka, Kan., Jan. 27.-Judge Hozen in the district court, today refused the writ of coram nobis for John Collins. The writ was asked for the purpose of securing a new trial of the Collins murder case. The questions arising over the writ will be appealed to the supreme court. John Collins was convicted three

been before this court on several ocyears ago of killing his father, J. S Collins, a prominent real estate man of this city. Mr. Collins carried a large It will be noticed that the statute of Minnesota prohibits not only the con-solidation of the property and railway amount of life insurance.

Colorado Legislature Convenes.

Denver, Colo., Jan. 27 .- The Colorado egislature convened in special session today in a response from Gov. Orman to enact a revenue law and an em-ployers' liability bill and consider leg-islation on the subject of corporations. Both branches adjourned soon after convening today out of respect to the memory of members who had died



New York, Jan. 27 .- A quantity of outside the state of New Jersey is sub-ject to all obligations or limitations imdynamite, stored in a temporary structure at Fortieth street and Park aveposed upon such stock as well as the nue and used by contractors on the rapid transit tunnel, exploded today. For hours after the explosion much confusion existed and conflicting reports were made as to the number killed. The coroner's effort number ized: The holders of a large majority of the capital stock of two railroad corkilled. The coroner's office gave out the names of J. Roderick Roberts, (or Robinson), of Nelson, B. C., and James Carr. Besides these it was reported porations authorized to construct and maintain lines within the limits of the Carr. Besides these if was reported that William Todd, a section foreman and an engineer named Thompson had been killed, and that one of the injured, name unknown, had died in Beilevue hospital. Bella Maher, housekeeper of none the source of the injured to be the source of the injured state of Minnesota have organized a corporation in another state for the express purpose of consolidating the rativay lines and property of such

Ogden Court Says City's Executive is Guilty and Imposes Penalty of Ten Dollars-Takes an Appeal.

the pest house, the counsel for the (Special to the "News.") defense conceded that he should have thoroughly disinfected bimself and the Ogden, Jan. 27 .- The city court has thoroughly disinfected himself and the main reliance for acquittal was based decided against Mayor Glasmann in the case wherein he was charged with havon the contention that he did so. ing violated the public health laws by

What are the facts? After having examined the patient in the pest house invading the pest house. The decision and talking with the nurse, being ex-posed to the foul air of the rooms so was rendered by Judge Howell who im-, posed a fine of \$10 on the defendant that he was infected, if any germs were there are notice of an atment to the there." The mayor testified that he went who gave notice of an appeal to the sy with Sanitary Inspector Powers, He irect to the Standard office in the bug contradicted in this most materia

FINED.

nterest.

This case has not been without its point by two witnesses for the prosecu tion. Mr. and Mrs. Groome, who sai comic side at time, even ridiculous fea-tures but the main issue of the ques- included after leaving the pest house tures, but the main issue of the quesand still wearing the same clothes h tion as to whether or not a crime tion as to whether or not a crime against the state has been committed can never be anything but a serious question. It is probable that no ju-dicial act could be more solemn for a tribunal of limited jurisdiction such as had on at the visit, and had a pr longed conversation with them. The are corroborated by Mr. Powers' tes ny, a witness called by the defense And the conclusion is irresistable that the mayor's memory failed him. There this court, than to convict him who is a difference among the witnesses as be the chief executive officer of this city in whether or not Mr. Glasmann shook and the violation of one of those very laws he has sworn to uphold. Yet it would be monstrous for any man of his, hands with the Groomes, the latter too, testifying that he did, and the for-mer, Mrs. Powers, that he did not. It exalted official position breaking a law is not material because he came close enough to them to communicate any with impunity and going unpunished by this court, by the law in general and the provision in particular, a legiszerms he may have had about his body These people have never had the small ative enactment expressing the gov-ercign will of all the people of this state. All men are equal whatever be pox, were susceptible to it, and the fact that they lived not a great distance from the pest house, and are of humble their station in life. (Revised statutes) of Utah, sec. 1112.) station in life does not deprive them of the protection of the laws. It is no excuse for the mayor exposing them to a dread disease-especially since

of Utah, sec. 1112.) The fact that there has been but few proposed, only this one prosecution un-der tais section is all the more rea-son why the violation of it should be closely scrutinized, lest it be thought because it remained inactive, it is there is because of the pseuling nature from his own testimony it appears that be had read the law and must have known, had he stopped to consider, that he was violating it as to them. Mr. Powers, who showed a disposi

theretoice without force. It is because of the peculiar nature of the action and the official position accused that 1, having caken so inter-time for deliberation, propose to re-view carefally the facts taken here, and as is but natural the court's view of it door not 'wholly coincide with that of the prosecution or the defense. The incus as they appear at the trial arey as to lows: went direct to the Standard office He must have walked there along on

As follows: On Taursday, Jan. 16, 1902, there was contined in the pesthouse belonging to Ogden city one. Thomas Morrisey, Condon whom the city physician. Dr. Condoncluthes or disinfect them. had placed there been he was suffering from that contagious that same day the defendant, William Glasmann, in company with Sanitary Inspector Fower, made a visit to the pestheuse and standing in the doorway pesthouse and standing in the doorway leading from the hall into the room where the patient was confined, but near enough to become infected with the contagious disease (if there were any there, and standing there he made any there, and standing there he made any there, and such as of the fatient to de-clothes remains unchallenged, even by termine whether or not he really had the prosecution, and under the statutes

Apostles John Henry Smith and George Teasdale returned this morning from the town of Rexburg, Idaho, where they attended the Fremout Stake cor ference. They report prosperous time among the people of that district. Th most important feature of their visit was the calling of Elder Thomas E. Bassett to the presidency of the Stake to fill the office left vacant by the death

to Elder Willard T. Cannon, who is about to depart on a mission. The oc-casion will no doubt be one of unusual

BASSETT IS PRESIDENT.

has been very plentiful, which presages a bountiful harvest next season. The conditions in the north are very satis factory and the people are happy.

LATE LOCALS.

this afternoon in the Deseret Nationa bank to pass on the bids of the Inter ncountain Electric company, the Gen-era' Electric company, and the Salt Lake Electric Supply company, on the new electrical appliances and machin ery to be placed in the state prisor Of the board there were present Goy The butter market is healthy, suppl George A. Lowe, Warden Dow an Clerk Stowe, and representatives of th

Postmaster Thomas has received an inquiry from the supervising architect of the treasury today asking for cople of the plumbing and sanitary regula-tions of this city, and regulations as to the use of water. The supervisor wishes also to know whether the water supply of the city is in the hands of a private corporation or of the city it-

VAN ALSTINE WILL

Apostles John Henry Smith and George Teasdale Home from North. Prisoner Will Not be Tried in Salt Lake-Tooele Will Probably be the Place of the late President Ricks. The snowfall in that section of Idaho

Judge Stewart.

derer's counsel for a change of venue to Topele county, that the motion will be granted and that the case will be tried before Judge Morse and jury

mentioned. No particular reason is given for this proposed change except that the defendant's attorneys will be anxious to have the case tried away from Salt Lake, Under the law, a change of venue can be taken to any place in the district, but not outside of the district, and if the case is tried before Judge Morse,

and the most positive assurance is given that it will be, it will go to Too-ele county. It is further stated that the case will not be delayed longer than necessary, which is an indication that it will be called up before many weeks have based weeks have passed. It is the belief of many that Mortensen, on account of the prejudice against him, could not get a fair trial here; al-

so that the people of the outside counties are not so much wrought up over



The cold snap is beginning to abate, | fresh water gathered ut the surface but the ice king is only slowly releas. I froze, and for a number of places along ing his stinging grasp, and it will be ice flore. But it was colder on famiice floes. But it was colder on Januae middle of the week, if not longer, Jassa, when before any weather suggestive of warmth returns. The cold spell began venience and some suffering; also, lots in earnest late Saturday afternoon, and of frozen pipes and good sleighing Enough snow fell last week to keep up by 9 p. m., the prophecies of the weaththe sleighing; as long as the cold lasts the sleighing will do the same. It is now in order to write poems on such er office were beginning to be realized. The mercury had fallen to 4 degrees below zero by 6 a. m., yesterday, acthemes as "The icicles on his mous-tache," "Rising early and building fires," "Freze out of his home, or the cording to the government record, while on the streets it was 6 degrees below. sad story of a busted water pipe "The and at the state prison the mercury registered 7 below zero. Out in the country it was even colder. The cold breeze that floated through the broken window pane." etc. There are people in this town who are willing to bet that wave is widely spread over this westh weather Tennyson never wrote in sus ern country. At Ogden yesterday, the mercury fell to 15 degrees below, and At Ogden yesterday, the as this, "Call me early in the morning, Mother," And while speaking of such And while speaking of such at Logan it was 7 degrees below. At trite subject as the weather, it is not out of place to quote from Hood's Com-Modena the thermometer registered 14 degrees below yesterday morning, but le Annual. "As the days begin to lengthen, so the cold begins to strengthit was 8 below last night and later rose to 4 below. The temperature in this city yester-The weather map of yesterday's day did not reach any higher than 16 degrees above, and at 5:20 this morning. meteorology has a rather frigid aspect. Even New Orleans felt the cold norththe mercury stood at 8 degrees above zero-something of a relief over the preer with the mercury at 62, and at Yu-mait was 34. The lowest temperatures vious morning. The barometer has been stationary for the last twentyhas reported were 24 below at Moorhead, and 36 below at Winnepeg. At Denver, four hours, standing at 25.68 inches. It has been colder before in Sait Lake the mercury fell to 20 degrees below zero, from which some grains of City. On January 17, 1888, the mercury fell to 17 below zero-a cold shap that solation may be gathered by Salt Lake people who imagine the weather clerk many old-thaces here will remember, has been unwarrantably severe with when sulphate of soda chrystals formed along the shore of the lake in immense quantities, and the fresh and salt wa-ters of the lake began to separate. The

The state board of corrections met

three companies were present. A long list of hemized material had to be meidered and passed upon in detail.

CONTEST IN COURT In Judge Stewart's court this morn-

ng a jury was summoned to decide a point raised in the contest of the will of the late Charles Van Alstine, deceased. The matter was transferred from

Arriving at the Standard office he changed his clothes and disinfected them. His testimony as to how he did Judge Hall's court so that a jury could be accommodated. The point to be dethis is somewhat indefinite. The means used in preparing the mixture was cided and the sole purpose for which the jury was summoned, is whether or hardly scientific. But if it were ma-terial, the court would, as it is bound not the deceased was of same mind at the time he made his will.

In the will, Van Aistine jeft property to the value of about \$4,000 to his sister and practically shut out his two children, who are minors, from any share in the estate.

The contest was brought by Dora Van Alstine, 'divorced wife of decedent, as guard an of the two minor heirs and the grounds of the contest are that Mr. Van Alstine was insane at the time he

The "News" has received definite in- 1 the tragedy. The defense as well as the formation that when the case of the prosecution realizes that it is going to be a very difficult matter to get a jury that has not read about all that has State of Utah vs Peter Mortensen charged with murder in the first degree been published on the case. Attorney Stewart who represents the accused somes up for trial, it will not be in this city, not in this county and not before It is stated by one who is in a post-

furors, than is usually entertained by lawyers in such cases. In speaking on tion to know, but whose name it is not necessary to mention at this time, that before the case is set for trial, a motion will be made by the alleged mur-

composed of citizens of the county

that subject today he said he did not that subject today he said he did not think a man who had read a little, or even extensively on the case would be debarred by that fact. All that was necessary, in his opinion was for a ju-ror to be fair. He preferred trusting the interests of a client to an intelli-tent man who had read of the case gent man who had read of the case rather than to an unintelligent man

who had not. CITED TO APPEAR. Mortensen Senior Requested to Ap-

pear and Defend Civil Suit. This morning a deputy sheriff called at the residence of Honry Mortensen at Forest Dale and served a summons on the father of Peter Mortensen to appear in the Ogden courts and defend a civil action begun against

and defend a civil action begun against him there. The action was started to collect a dobt alleged to have been due for many years, and is brought by Sid-ney Stevens, of the Stevens Implement company. The debt, it is claimed, is between \$100 and \$200, due on a note given nearly ten years ago. The presence of the father in the state was filed in court and a summons suit was filed in court and a summons

appears to take a more sensible view of the qualification or disqualification of

NUMBER 57

FOR MORTENSEN.

And Morse the Judge.

suit was filed in court and a summons sent to Sheriff Naylor to serve.

ed ata interfered with by reason of and a solution. The state has name any millions of acres of land memory companies as a consideration w belging and maintaining parallet informpetting lines of railway within is state, many of which railway lines trenew owned or controlled by indicat Northern or Northern Pacific Failway company. It is therefore sublited that the state of Minnesota is so ar latelesten, in its individual capac ly, in the subject matter of this action, as to entitle it to maintain the same.

AS PARENS PATRIAE.

The state also claims the right to intain this action as parens patriae. t is trustee or representative of all her clizens. A very large portion, if not all, of the citizens of Minnesota, The bill discolses that this consclidabe materially injured by the contion diation of, and the removal of comrailroad, furnishes nearly all the transportation facilities available to the etween the lines of raliway owned and ople, of seven different states of the We Union, which seven states embrace erated by the two companies. more than one-fifth of the entire area of the United States and nearly onetake it that this court will assume that the cilizens of the state generally will twelfth of its population. suffer material injury by the removal of competition in freight and passenger rates within the state. Presumably it ANE THE STATES POWERLESS? If what is attempted to be done here was in recognition of this principle that Congress adopted the anti-trust law, can be successfully accomplished the states of this union are powerless to enforce such statutes. The national The statutes of the state of Minnesota the enforcement of which form a furtial basis for the relief sought, are government, under its present constiin no sease penal statutes; they protutional limitations can enact no legis lation which will protect state com-merce and state traffic against such a They are not only not penal, but we monopolistic consolidation as is re-ferred to in this bill. The only practhink form a part of the contract which gives the state the right to maintain this action both in is individual catical way the state can protect itself is by the adoption of legislation of the parity as well as that of parens patriae The stockholders of the two rallway character sought to be enforced in this action and the only tribunal in which that can be enforced under the circum-stances disclosed in this bill is the on-to which we now appeal. It seems to ompanies whose properties and lands are sought to be consolidated have been granted the right by the state of Minbesots to be, or to exist as, corpora-tions within said state and to exercise us that there is a controve, sy between the state of Minnesota and the defendthe right of eminent domain. ant corporation-a citizen of the state of New Jersey--which under the couwell settled principle of law that the public statutes of a state relating to a stitutional provision referred to entitles the state of Minnesota to the privilege operation become and are a part of the charter of a corporation created in permitted to do business in such ale; that is, a part of the consideraof the jurisdiction of this court: in fact, this is the only judicial tribunal in which the state of Minnesota can well the which the state receives for grantassert its claim and present its conog the right to be a corporation and troversy against the defendant. servise the powers and privileges as uch in the state is an agreement on

MR. GUTHRIE ANSWERS. the part of such corporation and its -stocholders that it and they will ob-Mr. W. D. Guthrie, for the Northern Securities company, filed a brief with the court, outlining that company's po-sition. He contended that the bill of terre the laws of the state relating to

CONTRIBUTIONS IN LAND.

such corporation

complaint proposed to be filed on behalf of the state of Minnesota does not pre-sent a controversy of a civil and judi-cial nature between a state and a cili-It must be borne in mind that in addition to the statutes prohibiting the consolidation, the state of Minnesota bas contributed over ten millions across of land in order to secure the construc-tion and order to secure the construc-tion and a chi-chai nature between a state and a chithis court to enforce its penal or po-lice laws in other states. Hence this court is without jurisdiction. The bill asks the court, he said, to tion and maintenance of some of the parallel and competing lines by either the Great Northern or Northern Pacific Eallway company. A part of the con-Survey company. A part of the con-survey company. A part of the con-survey of the lands granted was the implied agreement on the part of such railroad corporations and their stockholders, that these lines of railway should be maintained and operated by such cor-porations as parallel and competing lines. restrain by injunction a citizen of New Jersey from doing there acts which are tory policy simply because those acts

violate or evade or tend to circumvent the public or penal or police laws of Minnesota, the complainant state. A part of the statute law of the state of Minnesota relating to railroad cor-porations, has been for nearly thirty years that Minnesota, the combainant state, There is, he continued, no suggestion that the acts combained of are not en-tirely lawful in the state of New Jer-sey or that it is not within the cor-porate powers of the defendant coryears that no consolidation in any tween parallel and competiting lines of railway within the state: that is one poration as an investment company to acculre and hold the stocks of railway companies. The sole ground of com-plaint is the alleged violation in New Jersey of certain enactments contained in the statutes of Minnesota. Hence conditions and considerations demanded by the state for the right to be a railcoad corporation and to exercise the powers and privilegen of such within the state is, that free and open computies in both the state is. he contended that the injunction prave: mpetition in both freight and passenfor would be nothing more or less than an order compelling the Securities comfer rates shall exist between the lines a milway operated by such corpora-tions and the violation of these statutes pany to obey in New Jersey the laws is a Molation of the contract rights or of Minnesota obligations of the corporations as well as of the stockholders thereof with the

He called attention to the fact that no relief is sought against the Great Northern Railway company or the Northern Pacific, although both are corporations of the state of Minnesota and therefore within the jurisdiction of the courts of that state. This was state, and, as we contend, gives the state the right to maintain an action to enjoin such violation. The enforce-ment of such a statute is the enforceinst of such a statute is the enforce-ment of a remedial statute, or a statute which gives the right to the state in its individual capacity, as well as in its

companies and evading and in violation the laws of the state of Minnesota which bear directly upon and give the state and its citizeus certain rights and fatally injured. Roberts (or Robinson) who was a guest of the Murray Hill hotel, was in his room when he was killed. A quantity of iron came privileges in connection with the prop erty owned and controlled by the roads thus sought to be consolidated. through the window and struck him as

The only way in which the state can he sat in a chair. reach such an evasion of its laws and At 3:30 the police department gave enforce its rights is to bring an action out a statement placing the number of dead by the explosion at five. Of these in this court against the instrument means by which such consolidation is sought to be accomplished. If the state tour were killed instantly, and one man died in Bellevue hospital. Fire Commissioner Sturgis, after conof Minnesota cannot avail itself of the original dunisdiction of this court to enforce its right, it cannot go into the state of New Jersey and ask the courts

embraces about 17,000 miles of

entirely lawful according to her laws and which are sanctioned by her statu-

He called attention to the fact that

sultation with Chief Crower, said the explosion was due to the shock of a blast on the tunnel level. This, he said, of that state to enforce its rights be probably produced enough concussion cause the same reasons urged against to set off dynamite lying near the com-bustible storehouse on the street. the jurisdiction of this court could be urged with equal force perfore the courts of New Jersey.

shock of the explosion was felt in all the sarge buildings in the neighborhood. All the windows on the south side of the Grand Central station were broken as were those in the Grand Union hotel, the Murray Hill hotel, the Manhattan Eye & Ear hospital and the hospital for ruptured and crippled chil-dren, all of which are near the place where the dynamite was stored.

Every private house in the neighbor-ohod felt the shock. Lamp posts were knocked down, pedestrians were the falling glass and cabmen and cab horses were thrown to the ground. The Murray Hill hotel suffered most of all the neighboring buildings.

Through the windows huge pieces of timber known as "nodling" beams were sent in as if they were arrows. All of the workmen within several

blocks of Fortieth street were hurt. One man, Hamilton Jones, was blovn nearly 350 feet but was not killed but was badly cut and bruised. Only a few of the injured were bad-by out Then were bad-

They were cut by flying glass and were able to go to their homes af-ter their wounds had been dress id by ar bulance surgeons. Seattle, Wash., Jan. 27.-A special to

the Times from Nelson, B. C., says J Roderick Robertson of Nelson, B. C. who was killed by the explosion in New York this morning, was the gen-eral manager in Canada for the British Queer Story of People Said to Have Been Frightened by a Long-Columbia Gold Fields, limited, one o the largest mining companies operating in British Columbia, He has held s offices in mining associations, and was the prime mover in the or ganization of the associated boards of trade of southern British Columbia. He was a Scotchman and leaves a wife Special Correspondence. and four children. He was considered

very wealthy. RAWLINS QUESTIONS LODGE.

Asks Him About Acts of the Philip-

pine Commission.

Washington, Jan. 27.-When the Phil-iopine tariff bill was taken up Mr. Raw-lins questioned Mr. Lodge about acts of the Philipine commission which were designed to prevent the discussion of Philippine independence in the islands. Mr. Lodge said such acts were passed but they were for the purpose of suppresents the insurrection, that it was desirable that peak should be estab-lished, before independence of the isl-

ands and other questions be discussed Mr. Paylins said atts of the commisa suppression of free speech nore the Philippines.

Mr. Lodge said that the act related wholly to armed insurrection in the isl-

Mr. Lubois, reverting to the Wheaton inclosed, said he objected to army offi-cers diffeising the Senate or the minvity of the Philippine commission, and saying that their action was encour-uring he Filipinos. He said the army officers naturally wanted the war to ontinut. They were the people who i on It.

Mr. Sp oner said there should be no hasty action in the matter of Gen. Wheaton who, he said, was an officer high reputation. The facts should first be ascertained.

Transport Sheridan Arrives.

Manila, Jan. 27.-The United States transport Sheridan has arrived here

a matter, and if the mayor lacked con-fidence in him, his proper remedy was to have appointed some one else, and not to indulge in a contrary diagnosis. The mayor had, however, another mo-tive in visiting the pest house. He wanted to become familiar with the various departments of the government of which he had so recently become the head; and to determine if some of the city's institutions could not be more economically administered -- all of which is most praiseworthy. But there is always a right and a wrong method in accomplishing even a useful end; and in this case the mayor certainly was in

the wrong The defense in this case, however, recity ordinance which prolied on a vides that the mayor is ex-officio chairman of the board of health; and as such he has the general direction of the operations of the city physician and sanitary inspector. But this ordinance means no more than it says. He, the mayor, has the general direction of them, and supervision over them as exhealth policy of the city. He is not by this ordinance given a license to practice medicine. He is not to supersede those officers or usurp their duties. He is not even to interfere with the details of their offices. There is no authority given him, either expressed or implied to visit a pest house without the remaining members of the sanitary comwithout consulting the city mittee, without consulting the city physician, and without expert advice, after what were the necessary precau tions to be taken. But even conceding under the circumstances the defendant as mayor had the right to visit

ounsel for the defense stated in the rguinent that it was immaterial its view of the case, whether or not the persons dotained at the pesthouse was suffering from smallpox or not.

He relied wholly on the fact that the defendant changed his clothes and disindected himself before mingling others. Inasmuch as the court is first o disagree with him on this point it becomes necessary to decide whether or not the patient had smallpox. The judge examined the evidence on this point and found that he had the smallpox. It will thus be seen that the two material facts necessary have been

proven by the prosecution beyond the peradventire of a doubt, that the defendant did expose himself to a conta-gious disease and that he mingled with others in the clothing worn by him while so exposed, and before thy same had been thoroughly disinfected. while there has certainly been a tech nical violation of the law on the part of the defendant, the consequences of ecutive of the city administration he this vialotion have not been very ser must determine what in general is the out. Only two persons were violent ous. Only two persons were violently exposed, the others were met by the mayor after a ride of two miles, which two doctors testified was in itself a good disinfestant. In view of this fact and of the further fact that there was wilful violation of the law the court will act upon the suggestion of cour sel for the prosecution and impose only a nominal fine. The court then being fully advised in the premises finds the defendant guilty as charged Wherefore, it is ordered and adjudged

that said defendant pay a fine of \$10. (Signed.) J. A. HOWELL, Judge of Ogden Municipal Court. (Signed.)

TWO DIVORCE SUITS

Anna Loberg and Mary A. Byrd Seek Separation from Husbands.

Anna L. Oberg is suing her husband, Carl J. Oberg, in the district court for a divorce. The parties were married in this city Aug. 14, 1876, and plaintiff alleges that for more than a year last past her husband has treated her in a cruel and inhuman manner and that about the first of this year he abandoned her, for which reasons she asks a decree of divorce from the court. She also asks that certain real property owned by herself and husband as tenants in common be set aside to her in lieu of allmony. The property as de-scribed in the complaint is a part of lot 4, block 59, plat C, and part of lot 1, section 19, township 2 south, range 1 east. Rut

Another divorce suit was also filed this morning in which Mary A. Byrd is plaintiff and A. Byrd is defendant. The parties were married at Park City June 13, 1900, and plaintiff complains that since July 31, 1901, her husband has failed to provide her with the common necessaries of life, for which reason she asks a decree of divorce.

DEATH OF A PIONEER.

Joshua K. Whitney Dies Suddenly on Sunday Evening.

Another of the sturdy pioneer figures of this community passed to the great beyond on Sunday, Joshua K. Whitney, who came to Utah in 1848, died suddenly at his home in the Ninth AN' IDAHO MONSTER AT LARGE. ward, where he had been living for some years with his sister Mrs. Mary , Groo. Mr. Whitney had been in falling health for some time past, but he was able to walk about, and on Sunday afternoon between 4 and 5 o'clock he went to the barn to attend to his horse As he did not return, Mrs. Groo went out to look for him and found him lying upon the floor of the barn almost unconscious. He was at once con-veyed to the house and Dr. Bower was summoned. He pronounced the case hopeless and said that the trouble was due to the forming of a clot of blood around the heart, Mr. Whitney passed way about three-quarters of an hour later.

shua Kimball Whitney was born in Kirtland, O., on Feb. 13, 1534, and was the son of Newel K. Whitney, the first presiding Bishop of the Church in Utah, and Elizabeth Anne Whitney. Two of his brothers, Horace K. and Orson K. were in the activity of the Orson K., were in the original hand of pioneers in 1847. He himself remained behind and came to Utah with his par-ents in 1548. His early life was passed in aiding to subdue the wilds of natur-He followed the business of a rancing and stockman for years, and formed : intimate acquaintance with many the Indians who were so numerous h in early days. He spoke their tongu fluently; his fair and honorable treat ment of the Indians greatly endcared him to them, and no one was more loved among them than "Uncle Josh," He was one of the band that went to Carson, Nev., and that suffered great hardships on the desert from the failure of the water supply. He filled a three years' mission to England, returning in 1866. On the oyage he was counselor to Elder Joan voyage he was counselor to Elder Joan Nicholson, in charge of the emigrants who sailed from England in the ship American Congress, the last sailing vessel in which the Saints made a voyage from Great Britain, steamships having been used after that time. He never married and of late years he had lived almost the life of a recluse. He was a very modest and retiring man and was rarely seen in public. He was the soul of integrity and honesty in all his dealings, and many of his old time his dealings, and many of his old time friends who had not heard of him for

years, will be pained to learn of his de-The funeral will be held at 453, South

Fourth East, Wednesday, at 12, noon.

THIEVES STOLE GLITTERING GEMS Two Daring Robbers With \$7,000 in Diamonds in Their Possession Are Said to be Heading This Way-Theft at San Francisco.

(Special to the "News.")

Ogden, Jan. 27 .- Chief of Police Browning of this city received a telegram from Chief of Police Wittman of San Francisco, asking him to keep a particular lookout for a couple of diamond thieves who stole \$7,000 worth of glittering gems in the Golden Gate city on Friday last.

Francisco authorities to be headed eastward through Utah. Their names Works company since that time. It is believed that they have been waiting

I twenty-one years of age, five feet and nine inches high and weighs 150 poun his complexion is dark and he has high check hones. The other suspect is John or Joseph Steepeles, twenty-five years of age, five feet six inches high and weighs 175 pounds. He also is dark complexioned and has a round smooth shaven face and looks very much as though he had negro blood in his veins.

The two men went to San Francisco The robbers are believed by the San from New York in August last and Francisco authorities to be headed have been working for the Union Iron the given as Raymond Sanscht, who | for just such a chance as that which is supposed to be a Cuban. He is presented itself on Friday last.

MINISTERS DISCUSS POLYGAMY. Association Listens to Reading of a Paper Which the "News"

Was Not Permitted to See-To be Changed

And Used in the East.

The members of the Ministerial asso- | of the association afterwards adclation met with a number of prominent | journed to the rooms of the Y. M. C. laymen in the First Presbyterian A., where they listened to a paper from church vestry this morning where they Rev. Dr. Wishard, which dealt largewere addressed by Rev. Dr. Campbell | ly with alleged polygamy in this state. of Pawnee, Neb., and General Secre- A request from the "News" for the tary Baer of the United Societies of Christian Endeavor from Boston, on the progress of the work in the evangelistic field which they thought the paper will not be published in this was highly encouraging. The members | city.

paper for publication was declined, as the doctor said there were to be some

5.57% persot s.

(Special to the "News.")

Washington, Jan. 27 .- Representative Sutherland called on the director of the geological survey this morning about investigating the irrigation possi-Littles of Logan river, Little Bear and the streams flowing through Cache valley and emptying into Bear tiver. The director said that surveying would be

> means of water supplies. PATENTS FOR WESTERN INVEN-TORS.

Report of commissioner of patents

CACHE VALLEY IRRIGATION. Rep. Sutherland Sees Director of Geo. logical Survey About Surveys.

done this summer as to location of res-ervoirs and watersheds and other

Haired Creature in Human Form. high, covered with long reddish brown hair, the face was hidden by immen Pocatello, Ida., Jan. 26.-A letter from Chesterfield, Idano, Jan. 14, contains a naked skin was to be seen except a Pocatello, Ida., Jan. 26 .-- A letter from startling rumor of having been visited

small spot above the eyes. The boys concluded not to bag the game that by an eight-foot-all-hair covered hunight. Measurements the following morning showed the tracks to measure man monster, while a party of young people were skating on Portneuf river ong, by seven and one-quarter inches broad, with the imprint of only four toes. The stockmen report having seen in the field of John Gooch. The creature showed fight and flourishing a large similar tracks along the range west of stick and giving vent to a series of the river, but as far as known no on has ever before seen the animal, who was trekking westward. The people feeling unsafe while this beast is at

yells attacked the skaters, but it being slow of movement, they regained their wagons and got away in safety. A large, have sent some twenty men on party of young men returned armed its trail to effect its capture. Interested parties are referred to John Gooch, who and got a good view of the monster warming himself by the fire they had was on the scene from the appearance left. The beast was at least eight feet to the disappearance of the monster.

Wyoming, number 14, one to 6,609 per-

Samuel J. Scharf has been appointed postnussier at Dewey, Grand county, vise Samue! N. King, resigned.

INCREASED PENSION.

Increase of pension, Alezander Bat-trum, Lander, Wyo., \$12.

A very fine program has been pre pared to be rendered on Wednesday, Jan. 29, 1902, in the Cannon ward meet ing house. It is for a farewell concert

for the year ending Dec. 31, submitted to Congress, shows number patents is sued to Utah 55, one to every 5,031 per-

Idaho, number of patents 29, one to

FOSTMASTER AT DEWEY.

FAREWELL CONCERT.