The Evening paper is the paper of Today, the morning paper is the paper of Yesterday.

DESERET EVENING NEWS.

5 O'clock -EDITION.-

TRUTH AND LIBERTY.

NO. 82. WEDNESDAY, FEBRUARY 28, 1894. SALT LAKE CITY, UTAH. VOL. XXVII.

NEWS WIRED TODAY.

Democratic Senators in Caucus on the Tariff Bill.

THE UTAH INDIAN RESERVATIONS.

Blondin Walks the Rope at Seventy.—Cleveland in Paradise.—Another Bank.

WASHINGTON, Feb. 28.—The Democratic senators convened on the tariff bill at the close of the senate without settling any question at issue or reaching a vote on any point. The caucus will reassemble at 2:30 with the understanding to remain in session till the bill is practically disposed of. It is recognized that there will be no further essays of votes by the arrangement. White, Cal., compiled most of the morning session with discussing the free and Wilson schedules.

Death of Judge Merritt.

CANTON, Iowa, Feb. 28.—Judge J. W. Merritt, of the interstate commerce commission, died this morning of typhoid fever, aged sixty. He was prominent in state and national politics. He had served as district judge, member of Congress and United States minister to Mexico. He was appointed to the office held at the time of death.

Postmasters Nominated.

WASHINGTON, Feb. 28.—Postmasters nominated: W. C. Phillips, Redlands, California; H. C. Conner, Glendive, Mont.

Rev. Patterson Dead.

CHICAGO, Feb. 28.—Rev. Dr. R. W. Patterson, one of the best known Presbyterian ministers of the country, fifty years a minister, died at Evanston this morning.

The Rooker Trial.

MADISON, Wis., Feb. 28.—The hearing in Rooker conspiracy trial continued today with continuation of opening arguments of counsel.

The Knowsley Inquiry.

NEW YORK, Feb. 28.—The inquiry into the loss of the Knowsley continued today.

For Foreign Missions.

DETROIT, Feb. 28.—The international convention of the Students' Volunteer Movement for foreign missions opens here this evening. Twenty hundred delegates from all parts of the world, representing over forty denominations and between two or three hundred colleges will be present.

THE UTAH RESERVATIONS.

The Question to Open Them for Settlement Under Consideration.

WASHINGTON, D. C., Feb. 28.—The question to open the Uintah and Uncompahgre reservations in Utah to settlement is under consideration by Acting Secretary of the Interior Sims. The amount of land to be opened is estimated at 4,000,000 acres. It is rich in valuable minerals. There are 400,000 acres asphaltum land.

IN CONGRESS.

The Struggle to Secure a Quorum Still Going On.

WASHINGTON, Feb. 28.—In the House, Democrats tried to secure unanimous consent for a bill making an appropriation to save the armament of the Kearsarge, but Hiscock demanded the regular order.

Kilgore, as a matter of personal privilege, presented a resolution repealing the law requiring that whenever a member is absent, except on account of sickness, his pay shall be withheld, asking information of the sergeant-at-arms whether he had enforced the law, if not, why not, and if he conceived it could not be enforced, to give his reason.

The Speaker decided that in the form presented it was not a matter of personal privilege and Kilgore withdrew it to conform to the Speaker's view.

Bland moved to go into committee of the whole for the consideration of the seigniorage bill and that the general debate close at 5 o'clock tomorrow, and demanded the previous question. On roll call, Cummings, Chaney and Meyer broke from the solid ranks of the New York delegation giving us the filibuster. After the name of Brigham was called and he voted no, Johnson, Ohio, called attention to the fact that the rules of the House expressly required members present to vote. The Speaker ruled that roll call could not be interrupted. Johnson then received the point of the parliamentary rule and demanded that Tracy, who refused to vote, be held in contempt of the House. Johnson said he had a list of twenty-five members who had not voted.

The deadlock in the House has been broken and a quorum secured on the Bland seigniorage bill.

THE SENATE.

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After the reading of the journal, Pugh, Ala., took the floor and addressed the Senate on the Hawaiian controversy taken by the Senate committee on foreign affairs. He gave a sketch of the intimate relations existing between Hawaii and the United States, and the part the American missionaries played in developing the civilization there. He said the events of early manhood were familiar to his country.

A Jail Bird.

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CHEYENNE, Wyo., Feb. 28.—A man named Leland, who served a term in the penitentiary at Lorenzo for passing counterfeit money, was released Saturday. He came to Cheyenne on the same evening he was arrested in stealing a pair of shoes from Jenkins & Dickens' store. The latter managed to escape, however, from the police, taken in a desperate character. He is believed to be the same man that Policeman Phillips in Denver shot three years ago.

In the Sportsman's Paradise.

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Cold in Wyoming.

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CHEYENNE, Wyo., Feb. 28.—Visitors from points and northern Wyoming report that during the past week the weather has been colder than ever before known in the history of the country. For two or three days the thermometer ranged from 35 to 45 degrees below zero. It is reported here that in range cattle West much is feared that the loss of stock will be very heavy.

MORE GLADSTONE RUMORS.

The Premier Visits the Queen at Buckingham Palace.

He Remains Half an Hour, but Nothing Is Known about the Result of the Interview.

LONDON, Feb. 28.—The Edinburgh Evening News reports emphatically that Gladstone has resigned and that the premiership has been offered to Rosebery.

The Times declares that whatever is done about the premiership it is certain home rule will be dropped. Gladstone is unwilling to have proposed to his colleagues not to revive the home rule question by a resolution pledging the house of commons to take it up at the next session. The proposal is said not to have found favor with the cabinet.

HE VISITS THE QUEEN.

In spite of the cold Gladstone drove in an open phaeton this afternoon to Buckingham Palace. He was immediately admitted to the presence of the queen. It is generally believed that he went to tender his resignation as premier. The interview with the queen lasted half an hour. Nothing definite is known of its tenor. Among a host of rumors, the general opinion is that Gladstone either has resigned, or will shortly do so.

An Associated Press representative was emphatically assured by Gladstone's private secretary that the premier had not resigned and the allegation is unchanged.

In the House of Lords.

LONDON, Feb. 28.—The house of lords, by 69 to 31, refused to accept the house of commons' rejection of the Salisbury amendment to the parish council bill, enabling small parishes to dispense with the meeting of the parish council, and requiring small parishes to have from 200 to 300 inhabitants. The peers offered a compromise amendment.

Given Up for Lost.

LAWRENCE, Mass., Feb. 28.—The fishing schooner Hesperia, which left for the banks of New Foundland November 3rd, is given up for lost. She has not been heard from since January 3rd. It is supposed she foundered in the gale on February 11th. Nine had fourteen men on board.

WOMAN SUFFRAGE.

A Resolution to be Introduced in the Senate Favorably Reported.

DES MOINES, Ia., Feb. 28.—The committee of the whole for the consideration of the suffrage bill and that the general debate close at 5 o'clock tomorrow, and demanded the previous question. On roll call, Cummings, Chaney and Meyer broke from the solid ranks of the New York delegation giving us the filibuster. After the name of Brigham was called and he voted no, Johnson, Ohio, called attention to the fact that the rules of the House expressly required members present to vote. The Speaker ruled that roll call could not be interrupted. Johnson then received the point of the parliamentary rule and demanded that Tracy, who refused to vote, be held in contempt of the House. Johnson said he had a list of twenty-five members who had not voted.

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FOR EMBEZZLEMENT.

The Trial of Attorney M. Marcellus Nelson Tuk Day.

THERE ARE FOUR INDICTMENTS.

Judge Raymond Comes From Ogden to Conduct the Prosecution in the Marshall Case.

M. Marcellus Nelson, the Salt Lake attorney, whose case has been very familiarly discussed recently for some months past in connection with alleged dishonest dealings with the clients' moneys, was placed on trial in Chief Justice Merritt's court this morning to answer four indictments for embezzlement.

The first indictment proceeded upon was that in which the defendant is charged with having embezzled the sum of $70, the money of Dr. J. E. Marshall, for whom he was acting as attorney and collector, on December 20th, 1893.

The prosecution is being handled by Assistant District Attorney Raymond (of Ogden) and Attorney George R. Nye. The defendant is represented by Attorney D. N. Straup, from the law office of Judge Powers.

A good deal of interest appeared to be taken in the investigation, the defendant being well known in the city. Nelson himself entered enthusiastically into the proceedings, not alone as his counsel and took copious notes on a sheet of paper as the trial proceeded.

Dr. Franklin, a local moving man, was the first witness. He stated that in the month of a certain December, during the absence of Dr. Marshall, Mrs. Marshall requested the defendant to pay certain money over to him and he presumed that he (Nelson) had never received the money on that order.

In cross-examination Dr. Franklin answered that nothing was said as to where the $70 came from. He believed Nelson claimed at that time that the entire $70 was not due to Dr. Marshall, but less some of it was owing to him on collections. Nelson made a denial of commitment of the fact that he had received the $70. Nelson said that Dr. Marshall had certain claims against him in his possession belonging to him and that when he turned it over he would settle with him. The meeting and conversation with Mrs. Marshall took place in Nelson's office. Mrs. Marshall had previously told him he knew could not get the collected money from Nelson, because he had left the city and that he had other sources for his information against Dr. Marshall, but he could not remember.

Oliver Calls, a bookkeeper in Dr. Franklin's office, testified that he heard Nelson say he had received the check from Portland, Or., but had to send it back for indorsement. On a date a subsequent to this, when presented with the order, Nelson promised to pay it at a given time, as the money was then in the bank.

In cross-examination witness said the defendant told him that Dr. Marshall was then owing him money for sundry collections.

Mrs. Marshall, in her examination, said she remembered her husband, some time subsequent to the date of the $70 order, telling her that he had written to Nelson to send for him from a place in Portland, Or. Some time in December her she received a letter from a law firm in Portland, stating that the money ($70) had been forwarded to Nelson, and witness went to him separately, to could get no satisfactory answer, to notify that that certain proceedings would have to be had in court before the money could be paid over, and afterwards that the check had been lost and requested would have to be returned to Portland. Later he said he believed it had been received back at the American National bank. Up to that time she would not tell her what bank it was. This claim of $70 was against a man named Robinson, who upon leaving Salt Lake went to Pocatello.

In cross-examination witness said she was not aware of her husband having given Nelson more than one collection to make. In her husband's absence from the city she herself put two sums into his hands.

Mrs. Straup—You have considerable feeling in this case against the defendant, have you?

Witness—Well, yes, because he gave me so much trouble; I wanted the money particularly to pay the rent. People must not have their money stolen in these hard times, when they need it so badly. (Laughter.)

In further cross-examination Wilcox said that when two or three weeks had passed by she had received the letter she became impatient, as Nelson had got her off time after time. It was after the letter came that he first admitted he had lost it.

Attorney Straup—In conversation had between yourself and Mr. Franklin in the month of December, in Mr. Franklin's office, did Mr. Nelson then and there, in your presence, state that he had received the check and had sent it back for collection at that time?

Witness—He said he had received the check.

"Was not that in December?"

"I cannot tell; I have no connection put upon it."

J. H. Bacon, of the Bank of Salt Lake (formerly the American National bank) was called but the witness objected to his being examined, on the ground that his name did not appear on the back of the indictment among the witnesses called before the grand jury. The objection was overruled and an exception taken.

Mr. Bacon stated that on Dec. 19th, 1893, Mr. L. W. Dotson deposited a check for $70 on the bank, the check drawn by Emmons & Cosgrove, of Portland, Or., on the First National Bank of Portland, and payable to M. M. Nelson. It was endorsed by Nelson and Dotson. It was forwarded to the bank's San Francisco agent for collection.

In cross-examination witness said that when Nelson passed first presented the check at the bank payment was refused because it was an individual check.

George Dotson and L. W. Dotson were next examined as to Nelson having gone into the latter's saloon and before Christmas to get a $70 check cashed.

The taking of testimony was in progress when court adjourned for luncheon.

This afternoon the defendant went upon the witness stand and gave his version of the affair. He testified that he had done various little things for Dr. Marshall, had negotiated loans for him and performed legal work on sundry occasions. He claimed that at the time the doctor was indebted to him for collections which he had made, and that he had withheld the $70 sum in question until he could return and settle up.

Nelson was still on the stand under examination by his attorney when the News went to press.

CROSS-EXAMINED.

Clara McPherrin, his stenographer, testified to Nelson's employing Miss McPherrin on the Third district court. The parties were married in 1888, and have one child, aged 12 years. The present home which Nelson claims to occupy is rented to private. Mrs. McPherrin recalls that she received her $1,500 in money which he will dispose of if and settlement by the court. She stated that Nelson's income, aside from the case of the child and permanent alimony, Judge Rolfe has issued a temporary maintenance order.

Nettie Rich is seeking a divorce from George A. Rich in the Third district court, upon the grounds of desertion and failure to support.

Maria Beecher has filed an action against John H. Shaffer in the Third district court, seeking to recover $2,000 on a promissory note secured by a mortgage.

The Utah Produce & Commission company has begun suit against Ann Webb Lesker and H. W. Lesker, seeking to have a conveyance of property be set aside and for judgment against Lesker for $2,000.

In Judge Merritt's court yesterday afternoon the trial of James O'Neill and Charlie Adams, under two informations for burglary and one for robbery was concluded. The defendants were allowed to plead guilty to the charge of robbery, and were sentenced to two years each in the penitentiary. The burglary cases were dismissed by the prosecuting attorney. No. 6, L. Sys.

WHERE CAN IT RETRENCH?

Chancellor Harkness, of the University, Submits the Question.

A Comparison of the Revenues of the College and University.—Now Compare Their Work!

SALT LAKE CITY,
Feb. 27, 1894.

Editor Deseret News:

I am informed that there is a proposition to reduce the University appropriation for 1894-5 one-half, or to about $45,000.

Whether the University shall remain open or be closed is of no more importance to the legents than to other citizens, and it is not agreeable to me continually urging its importance, or its claims to support.

Assuming the removal of the Deaf Mute school, the University will have remaining as many departments of education that it will be impossible to continue them with any such sum as $45,000.

The Normal school with 200 pupils and courses of three and four years cannot be separated from the University, if any, less than that sum, for the lighting, heating, repairs and care of the buildings, also the cost of janitor, janitress and various general expenses, are about the same whatever may be the number of pupils.

A mining school cannot be separately carried on for much less than $15,000, and while for want of means that school is not fully developed, the progress is satisfactory, and there is ample room in the classes large. It is contended, the branches (as taught) geology, mineralogy, assaying, metallurgy, mining engineering should be added.

We must assume English literature, including history, civil government and political economy, Latin, Greek, French and German, are physics, chemistry and mathematics. These are only the most general subjects, and which of them can be dropped? The classification required can easily be conceived, and until the classes become so numerous that division is required, a given sum for expense is made by closing together pupils in different departments pursuing the same study and in the same grade.

The expenses of the University are now on a basis of about $100,000, and if it is assumed that the state contributes $20,000, the remainder would be for other departments. At the end of the present month (or year (July 1, 1894) the University will have received $28,000 for the first six months of the year, which will include the expenses of the last month for six of the ten months of the school year. Of this sum will be an interest until taxes are collected, and perhaps longer. It will get, if there is no decrease of assessment, about $3,000, for collections, carrying the two years, and in 1894 about $900, and in 1895 perhaps $1,500 to $1,800, interest from the treasurer of its land taxes. The interest paid by purchasers of lands goes into the fund, and the University can only use the interest on the fund intended by the legislature.

The comparison with the Agricultural College is unfair. The liberality of the Legislature in last session had given the latter more than it required, or at least more than it expended. Its report shows it carried over to 1892 nearly twenty thousand dollars from prior appropriations. There were given it in 1892 for building $50,000, for maintenance $40,000, it carried over from appropriations of 1890 $19,000, received from union and other sources $9,352.04, from the government [illegible] of the school $30,000, and from the government for experimental work $50,000—making a total revenue in the two years of $208,352.04. I assume it expended the building sum, though in notice of it is taken in the report nor does it say the building was completed, and interest over $50,000, the other expenses are $128,000; total expenditure $178,000. The earned for 1892 $30,352.04, and agrees with the official report, except that I assume, both ways, the building sum is not subject to expenditure. The general expense account has about $20,000 to was paid out of the main income fund (as contemplated, and only intended to be left over $10,000. The estimate for the years 1893 (q.s) are $85,440, and there is an intimation they require the without diminution, and it seems to be assumed that the legislature will agree to this (in report page 6) and I assume the estimate (page 8, of $85,440, is intended to be for the school year, and for the balance of the biennial period, I suppose to be (biennial term, as stated on page 4, it seems to me) some, then no allowance is made on account of this $85,000.

I make no point that the Agricultural College has had too much of that it has expended it on its objects beneficially, or too much of the University has not expended on what manner goes, but the liberality with which one has been treated it is contrasted with the small allowance to the other.

There is a practical way to find out what the University needs. Let a committee of the Legislature, (joined with college work and expenses, examine as to what it is teaching and how expensive, and see where it is on any way, unnecessarily each expense. This would be more satisfactory to the people, and a special service to the legislature, who have failed to find where they can cut off expense, whether means or studies, or incur less expense.

H. HARKNESS,
Chairman Board of Regents.

Delegate Rawlins.

Delegate Rawlins paid a visit to the Third district courtroom shortly after ten o'clock this morning and met with a very cordial reception from his brethren of the bar. There was a good deal of handshaking and the delegate entered pleasantly with the more intimate friends for some time.

Today's Probate Court.

Estate of Charlotte Van Dyke, deceased. Hearing on petition for distribution and decree of final distribution entered.

Estate and guardianship of Henry G. Poole, a minor. Hearing on guardian's account, which was approved.

Estate of Edwin Kimball, deceased. Hearing on petition to have the estate's claim of Joseph Woodmansee. Order made as prayed.

Estate and guardianship of Manley H. Wallace et al., minors. Hearing on guardian's account. Account approved and guardian discharged.

Estate of Philip H. Lewis, deceased. Wednesday, March 14, is set for hearing petition for probate of will and letters of administration.

Attorneys, Remember This.

Before the trial of the Marcellus Nelson embezzlement case began in Judge Merritt's court this morning, Attorney D. N. Straup, who defended, applied to the court to have subpoenas served upon certain witnesses on behalf of the accused, by the sheriff, was in an impecunious position. Counsel added that he would prepare an affidavit to that effect. In granting the application Judge Merritt said he wished attorneys generally to understand that, in future, he would make no such order unless the affidavit has been prepared and submitted before the day of trial.

Grand Jury's Labors.

The grand jury of the Third district court have a good deal more work to get through before they can claim their discharge by Chief Justice Merritt.

Be Voted for Smith.

C. V. Dawson, one of the darkey trusters who was taken before Justice Smith this morning on a charge of fighting, attempted to enlist the sympathy of the court by appealing in this way, "If your honor please, I voted for you and the rest of the officers elected on the Citizens' ticket and—"

"Hold on, there," shouted the court before he could get through with his plea. "Tell you say another word I'll punish you in a manner that you will have occasion to remember for a long time to come."

"Oh, very well, sah," was the response and the big fellow subsided. Afterwards he was discharged.

Fight at the Darkies.

J. D. Franks and C. V. Dawson, the colored pair who were arrested for fighting on Second South street yesterday, appeared before Justice Smith this morning. It was alleged that Franks came up to town and, without any provocation, struck him in the mouth, at the same time calling him a liar. Dawson then claimed that he caught hold of Franks and held him until Officer Hunt appeared and arrested both of them. Franks told the court that his (Franks's) wife had gone washing for Dawson and testified had boarded him for five or six weeks this winter and had not received anything therefor. Dawson then claimed under separate pretenses to "settle up." Last week Dawson gave a set to Shakespeare's works as security, and later would let Franks have some of them away. This Franks characterized as "a piece of impudence," on the part of Dawson.

Constable O'Hearn appeared in behalf of Franks and said he had been in his employ for the past two years, and he considered him an "upright, straightforward man." Justice Smith ordered both men discharged.

FROM WASHINGTON.

Unexpected Return of Hon. J. L. Rawlins this Morning.

UTAH AFFAIRS AT THE CAPITAL.

The Statehood Bill Will Pass and the Uncompahgre and Uintah Reservations to Be Thrown Open.

Hon. J. L. Rawlins, Utah's delegate in Congress came more surprised his constituents by unexpectedly returning to their midst this morning. The gentleman came in over the Union Pacific flyer arriving at three o'clock. After a few hours of rest he was seen about the Federal court rooms and legislative halls where his sudden appearance almost caused a sensation. He was warmly welcomed by his many friends and to a representative of the News he granted a pleasant interview.

When asked as to how he came to return so suddenly Mr. Rawlins stated that it was due to the fact that he had received a telegram from this city on Saturday last, the contents of which were such as to make it necessary for him to temporarily absent himself from the Capital. Within an hour of the receipt of the message he was on the train headed this way.

He was looking and feeling well and stated that he was in better health than he had been for some time. In answer to interesting the prospects of statehood for Utah, Mr. Rawlins said, "I have the promise that the bill will pass the senate this session."

"Have you any reason to doubt the correctness of that assurance?" asked the newspaper man.

"Certainly not," was the response uttered in a tone that indicated that Mr. Rawlins would be very much surprised and disappointed in case he should be mistaken in his conclusion.

Regarding the opening of the Uncompahgre and Uintah reservations for settlement the delegate stated that the matter was still under consideration and that he approximates no opposition whatever. There would be no further delay beyond that entailed by the arrangement of the necessary details.

As to the Ute Indian removal question he stated that Congressman Cannon was well known, from making strong final efforts to secure the approval of the treaty made several years ago. There had been hearings before the Senate committee and sub-committee at the House. He had appeared before both of them and provides against the residents of Utah Territory being made the victims of the great wrong that the citizens of the Centennial state were so willing to inflict upon them. The subcommittee of the House was in most yesterday and decided on the report that was to be made to the full committee in the House. He felt certain that the efforts of Colorado would not succeed in this case and that the rights of Utah would be fully guarded.

The business that called Mr. Rawlins home at this particular time is of a legal character, and as soon as that has been attended to, which will be in a few days, he will return to Washington.

Came to Prosecute.

Assistant Attorney Magistrale came down from Ogden today to conduct the prosecution of criminal trials in Judge Merritt's court, in the absence of Judge Rolfe. Mr. Magistrale was saluted by Attorney George L. Nye.

Be Honest, Somebody!

Superintendent N. W. Clayton, of the Salt Lake and Los Angeles railway, had the misfortune to lose a pocketbook some days ago containing a number of railway passes, etc. They should be of no use to any one except himself, and he has not concealed how any finder could be at a loss to discover the owner. A reward will gladly be paid for the return of the property to his office.

BE FORGOT TO COME,

And Was Therefore Hauled into Court by Attachment Process.

L. W. Dotson, a local salesmanager, had been subpoenaed as a witness for the prosecution on the trial of M. M. Nelson this morning, but he failed to come up in time and an attachment was issued to bring him in. When the witness had satisfied Judge Merritt wanted to know why he did not appear at the proper time. Dotson stated that he had thought that the matter altogether slipped his memory, and that he meant no disrespect to the court whatever. The explanation was accepted, the judge telling him, however, not to let such a thing occur again or he would probably be fined.

BEFORE JUDGE BARTCH.

The Jury Finds For the Defendants in the Lyon Block Matter.

The trial of the case of Andrew Mink vs. H. B. Lyon et al, which had been in hearing in Judge Bartch's division in the Third district court for a couple of days, came to a close this morning. At noon the jury returned into court with a verdict for the defendants—the juror dissenting.

A PROMISSORY NOTE.

The suit in question is brought to recover the sum of $202.50, alleged to be due as balance on a certain promissory note. It would seem that the point little clearly rest on the question of an endorsement.