

UTAH POLITICALS ON QUAY CASE.

Pronounced Difference of Opinion as to Whether Governors of States Should Have the Right to Name U. S. Senators Where Legislatures Have Failed in Performance of That Duty.

The disposal of the Quay case by the United States Senate this week settled one of the most perplexing political questions that has been before Congress for some time. By the rejection of Mr. Quay the greatest law making body of the world has said that the governors of the States have no authority under the Constitution to appoint Senators where State legislatures failed to perform that duty although it has said so by a margin of only one vote.

The question was of particular interest in the States of the Union, Utah, California, Delaware and Pennsylvania, all of which were delinquent in the performance of the important obligation imposed upon them by the Constitution to elect Senators. In California, however, by a narrow margin, the legislature failed to elect a Senator for the term ending in 1900.

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EX-SENATOR MATTHEW S. QUAY.

error the right to appoint, we should have been represented by a Republican and thus the will of the people subverted. This is one of many reasons which might be named. The remedy for all is to return to first principles and have our senators nominated as our representatives, and elected by direct vote of the people.

Frank McGurran, Utah Republican Club-Governors should not have authority to name senators where legislatures failed to do so. The selection of senators is already too far removed from the people at large. To allow governors to appoint would be to still further remove it. I am in favor of the election of senators by direct vote of the people. They are capable of selecting a senator as a president. The corruption and bribery under the present system form a sufficient reason for a change. To give governors the appointing power would increase the number of instances where legislatures would fail to elect, minimize still more the will of the people, and put additional power into the hands of political machines and rings.

Prof. J. H. Paul-The action of the Senate in refusing a seat to ex-Senator Quay, accords with my view of the constitutional aspect of the question. Mr. Quay was not a senator, for he was not elected to that office. The Constitution says: "The Senate shall be composed of two senators from each State, chosen by the legislature thereof, for six years." This is what the Constitution says, and it is all it says, as to who shall choose the senators, nowhere does it say or even hint that the governor may appoint them in case the legislature shall fail to elect. If vacancies occur in the House of Representatives, the governor is authorized to fill such vacancies; that is, he shall provide for a special election, and the people, the electors designated in the Constitution, shall proceed to elect a Representative. In no case is there any indication that the governor should take the place of the electors named by the supreme law. But the further question, should not the governor be authorized to appoint a senator if the legislature should fail to elect? I should also answer in the negative.

James H. Moyle, chairman of the Democratic State committee-I think the right of the Senate to refuse a seat to ex-Senator Quay is a matter of principle. I believe that such action as was taken in the Quay case was in exact accordance with the law, and independent of that, I think it was right as a principle. Quay himself voted against Corbett and other senators appointed a few years ago, and it is a satisfaction to know that the correct precedent which he helped to establish has been made to apply to him.

J. H. Dinwiddie-My opinion is that the action of the Senate was right and proper, at least from the legal point of view. So far as I can see, the governor has no right to appoint under such circumstances. United States Attorney C. O. Whittemore-I believe fully in the right of the Governor to appoint under all circumstances, where a vacancy exists. Every State of the Union is entitled to two senators, and if the legislature fails to elect, the State should not be prevented from having its representatives in the Senate. The precedent set by the Quay case is a dangerous one. In my opinion, to be reversed, and it will be in time. Even now, in the Quay case, it needed but one vote from the negative side to seat him, but for the influence of Wainwright, the vote would doubtless have been in favor of Quay. I have an abiding confidence that the Governor would have appointed an able man, one who would have been recognized at once as our party leader.

Hon. William H. Dale-I think the Senate of the United States did exactly right in the disposition of the Quay case. The power to appoint a senator is a power of the State, and the failure of the legislature to elect a senator is a failure of the State. The Governor is the executive of the State, and it is his duty to see that the State is represented in the Senate. In view of the fact that the Quay case is a precedent, it is the duty of the Governor to appoint a senator. The Quay case is a precedent, and it is the duty of the Governor to appoint a senator.

Hon. Fred J. Leonard-Provided the law should recognize such a vacancy, and the Senate should recognize the same. (Continued on page two.)

MARRIED IN THE SHADOW OF DEATH.

Dying Man Reunited with His Former Wife.

CHICAGO COUPLE'S ROMANCE.

How They Came to Separate - Husband Liable to Die Any Moment.

[Afternoon Dispatches.] Chicago, April 28.-Down in Arizona a dust-choked man rode up to an adobe hut three days ago. He was a physician, and the cowboy who brought him had traveled many miles over the sandy hills. The doctor entered the little cabin and looked at the man who lay there in the bunk.

"You have one week more to live," he said. At that the man in the bunk stirred and raised himself on his elbow. "Seven days," he murmured. Then he left the bunk with some effort and wrote a telegram.

Today this man, James Garfield Stevenson, a grandson of Kentucky's old governor, is to be married to his former wife at his father's home in Woodlawn, the telegram he sent from the cabin in Arizona where he lay after health was dispatched to his old Missouri sweetheart, who is now a clerk in the treasury department at Washington. It asked her to come to Chicago-the lack of money would rather than the intent that he was dying.

Yesterday morning she came and found her former husband. He was waiting outside the station in a cab. The driver was told to go to the court house. At that a doctor was summoned to re-marry was issued. Today the ceremony is to be performed at the home of David Stevenson, in Woodlawn.

Mr. Stevenson will not live another week, said his friends. "It is doubtful whether he will live another day," Stevenson was born in Glasgow, and his former wife in Marshall, Mo. They were married eleven years ago, and went to Chicago to live. During the world's Fair Stevenson made considerable money in real estate. Six years ago he became ill from following the teachings of a sect which he had joined. The physician intimated that consumption would follow unless he built himself up. Stevenson went to Arizona to improve his health.

In the meantime Mrs. Stevenson had left her husband. He admitted last night that in his search after great problems he did not think of her as often as his duty demanded. She was left without means of support and went to Washington, D. C., where she supported and cared for the two children. The telegram was the first word Mrs. Stevenson had from her husband for four years.

Jury Disagreed. Pittsburgh, April 28.-The jury in the divorce case of James King Clark, son of the late Charles J. Clark, millionaire and philanthropist, against Esther Bartlett Clark of Washington, D. C., disagreed after being out twenty-four hours, and at noon was discharged.

Must Feel Lonely. Frankfort, Ky., April 28.-Attorney General Breckinridge today enjoys the distinction of being the only State official in Kentucky, whose wife is in the hospital. Judge Clifton J. Pratt, the Republican contestee, has quit the contest. On his failure to file a supersedeas bond prior to last night, the undisputed title passed to Breckinridge.

WARSHIP WOULD FIX IT IN 24 HOURS.

Constantinople, April 27, Friday.-The United States legation has not yet received the port's answer to the note handed to Tewfik Pasha, the Turkish minister, regarding the American charge d'affaires, regarding the indemnity claims; and the impression is gaining ground that the reply will be in the negative or even that no reply will be made. The latter alternative, however, seems to be the more probable.

The general opinion is that without a display of force the port certainly will not pay the claims, because it is wished to show the Moslem world that it only yields to force. It is not considered here that simply a rupture of diplomatic relations will render the port easier to deal with; but a rupture of formal relations is not thought necessary as the sending of a warship to a Mediterranean port would suffice to obtain a settlement of the matter in less than 24 hours.

The same proposition for a settlement of the indemnity question by an order for a warship in the port of which the United States has a claim, was formerly made to France and Italy, but Mr. Constans and Senor Panza rejected the proposal.

The newspaper criticisms and comments upon the attitude of Turkey in this affair are causing great irritation at the Yildiz Kiosk (palace).

PREST. YOUNG'S BIRTHDAY.

Arrangements Under Way for a Celebration on June 1st.

Last night (Friday) the Brigham Young Family association held a meeting at the residence of Mr. W. H. Dugall, Apostle Young in the chair. The object of the gathering was to celebrate what should be done in the way of celebrating the anniversary of the birthday of the late President Brigham Young, on the 1st of next June. It was unanimously decided that there should be a celebration, and the place selected was Salt Lake beach. B. Morris Young was appointed general manager of the approaching event and was empowered to choose committees to look after the various interests of the occasion. It is expected that the affair will assume large proportions and be one of the most interesting of its kind that has yet occurred. It is pleasing to note such efforts to keep green and fresh the memory of so great a man as he who was the leading human factor in establishing this great western commonwealth. The approaching celebration should interest the people of all classes in this region.

WEYLER'S SYSTEM FOR THE BOERS.

St. James Gazette Suggests the Cuban Concentrado Plan.

FOR FREE STATE FARMERS.

Boers Guarding Well the Drakensburg Passes-Prisoners at St. Helena.

[Afternoon Dispatches.] London, April 28, 2:05 p. m.-The British in the Orange Free State are still presumably following the Boers northward, but at this hour there is no word from the most interesting field of operations. A dispatch from Ladysmith under today's date says there are only small parties of Boers in Tintwa Pass, but that some hundreds are guarding Van Reenen's Pass and Olivershoek Pass. Commandants De Beer and Van Nieskirk are in charge, and their forces have been so disposed that the whole body can be massed at any pass the British may attempt to force.

A dispatch from Doweitsoep dated Friday, April 27, says residents of that place claim the strength of the Boer forces which recently evacuated the place was six thousand men, with six guns, under German officers.

The St. James Gazette this afternoon, dealing with the problem of the treatment of the Free State farmers, suggests a revival of Gen. Weyler's Cuban concentrado system "minus the horrible dishonesty of its execution."

New York, April 28.-A dispatch to the Journal and Advertiser from St. Helena says: There was an exciting time among the prisoners at Deadwood when the last batch of captives arrived in camp. There was great cheering when they were first sighted. Then as one and another recognized friends and acquaintances, shouts of welcome, bawling and laughter.

Frenchmen were among the prisoners. According to the hospital report twenty prisoners are sick and two died on Monday and were buried with military honors, a Dutch minister officiating.

UTAH MAN DIES AT BUTTE.

Alexander Hay Falls a Victim of Pneumonia at That Place.

Was Employed in the Diamond Mine Owned by the Anaconda Company - Body Enroute to Utah.

[SPECIAL TO THE "NEWS."] Butte, Mont., April 28.-Alexander Hay, formerly of Salt Lake City, died in this city Thursday of pneumonia. He was a miner employed in the Diamond mine, owned by the Anaconda company, and went to work on Monday night. He complained of feeling ill and came home, went to bed and never got up again, dying on Thursday.

His remains, accompanied by his wife and brothers, left this city last night for Utah, where the funeral will be held.

A MOTHER'S GREAT GRIEF.

Receives the News from Butte of Her Son's Death at That Place.

[SPECIAL TO THE "NEWS."] Pleasant Grove, April 28.-Mrs. Mary J. Hay, widow, received the startling news that her son Alexander Hay was dead at that place. He was working in a mine and the presumption is that he was killed. The dispatch was very brief and conveyed no particulars beyond the fact that Mr. Hay was dead.

The grief of the aged mother was so great that she could hardly believe the very fond of this son as she is of all her children. The young man, with his sister Elizabeth and two brothers, George and Albert, also in Butte, had been sending money to Mrs. Hay some time, enough with which to build her a comfortable new home. The home was about ready for occupancy and in a short time the three brothers together with the wife and children of the dead son, were to have come to Utah to join with their mother in a family reunion and general house warming. These pleasurable anticipations seemed to have been rudely shattered by the cruel shaft of death.

The deceased was thirty-two years of age, and a native of Paisley, Scotland, and was very devoted to his mother. His father is dead and the boys have all done well and contributed freely to the support of their mother. He leaves a wife and one child. The announcement of his death in this place where he has been practically raised caused intense sorrow among his many friends. His mother is known as one of the best women of Pleasant Grove. His body will reach here tomorrow for burial.

AT THE POINT OF DEATH.

Mrs. Pamela Strickland, the postmistress of Pleasant Grove, is lying at the point of death. She is seventy-five years of age, and no hope whatever is held out for her recovery. She enjoys the distinction of having been postmistress here ever since 1859 with the exception of a comparatively short period.

PIONEER SINKING.

David Adamson, one of the pioneer millers of Utah, is also thought to be dying at his home in this place. He was reported this afternoon as sinking. Mr. Adamson operated what is known as Neff's Mill, at Mill Creek, on the early settlement of the Salt Lake valley.

MRS. ALEXANDER ILL. Mrs. Alexander, an ardent Scotch lady who came here with her husband about two years ago, is very ill. Her recovery is not looked for.

GETTING BETTER. George S. Clark, eighty-four years of age, father of the Clark Bros., and the first Bishop, and one of the founders of Pleasant Grove, has been seriously sick at his home for the last two or three weeks. He is reported, however, as being much better today. Mr. Clark enjoys the distinction of having been a member of the "Mormon" Battalion and a pioneer.

15,000 PEOPLE ARE HOMELESS.

Summing Up the Effects of the Great Fire in Canada.

LOSS OF LIFE 7, HOUSES 8,000.

Thousands Out of Work - Property Damage \$15,000,000 - Relief Is Coming In.

[Afternoon Dispatches.] Ottawa, Ont., April 28.-The estimates on the damage wrought by Thursday's fire proved to be rather over than under the mark. The survey of the field gives the following results: Dead, seven. Homeless, 15,000. Buildings burned, 3,000. Hands out of work, 3,000. Value of property destroyed, \$15,000,000.

Lumbermen have been having a talk over their losses and while none of them will speak for publication the loss of lumber alone is put at \$25,000,000. This makes a total loss for lumber of about \$35,000,000.

At a mass meeting of citizens it was decided to instruct the city council to ask the Ontario legislature for leave to borrow \$100,000 by issuing debentures to aid the sufferers from the fire.

General sub-committees were appointed for the purpose of affording relief. It was decided to build two shelter buildings in Hull. Orders for blankets, bread and other necessities were given.

E. B. Eddy's entire insurance is placed at \$50,000, while his loss is about \$2,000,000. The insurance is principally in American companies. Booth has only \$150,000 insurance and Gilmore and Hughson \$187,000.

Archbishop Bruchet of Montreal has given \$500 to the sufferers. The Chinese merchants of Victoria have wired expressions of sympathy to citizens of fire-swept Ottawa and Hull, with \$500 in token of their sincerity.

Chief Benoit of Hull is at the hospital in a weak condition, but nothing serious is apprehended. His lungs are affected from the inhalation of smoke and flame. The hospital people have furnished accommodations for thirty or forty persons ill from the trials they had to undergo.

All the title deeds in the registry office at Hull were destroyed, and this will complicate matters greatly. London, April 28.-After a consultation with the Canadian high commission, Lord St. Leonards, Earl of Beaconsfield, and Mount Royal, Lord Mayor Newton, has decided to immediately open a Mansion house fund for the people of Ottawa, and a stock exchange fund was opened today with large subscriptions.

The mayor's appeal will be issued Monday.

PROHIBITION IRISH MEETING.

Cork, April 28.-James J. Flynn, member of parliament for the north division of Cork county, has been served with a proclamation prohibiting a meeting of the United Irish league, scheduled to take place at Newmarket, county Cork, tomorrow. The grounds for the meeting is for the purpose of intimidation. Mr. Flynn has written a letter to the authorities declaring his intention of holding the meeting and warning the police against interfering with free speech. A large force of constabulary is being drafted to that locality.

DENVER JURY DISAGREE.

Lawyer Who Shot Denver Post Proprietor Is Not Convicted.

Denver, Colo., April 28.-The jury in the case of Attorney W. W. Anderson, charged with an attempt to kill H. V. Tamm, one of the proprietors of the Denver Post, whom he shot on January 13 last, was unable to agree upon a verdict and was discharged at noon today.

IDAHOO'S INVESTIGATION.

Washington, April 28.-The examination of Gen. Merriam was continued at the Court of Appeals investigation by the military committee of the House today. In a telegram from Secretary Alger, May 31, he had referred to Gen. Merriam's "original instructions." Gen. Merriam testified that he had never received any "original instructions" beyond the direction to proceed to Idaho to put down the insurrection. He had applied to the department twice for the "original instructions," but they had not been furnished and he had come to the conclusion that Secretary Alger was in error.

Regarding the incident of the pump men at the Tiger and Poorman mines he said Gov. Steunenberg had asked what could be done to save the mine in case the men declined to take out permits. He had replied that he did not feel competent to advise. He knew that to have allowed the mine to be filled up with water would have destroyed it as effectively as to have blown it up with dynamite.

NEW YORK WORLD YARN.

Says Republicans in the West Want Wildman for Vice President.

New York, April 28.-A dispatch to the World from Hongkong says: "It is reported here that Rouseven Wildman, the American consul general, is leaving for the United States on a political mission. Mr. Wildman, it is said, has been asked by Republican leaders in the West to become a candidate for the vice presidential nomination."

With the Transatlantic Liners. New York, April 28.-Arrived: St. Louis from Southampton. Hamburg, April 28.-Arrived: Columbia from Hamburg. Have, April 28.-Arrived: LaGasconne from New York.

New York, April 28.-The steamer Chaou Yucum from Marseilles and Naples arrived in this port today with 1132 steerage passengers.

STORM IN TEXAS IS TERRIFIC.

Six Inches of Rain Falls Within a Few Hours.

ANOTHER STORM COMING.

Loss by Flood and Hurricane in One Day is \$5,000,000.

REPORT MORE FATALITIES.

Crops Gone, Telegraph and Railway Lines Broken, Property Swept Away, Lives Lost.

[Afternoon Dispatches.] Dallas, Tex., April 28.-The floods show no signs of receding. On the contrary most of the Texas rivers are rising.

A Fort Worth telegram at 10 o'clock says the Trinity river has overflowed, doing much property damage. The people are alarmed for the safety of the water works, which are seriously threatened. A nine foot rise is sweeping down from the headwaters of the Trinity.

LIST OF DEAD GROWING.

A bulletin from Waco at 10:30 says the list of dead there will reach from ten to fifteen persons. The property damage in the city will exceed \$150,000. The telegraph lines of both companies are gone south of Waco, isolating more than half the State. The railroad movements are absolutely suspended south of Dallas on almost every line in the State.

ONE DAY'S LOSS.

The loss by flood and hurricane since yesterday morning is estimated to reach three to five million dollars, including damage to railroads and crops. The damage to railroads is immense. In Hill, McLennan, Williamson, Bell, Colorado, Bastrop and adjoining counties. The telegraph companies have large forces of linemen out trying to make repairs.

The reports received from southern and central Texas state that great destruction has occurred. SIX INCHES OF RAIN. A bulletin from Galveston at noon says: The government weather bureau reports the whole State was visited yesterday by the greatest precipitation and especially in Temple county where it approximated 4 inches. The reports from Galveston bay are believed to have perished.

ANOTHER STORM AT HAND.

Another storm to last two days was at noon predicted by the government weather bureau. The Brazos Valley is expected to be flooded from Waco to the Gulf. The water at Seale is now up to the highest point reached in the disastrous flood of last July.

HAIL AUGMENTS THE DAMAGE.

Galveston, Tex., April 8.-Many streets here are flooded from curb to curb today, owing to the tremendous rains last night. A hail storm yesterday and last night shattered many windows, wrecking green houses and photograph skylights, caused runaways, and killed many birds.

The whole State is water soaked, the spring precipitation being the greatest on record. CRUSHED THIRTEEN MEN. Immense Framework of a Building Collapses Under a Beam.

Two Men are Killed Outright, Two Fatally Injured, and Nine Others More or Less Hurt.

Birmingham, Ala., April 28.-By the collapse of the frame work of the main building of the Dimmick Pipe and Foundry company, in the course of erection in North Birmingham today, two men are dead and eleven are injured, two of whom will die. The building was 300 feet long and 100 feet wide. While an immense beam was being placed in position on the roof thirty feet above the ground, it fell, striking the next beam and knocking that down.

The second beam knocked down the third and so on until twenty-six beams had fallen, causing a collapse of the structure. About thirty men were at work on the building. Thirteen were on the superstructure and went down in the wreckage. Those on the ground floor leaped out of the doors and windows as soon as the first beam fell and escaped unhurt.

Dead: James McWharter and David White. Injured: William McWharter, internally injured, will die; D. O. Pattillo, will die; Homer Brown, K. P. Walker, John Oliver, W. B. Allen, J. O. Beck, George Sier, W. B. Wynn, J. A. Rolph and John Sharpe.

The building is almost a complete wreck. CAPTURED FILIPINO LEADER. President of Rebel Cabinet is Taken Prisoner.

Manila, April 28, 2:00 p. m.-Major General Lloyd Wheaton reports that Senor Paterno, the former president of the so-called Filipino cabinet, was captured in the mountains near Trinidad, province of Benguet, April 25. Paterno recently, through relatives in Manila, requested and received permission to enter the American lines, but failed to appear. His relatives explained that he had been sick a long time and was an invalid. He was brought to San Fernando on a litter ambulance by soldiers of the Forty-eighth regiment.