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. 98 MONDAY, MARCH 19, 1894, SALT LAKE CITY, UTAH. VOL. XXVII.

LATEST DISPATCHES.

Miss Pollard Again on the Witness Stand Today.

CHOLERA AND TYPHOID FEVER.

Independence Blue at Cripple Creek, Colorado, Starts Work with a Small Force of Men.

WASHINGTON, March 19.—The ball-ots had the utmost difficulty in repelling the crowds who sought admittance to the Pollard case where the Pollard-Breckinridge trial is in progress. Miss Pollard was again on the stand, under direct examination. She related in greater detail than heretofore the attempt of Breckinridge to induce her. He told her that she had a wonderful intellect, and a brilliant future." I seemed to be completely under the influence of his wonderful power of persuasion," she said. He promised to pension her mother and repay the money paid by Hooker for her schooling. "He did not accompany his purpose in any way in spite of his violent attempts," she continued. "Said it was only the second day when we were in the house of Antoinette in Cincinnati." The relations then established, she averred, continued till May 17th, 1892, the last time she saw Breckinridge. It will be remembered that this date is subsequent to Breckinridge's marriage to Mrs. Wing, which occurred secretly, April 28th, 1892.

Upon the cross-examination she was asked by Butterworth, going into minute details of plaintiff's life, to all of which she returned replies which seem to have given no comfort to her opponents.

Satisfactory Assurances.

WASHINGTON, March 19.—The state department has received satisfactory assurances from the British government that the landing of troops from the warship Cheapside at Bluefields, Nicaragua, was solely for the protection of the British subjects there.

Republican Candidates.

Special Dispatch to the News.

RAWLINS, Wyo., March 19.—The Republicans selected their candidates to city offices last night. J. F. Tibbs was nominated for mayor and Charles L. Wood for treasurer. Both are Union pacific engineers.

To Mortgage Reversed.

NEW YORK, March 19.—The French steamer La Bretagne, which was injured near Fire Island last night got off at 3 a.m.

STILL AT LARGE.

Justice Sutherland Supposed to Be in Canada.

NEW YORK, March 19.—Justice Sutherland, of Gravesend, one of John T. McKane's fellow-convicts of profiting his office for political purposes, will not appear for sentence this morning. He was sentenced to one year's imprisonment and a fine of $500. He is supposed to be in Canada.

A Large Fire.

PHILADELPHIA, March 19.—The Rex building owned by George S. Hooker and occupied by Hooker and others as dry goods was burned this morning. The loss is about $125,000. Four hundred hands are thrown out of employment.

Against the Lords.

LONDON, March 19.—An impressive demonstration to protest against the action of the House of Lords in rejecting the employers' liability bill, was held in Hyde Park today. It is estimated 5,000 people were in attendance.

Shortly before 3 o'clock enormous processions from all parts of the city began to arrive. Among those who took part in the procession were representatives from every trade union in London.

The chief speakers were Messrs. Burns, Wess, Asch, and Cremer, all of whom are labor members of the House of Commons. Resolutions were made to act on the platforms calling upon the government to agitate vigorously the employers' liability bill immediately upon the reassembling of the House of Commons, and also demanding that the government take steps to bring about the entire abolition of the House of Lords.

A DEVASTATING STORM.

Part of a Town Swept Away and Many Persons Injured.

DALLAS, Tex., March 19.—The cyclone and ice storm which devastated Longview on Sunday, strack the little town of Emory, thirty miles south of Greenville Saturday night and demolished the western part of the place. A relief train with doctors sent from Greenville found the people lying about public stations. Over a dozen were dead or dying and many others more or less injured. The identified dead are George Walker, Miss Esther Alexander, Mrs. Hickory, and the four-year-old son of Henry Murray. Three unidentified young men were found north of Emory. Fifty were wounded, some badly seriously. The storm came from the southwest and swept the earth of everything in a track fifty miles long and a hundred yards wide.

A Demented Passenger.

Special Dispatch to the News.

LARAMIE, Wyo., March 19.—A demented passenger was taken from the east bound Union Pacific train at this place yesterday afternoon. Papers found on the unfortunate man's person showed that his name is J. O'Neil of New California. He had in his possession a through ticket to Dublin, Ireland, and a $5 draft on the Bank of Ireland for eighty pounds, besides about $100 in currency. It is thought that excessive drinking and the high altitude are the causes of the man being crazed. A few days appears to the money fall will probably fix him up all right.

CHOLERA AND TYPHOID.

A New Method of Curing These Dread Diseases.

ST. LOUIS, Mo., March 19.—Dr. Heinrich Meyer, superintendent of the city hospital, claims that cholera and typhoid ever can be cured quickly and safely by a surgical operation. An incision is made in the abdomen just above the pubic bone, and then a tube is inserted in the intestines at the point where the ileum joins the large gut, and these are flushed with an antiseptic solution, killing the bacilli.

THE MINERS ACCEPT.

Everything Quiet at Cripple Creek Now Settled.

CRIPPLE CREEK, Col., March 19.—In consequence miles, one of the largest here, started work again this morning with a small force on the basis of nine hours pay for a day shift and $2.50 for the night shift, the miners to receive $3.25 per shift. This offer was made the day men several weeks ago, but they refused and quit work. It was renewed a few weeks ago and last night accepted by the miners' union. Everything was quiet this morning. The troops are still in the camps, the colonel in the office says he does not expect to move them 1 day.

FINAL TOUCHES ON TARIFF.

Better Protection for Sugar and no Reciprocity.

Some Changes in the Fruit Schedule.—Other Alterations of Minor Importance.

WASHINGTON, D. C. March 19.—The Democratic members of the Senate Finance committee have completed the work on the tariff bill and will submit the changes in the draft of the subcommittee at the meeting of the full committee this afternoon. The principal changes are made in the sugar schedule, which has been modified so as to take into consideration more as well as polarization. The change made will add one-eighth of a cent per pound on the sugars not so affected by the reduction of the duty from the administration features of it. Rice is suddenly restored.

Henry Watterson Coming.

Henry Watterson, the distinguished and editor of the Louisville Courier-Journal and famous politician, is coming west on a lecture tour. Major Pond, the manager, writes that Mr. Watterson is due on April 6th. The latter is anxious to speak in Salt Lake and as he has a good many friends and admirers here an effort will probably be made to arrange a reception in his honor.

TERRITORIAL ITEMS.

Dynamite Incident.—**New Gold Saxon.—Miscellaneous Sites.**

Payson Globe: August Peterson, a young man of Salem, met with a very serious accident over near the Wasatch Mountains last Saturday. He was blowing out some stumps of dynamite in a mine, when two some unknown cause the dynamite exploded, completely demolishing the stove and severely wounding young Peterson. His hands and face were terribly mangled and it is a wonder he did not be was killed instantly. The unfortunate young man was brought to this city and Dr. Tolton was called and alleviated his sufferings as much as possible under the circumstances. The doctor thinks the wounds are not dangerous, and that the young man will soon recover.

Tary Jones, a colored man who left the Mercur gold mine, Camp Floyd district, is expected in the Park next week to be tested by the Hazel Sanitary physicians to determine whether or not it can be profitably reduced by that method of extraction. The test will be watched with a great deal of interest, as it proves successful the cyanide process will have a strong rival in the field.

A meeting of the westgowers of Sanpete, Sevier and Juab counties was called to order in Fillmore last Monday, this (Monday, March 19,) afternoon.

Manti is making preparations to guard against damage by high water this spring.

Park Messenger: Reports from sheep camps are very good. The danger from bad weather is practically all over and the chances are that what sheep are alive now will get fat. Prospects for the summer range all right. Some lambs have suffered pretty heavy loss.

Park Record: After several years of hard work and harder work James Brennan has evolved a machine which can be profitably used in both coarse and fine gold, and has applied for a patent for the invention. The machine is composed of three parts, the first of which is to take the coarse gold and reduce the gravel to fine sand. The second part is where every particle of fine sand and water is forced through a sieve of quicksilver under hydraulic pressure. The latter part is a simple device for catching up and saving the amalgam that may escape from the quicksilver. The merit of the invention consists in the construction of the cylinder and discharge lock and their automatic working, and for the present is withheld from publication. The common sense of the machine is in the method every particle of sand and water is forced into contact with the quicksilver, and allowing no more than the gate, upon it leaves quicksilver behind it will stay with it. Mr. Brennan has applied for a patent, and the invention will be shown to the O'Neil Individual and machine. Should the machine prove successful, it will mean a fortune for Mr. Brennan, as there are millions of tonnes of fine gold in the bars and floating down Snake river. Mr. Brennan spent several years and their money and time now in a few days will know if the machines are give it a thorough trial, and the result will immediately be published for the benefit of the world.

Mr. Kimball has made him a full offer, while the organization of company of Parkites is formed of if the machine proves out well.

In charge of the affairs at Cripple Creek, Governor Waite issued an order commanding the militia there to their home. Their further services are being needed.

CRIPPLE CREEK PLAN.

LONDON, March 19.—A manifesto was created by reporting circles today, when the Governor Waite announced that it was reported that the grand national lateral, Clement, has broken down. Betting on Clarice had declined to 6 to 5 against.

The First on the Footprints.

LONDON, March 19.—Reporting to John Bennett, the Carrollton leader, in the House of commons today John Morley, chief secretary of Ireland, referring to the provisions of the evicted tenants bill and whether it will be the first measure introduced this year, said it would not be the first measure put forward; he was unable to say when it would be reached with. The explanation of these bills will be the measure which the government would ask parliament to pass upon.

The U. P. Wage Conference.

OMAHA, March 19.—The Union Pacific wage schedule conference was resumed this morning, the engineers presenting their case to the Receiver Clark. In the meantime the firemen were conferring with Superintendent of Telegraph Rodt on the question of promotion for over two years. Little progress was made by the engineers before the noon adjournment. It is thought they will occupy several days.

The Wall Fell Out.

The recent rains and heavy snows were the cause of what come near being a serious accident on Saturday at the residence of Mrs. Phoebe Young, on Fifth East street, between South and Second South streets, in the 20th and Ward. About seven o'clock in the morning the members of the family were easily frightened by the noise north wall of the house—a substantial masonry structure—fell out leaving the greater part of the interior of the building exposed to the storm. It was fortunate the wall had not fallen during the night, when it would have inevitably smashed without it showing any sign of giving way. A very noticeable coincidence was the fact that the bedrooms were all on the south side of the house at the time the administration features of it were so suddenly removed.

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Opening of the Adjourned January Session Today.

THE MINNIE BARTON CASE AGAIN.

An Important Opinion Rendered Affirming Justices of the Peace.

All the judges were present at the commencement of the adjourned session of the Territorial Supreme court at 10 o'clock this morning, and the attendance of members of the bar was not as large as usual.

Clerk J. P. Decker read the minutes of the former session, which were approved and signed.

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The court made the appointment as prayed.

ADMITTED TO PRACTICE.

Upon the motion of Attorney J. A. Williams, Mr. James Mackie, a member of the bar of the Supreme Court of Michigan, was admitted to practice in this court.

A DECISION DIRECTED.

In the case of the Zion's Savings Bank and Trust Co., appellants, vs. F. J. Leonard, city tax collector, defendant, a decision in accordance with the opinion filed in the case of Hill vs. Salt Lake City was directed to be entered in the district court.

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The appeal is from a judgment rendered by ex-Chief Justice Zane, intervention a hearing was had on April 21st, 1893. It was therein ordered that plaintiff was entitled to $5,000 in recovery, and that she be paid the same by the bank manager.

The complaint of intervention was dismissed upon motion of the attorneys, by stipulation, were decided with into case, on the same evidence.

The facts have been previously published in the Deseret News and are of a singular character. In brief, Minnie Barton, an inmate of a notorious house on South Main street, Salt Lake city, died February 25th, 1893, after a painful illness. Shortly before her death, upon being informed by her attending physician, Dr. Pfoutz and Dr. Fisher, that she could not long survive, and that if she had any business matters to arrange she had better settle them, she sent for her attorney, Judge Powers. In his absence, Attorneys Orden Hiles and W. H. Dickson were sent for, but both gentlemen being and unable to get Attorney Hile, Mr. Dickson's assistant, went to the house. There was no will. Her effects consisted of an estate comprising furniture, clothing and jewelry, at the south East Temple street place, the household furniture various large sums of money in the form of bank checks, aggregating about $12,000. It is contended by the appellants that Minnie Barton was in a dying condition when the attorneys arrived to prepare an instrument purport in favor of Minie Turner) and died within an hour and a half after attending to work to the satisfaction of the attorneys. Mr. Hile, in speaking of this, said that her sight was nearly gone, that the effort required of her even to make her mark was very great, and that she simply allowed her hand to involuntarily make the mark when operated by someone else. The assignment instrument was executed in duplicate with Wells, Fargo & Co. (p. 15,320), but the assignment, if executed at all, it is claimed, was obtained by fraud, undue influence and without consideration, and is therefore null and void. Miss Barton was living at the time in possession of her full mental faculties. The consideration for which the assignment was made in Miss Turner's favor is claimed to have been an expenditure of a large sum of money in the construction of the cylinder and discharge lock and their automatic working, and for the present is withheld from publication. The common sense of the machine is in the method every particle of sand and water is forced into contact with the quicksilver, and allowing no more than the gate, upon it leaves quicksilver behind it will stay with it. Mr. Brennan has applied for a patent, and the invention will be shown to the O'Neil Individual and machine. Should the machine prove successful, it will mean a fortune for Mr. Brennan, as there are millions of tonnes of fine gold in the bars and floating down Snake river. Mr. Brennan spent several years and their money and time now in a few days will know if the machines are give it a thorough trial, and the result will immediately be published for the benefit of the world.

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was found there, and not served on the defendant in the Commercial property, corner of the City of Salt Lake. The defendant filed a general demurrer and claimed that the court had no jurisdiction over the person of the defendant, and that the demurrer should be sustained. Upon the hearing of such motion the case was ordered tried.

On the trial testimony was offered showing that the residence of the plaintiff was at Big Cottonwood precinct, which place the motion was executed, and that the defendant was at the time of the service of the same residing in said precinct. Testimony on the defendant's behalf was offered to the effect as the court had not jurisdiction to try the case. The motion was overruled and judgment rendered against the defendant in the court. The case was tried in the Third district court, where judgment was rendered against the defendant. The motion to be filed. It appears from such evidence taken at the trial that the defendant was a resident of Big Cottonwood precinct and that Mr. Smith acting justice of the peace residing in said precinct at the time the summons was served and that the transcript showing the proceedings in such case was correct. The court overruled the demurrer and entered a verdict for plaintiff.

Under section 3511, C. L. 1888, attorneys and justices of the peace in justice courts must be commissioned and filed in the department of state in which the official resides. If there be a justice court of the precinct or city in which the defendant resides, then it shall be commenced and tried in such precinct or city if the county in which the defendant resides.

Subdivision 4 of section 3508 provides that judgment shall be entered in the district without reference to a new action may be entered with costs when it is adjudged at the trial and appears by the evidence that the action is brought in the wrong county, precinct or city, but if the objection is such and overruled, it is error of reversal only on appeal, and does not affect the jurisdiction of the court.

Reversed.

In the case of the U. S. vs. M. S. Baird the mandate from the Supreme Court of the United States was filed. The opinion of the court was affirmed, the motion for a writ of error being continued.

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Summons Quashed.

Judge Miner delivered the following opinion in the case of the Kanosh Day Hardware company, respondent, vs. James Nielson, appellant:

This action was commenced in a commissioner's court in Salt Lake City. The complaint is founded on an account of the plaintiff against the defendant, duly verified. Summons was issued thereon and served on the defendant in the Commercial property, corner of the City of Salt Lake. The defendant filed a general demurrer and claimed that the court had no jurisdiction over the person of the defendant, and that the demurrer should be sustained. Upon the hearing of such motion the case was ordered tried.

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Imperfect Service.

The only other case heard for hearing today is that of the Anderson Proved Rock Co., plaintiff and respondent, vs. Robert A. Williams, defendant and appellant. Judge Joseph H. Smith at the interveners and appellants. It comes up on appeal from Judge Miner's court at Ogden, where the jury rendered the judgment and against the defendant and intervenors. It was a claim of $1,000.00, for bricks supplied.

IMPORTANT RULING.

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Affirmed.

In the case of the Zion's Savings Bank and Trust Co., appellants, vs. F. J. Leonard, city tax collector, defendant, a decision in accordance with the opinion filed in the case of Hill vs. Salt Lake City was directed to be entered in the district court. The objection being been taken and overruled was a ground for reversal on appeal, especially when the same evidence was then produced under the complaint, and it was not necessary for the defendant to appeal specially to make the ruling, he could raise it by adverse at the trial and place it by exceptions evidence in Hill, as specially provided by section 3508 Sub. 4. If there was no answer to account or evidence put in, it could hardly be said that there was a trial. Section 3508 gives either party the benefit of all legal objections made at the trial before judgment.

To place a different construction upon these provisions of the statute would be to allow a justice of the peace to hold jurisdiction over and try cases arising in any other precincts of the county or territory than where the defendant resided, and therefore would be unconstitutional.

Kapanaiis vs Wolf, 2 Utah, 426. Sanders vs Ogden City Nursery, 5 Utah, 441. Jolly vs. Potts 24 Cal., 221. Creighton vs Third District court, 8 Utah, 426.

A commissioner has only the same power as and jurisdiction as a justice of the peace. People vs Hill, 10 Pac. Rep., 834.

There are other objections appearing of record but we do not deem it necessary to consider them.

The judgment of the court below is set aside and the case dismissed at plaintiff's cost.

Judge Baskin and Smith concurred.

The Blyth Will Case.

When the arguments in the Blyth will case closed in the Probate court late on Saturday afternoon, Judge Blair rendered his decision, reversing the former order admitting the will to probate. Tomorrow a petition for the appointment of a special administrator will be signed, and if granted the estate will in the time be equitably distributed.

Mrs. Sarah Findlay.

If Mrs. Sarah Findlay, wife of Wm. Findlay, will write to James Nesham, 4 Church street, Spennymoor, Durham county, England, she will hear of something to her advantage.

FEBRUARY WEATHER.

High Winds, Blizzards, Deep Snows, Fog and Average Rainfall.

Says George S. Salisbury, United States weather bureau director in his review and comparison report, just issued for the past month:

February, 1894, in Utah, will be remembered as a uniformly cold month, with two very severe general storms, and several hard local ones. There have been but two colder Februarys recorded since 1884, and not one colder one in the past twenty years, that of 1892.

At Salt Lake City, where a twenty year record of weather observations has been established, the mean temperature was below the normal every day in the month except on the 7th.

The general dates of minimum temperature were the 8th, 9th, or 12th. The general dates on which maximum temperature occurred were the 17th and 18th, and 23rd and 24th.

The storms of the 8th and 9th, and the 20th to the 23rd inclusive of the month, were accompanied by a heavy fall of the Territory. The monthly precipitation was greater in the southern part of the Territory than the previous month, averaging about half an inch of snow in the tenths, which will be very beneficial. In the northern part the precipitation was somewhat less than the average, but it was quite large enough to insure the good prospect of an abundant water supply for the coming summer.

SUMMARY OF TEMPERATURE.

Monthly average of the Territory 28 nothing 20.3 degrees. Greatest monthly average, 44.8 at St. George. least monthly average 8.8 at Fort Duchesne. Highest temperature of any day 56 at St. George on the 21st. Lowest temperature of any day 34 below zero at Randolph on the 12th. Greatest monthly range 48 at Corinne. Least monthly range 17 at Salt Lake City. Greatest range in any 24 hours 36 at Corinne, 34