SECOND EDITION.

DESERET EVENING NEWS.
Tuesday, January 19, 1892.

FRAGMENTS.

Two election judges of two more cities will be appointed in a few days by the Utah Commission, viz: Richmond and Kaysville. This will complete the list.

Hyrum Olson's residence near the White Lake, was broken into by burglars on Sunday night and a quantity of household goods stolen.

Two Jessamys, the colored burglar, plead guilty yesterday afternoon to breaking into the Rapid Transit saloon on Saturday night. He was held in $500 bonds to await the action of the grand jury.

Unknown parties entered the residence of Mrs. Hannah and Mrs. Whalen, at 330 east Third south street, on Sunday last, during the absence of the inmates, and, after searching the premises and leaving a number of valuable articles untouched, decamped with a small writing desk in which a packet of old letters was kept.

A sermon got abroad in the city last night that a man had committed suicide near Liberty Park. The police set about investigating the matter, but it was eventually learned that an individual had fire charges with Mayor Sahl fired against a turbid wire fence and severely cut his face, from which blood was flowing profusely, and that was all there was to it.

Birthday Gathering.

On Monday, the 11th, the children, grandchildren and friends of our esteemed friend Joseph Horne, to the number of seventy-five persons, gathered at the residence of Bro. H. C. Jaques (a son-in-law), to celebrate the 80th birthday of the respected veteran, which occurred Sunday of the 10th. Among those present were Presidents W. Woodruff and George Q. Cannon, of the State presidency, A. M. Cannon and J. E. Taylor, Bishops O. F. Whitney, G. H. Taylor and their wives, and a number of others.

Recitations, songs, music, toasts, etc., were given by members of the family. The brethren above named, also Sisters B. W. Smith, S. M. Kimball, E. M. Taylor, E. H. J. Young and R. Weiss each spoke a short time, expressing their esteem and good wishes.

Brother Horne expressed his gratitude for the privilege of having so many of his relatives and friends present, and his desire to merit their continued friendship.

Sister M. I. Horne related some of her experiences, that the children and grandchildren might know a little of what their parents have passed through.

An excellent repast was served and there was a general time of rejoicing.

Fall from a Scaffold.

Yesterday afternoon Christian Stevenson, a builder, residing in the second ward of this city, was at work erecting a chimney in Farmer's ward, when the scaffolding suddenly gave way, and Stevenson fell to the ground, a distance of about sixteen feet. The injured man was picked up by Marion Woodruff, his son-in-law, and carried home in a buggy. Drs. Richards and Wilcox were summoned, and it was then found that the left leg had been severely fractured just above the ankle. So serious is the injury that it is not unlikely the foot may have to be amputated.

Shocking Fatality.

A fatal accident transpired at the Franklin roller flour mill, Franklin, Idaho, about 11 o'clock on Monday forenoon. It appears that a man named Hyrum E. Johnson, an employe at the mill, was loading a car with flour, taking it from a large stack of sacks, when the pile fell upon him, killing him. It is supposed, instantly. Thomas Poulter, the manager of the mill, was the first to discover him, and seeing one of his hands extended, he immediately gave the alarm and commenced throwing the sacks away. He was joined by two young men, who soon got the flour away, but Johnson was then quite dead. When the sad news was taken to his wife there was a heart-rending scene; she stood as if paralyzed and the little children were crying. The deceased was a quiet, inoffensive man and a good Latter-day Saint. He leaves a wife and four small children to mourn his untimely end.

An inquest was held and a verdict of accidental death returned.

A Success.

The Mandolin and Guitar club concert and ball at the Theatre last night was a pronounced success. All passed off pleasantly and without the slightest hitch. There were seven numbers on the concert programme, the Harmony Club alone forming one of them. Dancing commenced at 10 o'clock, and was kept up until an advanced hour this morning.

Probate Court.

The following business was transacted before Judge Barton today.

Estate and guardianship of Lucille Taylor, a minor; order made approving and allowing account which was passed Saturday.

Estate of John F. Robinson, deceased; administrator appointed by S. W. Parke, under existing bond; discharge of administrator made by order of counsel.

Estate of Rebecca Wynsup, deceased; continued to Feb. 27.

Estate of John B. Chase, deceased; case dismissed on motion of F. Pierce, to be called up without notice.

Estate of C. P. St. George, deceased; hearing on partial distribution came on regularly; proof of posting notices approved; W. A. Kinney sworn and examined; petition granted on filing bond in sum of $12,000.

Estate and guardianship of Madeline and Joseph Ryan, minors; petition for letters came on regularly. Proof of posting notices approved. D. Kelly sworn and examined, and appointed guardian on filing a bond in the sum of $700.

Estate and guardianship of Leola G. Brownley, an insane person. Petition for letters of guardianship came on regularly for hearing. Proof of posting notice approved. W. J. Brownley sworn and examined, and appointed guardian on filing a bond in the sum of $5,000 and taking the required oath; bond of guardian approved.

Estate of Kingbear Erickson, deceased; hearing on motion of sale of personal property came on for hearing. Proof of posting notices approved. Continued to Jan. 30.

STATEHOOD FOR UTAH.

Several Prominent Political Citizens Interviewed.

AN ELABORATE CONSENSUS OF OPINION.

Gov. Thomas, Judge Zane, Gen. Saunders, Gen. McDermand and Many Others Express Themselves.

GOVERNOR ARTHUR L. THOMAS.

As between the so-called Faulkner Home-Rule bill, and the Teller statehood bill, I am unhesitatingly in favor of the latter. If the time has come when a change is to be made in our system of local government, I believe the people should have all of their rights, to be consulted as to the form and scope. As I understand it, the Faulkner bill was sprung upon the people without their knowledge or consent. Whoever prepared the measure had to sympathy with the financial necessities of the people. I believe that if Congress should authorize the people of Utah to provide a new form of government, they will adopt a system that will prove of benefit and not a burden.

SECRETARY SELLS, (LIB.)

prefers statehood to the system of things proposed by the Caine-Faulkner bill, and thinks it would be better for the Mormon people.

CHIEF JUSTICE ZANE (REP.)

My views as to the bill for an enabling act for Utah Territory, introduced into the United States Senate yesterday by Senator Teller, are that I am for the passage of the bill without any material modification. I further state unhesitatingly that it is my opinion that the Republican party of Utah should declare in favor of its passage and insist upon it becoming a law. The Church of Jesus Christ of Latter-day Saints has taken a stand against the practice of polygamy, and I have no doubt that its members desire to cooperate with non-"Mormons" politically for the purpose of securing the privilege of statehood. I state the "Mormons will understand that their material and political interests, their welfare and happiness, are so related to and connected with those of the citizens, that laws benefitting the latter will be good for the former, and such laws as oppress and injure the one class will be detrimental to the other.

More than 200,000 people in Utah are toiling in cities, opening and working its mines of honeycomb its wealth, improving and cultivating vast numbers of productive and valuable farms, and feeding their flocks in its valleys and upon its hills. Comparatively speaking, these people are temperate, industrious and honest. They are sufficient in numbers and possess the requisite wealth and intelligence to be admitted into the sisterhood of States, I say, as a sisterhood now. The "Mormons" are less than ever. I am unable to see, under statehood, the alarming apparitions so long and so confidently conjured up by timidity and fear or by prejudice. The time has come to abandon the sentiment, the contention and prejudice of the past and to lay the foundation of the State of Utah deep and sure, upon civil and religious liberty; upon the great principle of equality before the law. We are yet at the foot of the hill, the summit of which will be scaled in distant ages through generations of progress and prosperity. The People of Utah, with the citizens of the United States in other parts of the wide borders, are entitled to national sovereignty, and to those powers designed by the Constitution of the United States to the Federal government and to state sovereignty, so to those powers not so delegated. I am for statehood according to the provisions of the Teller bill, so far as they have been reported to me.

HAMMEL PRATT, (REP.)

In my opinion the Democratic leaders in Utah did not act in good faith with the people on the question of statehood. They gave the people to understand that division on party lines was for educational purposes, and temporary only for future statehood. In attempting to force the Home Rule bill upon Utah they have placed their followers in a false light before the nation. I think it would have been well to have delayed statehood until the people had been thoroughly educated in national politics. But, as a Republican, I am decidedly for statehood, rather than for its ghost. I endorse the Teller bill.

BARLOW FERGUSON, (REP.)

I think statehood for Utah much more preferable to the Caine-Faulkner bill. There is no reason to believe polygamy will ever again be tolerated here. Statehood is nothing. Young Utah is and will continue to be all right, free from the contrary notwithstanding.

JAMES DEVINE, (REP.)

The bill represents the wisdom, justice, and honesty of the Republican party. It is consistent with the position assumed by our party from its inception here. The Republican party always handles such questions in an open, manly way. We are in the right and have always stated we would meet the question when it came. I am in accordance with the wording of the bill, in favor of statehood for Utah, and believe it will be admitted to the Union as a Republican State within eighteen months.

R. H. BEARDSLEY (LIB.)

doesn't like the Caine-Faulkner bill, and prefers statehood to it altogether.

ARTHUR PRATT, (REP.)

I am for statehood first and last, and so is the Republican party.

GOVERNOR SAUNDERS, (REP.)

was found sitting coolly in an easy chair in the Utah Commission office, accompanied by General McClernand. He (the governor) had seen nothing of the measure but the published synopsis. He had never seen much about it and the drift of sentiment seemed to favor the Teller bill. The movement for statehood is nothing new here, it having been done several times before, but of course it requires additional strength now by reason of its official backing. I don't care to express an individual opinion. The people here are the ones interested, and they are the ones to have and give opinions; my business is simply to execute a law of the government relating to voting and registration.

GEN. JOHN A. MCDERMAND, (DEM.)

on being asked to give his views, said: "I am of the opinion that the people have resented from polygamy generally and we can have nothing to do with their religious opinions under the Constitution, and their recognition of the supremacy of the law regarding sexual offenses obviates the reason for these laws. I think the people would be fit and entitled to receive statehood, when the usual preliminaries could be had, but it would not be wise to manifest too great impatience on the subject, but let events in their progress accomplish statehood, which I am satisfied they will do in a year or two."

ASSOCIATE JUSTICE MINER (REP.)

The bill introduced into the Senate by Senator Teller, of Colorado, yesterday, providing for the admission of Utah into the Union, is a great improvement on the Caine-Faulkner so-called "Home Rule" bill. Statehood may have delayed statehood longer than it should do. The people of this Territory deserve fairness at the hands of Congress and will get it from a Republican administration. This may necessarily be delayed for a time, but the admission of Utah will be a Republican victory, under existing conditions. Party division has in part already prepared the people of Utah for statehood. The people, however, should have sufficient time to consider and vote upon the question.

ASSOCIATE JUSTICE BLACKBURN (REP.)

I am decidedly in favor of statehood to be obtained within a reasonable time. I think that the time fixed for holding a Territorial convention is a little early, but I am willing to take it as it is. There is no feeling with this thing any longer. The date of the convention can be postponed for a short time if necessary. Utah could be admitted with perfect safety. A clause can be put in the State constitution prohibiting the practice of polygamy and other similar offenses. I am now a Republican for the Caine-Faulkner bill was ever prepared, or an advocate for statehood.

JUDGE BENNETT.

Chairman of the Republican Territorial central committee:

As to the "Home Rule" or Faulkner-Caine bill, it was evident on received by unofficial publications in Utah without consultation with the party at large, for the purpose of securing offices outside of the Territory. They conceived that statehood for Utah was impossible at the present time. The bill was a premature production and one, for several reasons. First, it carries an imputation as regards ex-People's party voters in the Territory, that they are not to be trusted, are not sincere in their assertions as to having adjusted themselves and their affairs to the requirements of the laws of the United States as to the matter of polygamy, and that they are insincere in their claim that the voters of Utah now form a body with the right to their choice, and to act as freemen in casting their votes. Secondly—It would lead the Territory with all the expenses attending the creation of a new State, into a State government. 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THE SUPREME COURT.

Several Opinions Rendered by the Judges this Morning.

A POSTMASTER'S BONDS.

Suit on a Promissory Note.—Members of the Ogden Bar ask for the Appointment of a Commissioner.

Chief Justice Zane and Justices Anderson and Blackburn occupied seats on the bench of the Territorial Supreme Court this morning, Justice Miner being absent.

A POSTMASTER AND HIS SURETIES.

Judge Blackburn delivered the opinion of the court in the case of the United States of America, appellant, vs. Fred Miller et al., respondents. This was a suit to recover from defendant Miller and his bondsmen on a balance claimed to be due from him, the claim being based on a certificate from the Postmaster General, made by virtue of the authority conferred upon him by the following provision of law: "That in any case where the Postmaster General shall be satisfied that a postmaster has made a false return of business, he shall be within his discretion to withhold commissions on such return and to allow any compensation that under the circumstances he may deem reasonable." Plaintiff offered in evidence the bond of the defendant, also the adjusted account made by the auditor, which showed an balance. Thereupon we objected to and the objection was overruled. The court overruled the motion of the defendants for a jury to return a verdict for the defendants as to Miller, and sustained it as to the others. Defendant then offered to prove that he had paid out of office in 1888, and had a full settlement with the department.

Damage suits against the Railway Commissioners are just now in the fashion. The latest novelty with a distance in this direction is Joseph Hoff, who, through Judge Powers, demands $2,000 from the Rio Grande Western. His claim is that on a certain day in the year, when the department was found to defend to him to the stop of all, which was said, but, his testimony was not allowed to go to the jury. The court instructed the jury to find a verdict for the plaintiff against the defendant Miller for the amount shown by the auditor's rendered account. Afterwards a motion was made by the defendant to set aside the verdict and for a new trial. Together courts granted, and hence the appeal to the Supreme Court.

Their Honors were of opinion that the lower court committed no error in granting a new trial. They thought the true interpretation of the statute was that if before the final adjustment of any postmaster's account the Postmaster-General, he becomes satisfied that the postmaster has made false returns to increase his compensation, might withhold the compensation allowed by law, and allow him such compensation as he deems right, and even then the postmaster should be entitled to a hearing on the charge of fraud against him. Fraud must be proved, it was not proved against and this rule applied to the government as well as to individual litigants. In this instance, the court in instructing the jury to find for the plaintiff on the certificate of the Postmaster-General, and the rendered account of the department, took from the jury either the defense, and therefore properly granted a new trial. The judgment of the lower court was affirmed. Zane, C.J., and Justice Miner concurred.

ANOTHER POST OFFICE CASE.

The U. S. vs. Shinny Stevens and others. In this matter, decisions yesterday, Judge Blackburn also rendered the court's opinion. The suit was upon a postmaster's bond. When it was called for trial plaintiff's attorney was not ready, and made continuance, which continuance, and on defendant's motion the case was dismissed. Afterward the plaintiff, showing good cause, in the court's opinion, moved to vacate the order of dismissal, which was allowed, conditionally upon his paying all costs and an attorney's fee of $10. This plaintiff declined to do, and the case was dismissed. From this order the appeal was taken. The judges now held that the plaintiff in error, upon the mere mere omission of a party to litigation, unless there be a statute authorizing it to be done; and such statute is not to be found in Congress. The case was reversed and the District Court directed to reinstate the case without terms. Zane, C. J., and Justice Anderson concurred.

OVER A PROMISSORY NOTE.

In the case of James Tucker, appellant, vs. M. M. Kellogg, et al., respondents, the opinion was rendered by Chief Justice Zane. The action was on a promissory note purporting to have been executed by J. M. Dunn, deceased, for the payment of $1100 to one J. M. Martin and assigned by the latter to plaintiff. Defendant denied its execution, and that issue was tried by a jury, who found for the defendants. Motion for a new trial by plaintiff was denied, and the court gave judgment on the verdict. On this came the appeal. The court reversed the judgment appealed from, and the case was remanded. Justices Miner and Anderson concurred.

FROM THE OGDEN BAR.

A petition, signed by fourteen members of the Ogden bar, was presented by Judge Blackburn, asking the court to appoint Mr. R. Turner as a commissioner of the Supreme Court of the Territory for Ogden City. It was filed.

MISCELLANEOUS.

The case of James Allen et al. vs. Frank J. Cannon et al., from the First District court, was argued and submitted.

John White vs. the Union Pacific railroad, an appeal from the Third District, was submitted on briefs by both parties and taken under advisement.

The case of B. Darger et al. vs. St. V. Le Sieur was in course of argument this afternoon.

COURT NOTES.

Before Judge Anderson yesterday afternoon there came up the case of W. S. McCornick vs. J. W. Cooper. In default of the defendants a decree of foreclosure of a chattel mortgage for $11,500, with $1000 attorney's fee, was granted.

Several cases were decided by the United States Commissioner yesterday afternoon. In the case of U. S. vs. Crawford vs. R. F. Spencer, Commissioner Norrell gave judgment for the plaintiff for $117.95.

Commissioner Norrell rendered judgment for Stirling & Son against James Conkley et al. for $69.25 and interest.

In the case of Barton, Lyon & Co. vs. Mrs. J. F. Hardy et al., Commissioner Greenman gave judgment for the plaintiff for $28.10 and costs.

Spencer Clawson & Co. have filed a suit against Emil Hatwickson in the Third district court to recover $654.77 on a promissory note.

A complaint reached the file of the Third district court yesterday afternoon. Plaintiff alleges that he was traveling from Grand Junction to this city, when the conductor in charge of the train wrongfully, maliciously and forcibly ejected him from the train at a point three miles west of Green River, that he had to walk back to that town through deep snow, and in consequence suffered great pain from fatigue and exposure, to say nothing of the disgrace of being fired from the train. It later this that Duff calls for attachment.

Alice Shearer has filed a suit for divorce against her husband, Omar T. Shearer, in the Third District court. In her complaint Mrs. Shearer states that she was married to the defendant in Richland county, Wisconsin, in 1883, and in January, 1890, he willfully and without cause deserted her, and she ever since failed to provide her with the common necessaries of life, in consequence of which she has been compelled to work to obtain a living for herself and her five year old child, she asks for the custody of the child.

In the matter of John O. Smith and other murdered specifiers vs. A. F. Hippetty & Co., M. J. Grey, Mrs. A. F. Hippetty, Mrs. E. J. Walling and H. A. Lees yesterday afternoon filed in the Third District court a complaint in intervention in which they set that a receiver is appointed to take charge of the property attached by the plaintiffs, and that upon the hearing the assignment be declared void, and that the debts of the interveners be ordered pa