DESERET EVENING NEWS.

Tuesday, March 10, 1896.

KESSLER GETS A NEW TRIAL.

State Supreme Court Overrules the Lower Court in This Case.

The Supreme court of the State handed down an opinion in the case of the People vs Jacob Kessler yesterday afternoon. The opinion was delivered by Chief Justice Bane, Judges Miner and Hiles concurring. The judgment of the lower court in overruling the defendant's motion for a new trial was reversed by their honors and they remanded the cause to that court with instructions to grant a new trial.

Kessler was sentenced to thirteen years in the penitentiary for stealing Fred Nebergall on the night of November 22, 1894, in a house of ill repute kept by a woman named Mc-Binkley in the city.

THE COUNTY'S FINANCES.

Receipts and Disbursements for the Past Three Years.

The receipts and expenditures of the county court for the years 1893, 1894 and 1895 are as follows:

Receipts, 1893	$[illegible]
Receipts, 1894	[illegible]
Receipts, 1895	[illegible]
Paid out in interest, Jan. 1, 1896	[illegible]
Interest in treasury Jan. 1, 1896	[illegible]
Interest accrued Jan. 1, 1896	[illegible]
Interest accrued Jan. 1, 1896	[illegible]
Sinking fund Jan. 1, 1896, as per ch. [illegible]	[illegible]
Sinking fund in treasury Jan. 1, 1896	[illegible]
Appropriations made (warrants issued) in 1893	[illegible]
1894	[illegible]
1895	[illegible]
Appropriations made (warrants issued) in 1896, Jan. 1, 1896, as follows: [illegible]	[illegible]
Warrants issued March 1, 1896	[illegible]
Warrants issued March 6, 1896	[illegible]
Warrants issued March 9, 1896	[illegible]
Including $6,000 of school refund	
Interest paid to treasurer on interest on sinking fund	$1,[illegible]
Interest paid to treasurer on other interest warrants	$[illegible]
Interest paid to treasurer on school fund warrants	$[illegible]
Amount warrants returnable to 1893	$[illegible]
1894	[illegible]
1895	[illegible]
Outstanding current Jan. 1, 1896	
1893	[illegible]
1894	[illegible]
1895	[illegible]

No account taken herein of school fund which is not a part of the finances of the county proper, the county schools having a separate (cash) fund.

Receipts from March 1, 1896	
Warrants issued March 6, 1896	$[illegible]
Warrants issued March 9, 1896	$[illegible]
Including $6,000 of school refund	

Polygamous Children.

Following is the full text of Governor Wells's message to the Legislature on the bill relating to the heritable rights of polygamous children; the message was read in the Senate session yesterday afternoon, and a synopsis of it was given in last evening's News:

STATE OF UTAH, EXECUTIVE OFFICE, SALT LAKE CITY, March 9, 1896.

To the President and Gentlemen of the Senate:

I have the honor to inform you that I have this day approved and filed with the secretary of State, Senate bill No. 79, entitled:

"An act relative to the heritable rights of the issue of polygamous marriages."

I understand that the purpose of this act is to re-enact and make clear the law already in operation, and that it nullifies the issue of polygamous marriages, born previous to March 3, 1887, to inherit or to be entitled to any distributive share in the estate of the father of such issue. I believe that this legislation is proper and right and it appears to me, in view of the fact that conditions which called forth Congressional legislation on the subject are settled and that the end has been accomplished, that it would be in the interest of public policy and for the welfare of the State to remove the stigma ban may exist against the issue of polygamous marriages, up to one year succeeding the date of the anxiously proclamation of the President of war. would be better in my judgment, to be the date of the admission of the State. I am convinced that such legislation would not only be in the interest of the State, but the children themselves effected thereby would be better citizens, in the knowledge that they are entitled to all the legal rights and privileges of their fellows.

Legislators will not forget that while the manifesto was filed with the great majority of the people, it signified the immediate surrender of what had, for a lifetime been held as a vital religious sacrament, and some hearts cannot change in a day.

Very respectfully,

HEBER M. WELLS, Governor.

University Lecture.

Prof. Wm. M. Stewart will begin his course of three lectures in the University of Utah public lecture course tonight at 8 o'clock, at the Laboratory building on First North street. Subject Electro and Its Practical Application to Right Methods of Training. The public is invited.

TABERNACLE CHOIR CALIFORNIA EXCURSION.

All who intend visiting San Francisco, Oakland, San Jose and Sacramento with the Tabernacle choir are requested to secure berths by making immediate application to L. Berryman, director, or H. G. Whitney, manager, 20 Main street. Fare $25, including railway fare, sleeper, board and lodging. Excursion leaves Monday, April 13, return Thursday, April 25.

Those handsome japs and embroidered Cluluts for ladies just received are the cheapest cash for many seasons and will be sold very cheaply. Bee Hive, Western Shoe & Dry Goods Co., 51-53 Main Street.

Big Coal at the Yellow Front.

The Weber Coal Co. will coal by the sack, ton or carload, from the Wasatch and Cyclopic mines at Coalville, belonging to the Ontario Silver Mining company, also Hot Springs, Castle Gate, Pleasant Valley and Anthracite coal; prompt delivery by mountain and shipping teamsters; clean coal and full weight guaranteed. Office No. 159 S. Main Street. W. J. McCoubrey, Agent. Tel. No. 141.

Miller & Miller, "Coal That Sells."

CHIEF DEVINE'S HEARING

Commenced Before the Board of Commissioners Last Night.

Ex-Member Stephens Handles the Defense, While Judge Judd Acts for the Prosecution.

A hearing of the charges preferred against Chief Devine by Mayor Glendinning, was commenced before the fire and police board last night. Judge Judd appeared for the prosecution, while Attorney Frank R. Stephens, an ex-member of the board, represented the defense in the absence of John M. Zion, the chief's regular counsel.

Mr. Stephens, in appearing for Chief Devine, stated that he only did so because of Mr. Zion's inability to be present. He, however, did not want to appear if the board was of the opinion that his doing so was improper owing to the fact that he had been a member of the board. He further stated that the charges against Chief Devine had not been filed until after he had ceased to be a member of the board.

Chairman Varian could not see that there would be any impropriety in Mr. Stephens appearing for Chief Devine, and stated that such also was the opinion of the other members, whereupon, after learning that the prosecution was going to be represented by an attorney in the person of Judge Judd, Mr. Stephens entered a general demurrer to each and every specification in the schedule of charges, as they were read by Clerk Fell.

SPEAKS TO DEMURRER.

In speaking to his demurrer on the first four specifications, which referred to the alleged failure of the chief to respond to certain fire alarms, Mr. Stephens called attention to the fact that nowhere in the complaint was it charged that the chief had violated any rule of the department which required him to attend all these fires. He did not pretend to contend that the chief was not required to attend all fires, but stated that in certain cases it would be a neglect of duty for him to do so. For instance, if a fire broke out two miles from the department headquarters as was the case with the fire one mentioned in the charges, it would be a violation of the chief's duty for him to attend it, leaving the business district in great danger, should a fire break out during his absence.

As to the second specification, which referred to a certain fire on the north bench, the same argument might be used. The third fire mentioned in the charges was one at the Lorenzo school building in which the West Side department responded with the assistant chief in charge, thus making it unnecessary for the chief to be in attendance. The fire on East Temple street was one in which both departments responded so several of the hose in the business district. At the time this alarm was sounded, Chief Devine was in attendance at a meeting in the joint building, but he went to the fire, and returned to the joint building when it was over.

At this point Chairman Varian asked Mr. Stevens if he took the ground that the chief didn't have to respond to alarms, to which Mr. Stevens made an affirmative reply and added that it was a matter entirely within the chief's discretion. There was no rule governing it and he contended that the very fact of Mr. Clay Condon's having allowed Chief Devine to attend the fire chiefs' meeting at Atlanta, showed that he was not required to attend every call. The charge with reference to the chief's attendance upon the Legislature would be demurred to, and as to the charge that the chief had been tyrannical, arrogant, disrespectful, etc., it was so indefinite as to make an answer impossible, and therefore the demurrer could take upon it being made more specific.

JUDGE JUDD REPLIES.

Judge Judd in reply, contended that the rules required the chief's attendance at every fire, unless good and sufficient reasons were forthcoming for his not doing so. The judge then read from section 4 of an ordinance in 1889, which defines the duties of the chief, and says that he was expected to attend all fires. Numerous other portions of the law were cited to strengthen his contention, and in conclusion he insisted that the prosecution should not be compelled to specify wherein the chief had been tyrannical, arrogant and disrespectful.

Mr. Stephens then called attention to the last part of the ordinance passed in 1889, which had been cited by Judge Judd, and said it was in conflict with the province of the fire and police board passed subsequently, and therefore was void and of no effect. In reading from the rules of the board he also said that it was not expected that the chief would attend every fire, and referred to his demurrer that the tyrannical acts of the chief be specified.

OVERRULED AND SUSTAINED.

After a short consultation by members of the board, the demurrer to the first four specifications was overruled. The demurrer to the last specification, relating to the arrogance and tyranny of the chief, was held to be well taken and therefore sustained.

HEARING ON FIRST CHARGE.

A general denial of the charges was then filed by Mr. Stephens and a hearing on the first specification was commenced with. It charges that the chief had failed and neglected to promptly respond to an alarm from 540 south Ninth East street, on January 5, 1896.

The witnesses called by Judge Judd were Assistant Chief Donovan, E. F. Mowers, A. H. Fenzie, C. J. Sullivan, William Jensen, Amos Morton, C. F. Voll, J. J. Cook, S. T. Berry, Robert T. Irvine and D. W. McLean, all of whom testified that the chief went to the fire in question about forty-five minutes after the alarm came in, arriving there when it had been practically extinguished. At the opening of the testimony Mr. Stephens (Judge) to admit substantially what was testified to, but the chief was excused.

Judge Judd, at this point, was about to enter into the second specification, but the board wanted to adjourn, and did adjourn until this evening at 7:30, when the hearing will be resumed.

ROUTINE BUSINESS.

As a preliminary to the meeting proper, the following routine business was transacted:

Commissioners Cohn and Noble, who had been appointed a committee to revise and amend the rules of the board, recommended the addition of the following to rule 42 of the police department: "All discussion or criticism by officers or members of the force, of the official acts of superior officers, including all officials of the city government, at the police headquarters, are strictly prohibited. The police headquarters must be used solely for the public business, and all lounging of members of the force when off duty at headquarters, save in the room or rooms set apart for such purpose, is prohibited. The chief, captain and sergeants will give special attention to the enforcement of this rule." Adopted.

Acting Chief Donovan reported that on March 2nd he suspended Fireman J. W. Lowe for a period of five days because of his free indulgence in intoxicating liquors; likewise that on had granted Samuel Sitty a 15-days' lay-off to visit California with the Tabernacle choir. Approved.

The pay-roll for the discharged policemen from March 1st to 7th inclusive, amounting to $[illegible], was submitted by Chief Pratt and approved.

The cost of maintenance of the fire department for the month of February was reported by the acting chief at $[illegible] and the document was filed, and bills for the incidental expenses of the department, aggregating $[illegible], were allowed.

Infantry Ball at Tooele.

Company E, First Infantry, N. G. U., stationed at Tooele, has issued the following as special orders No. 1:

Attention! You are hereby ordered to report for duty at the Social hall, armed with lady and duly equipped with fifty cents to fire at the sentinel at the door. Inside you will participate in a grand ball given by Company E, First Infantry, N. G. U., on the evening of March 13th. Skirmishing will commence at 9 o'clock sharp. Between the dances the following program will be carried out:

Duet, Misses Fox and McBride and Amy Beesley; quartette, members of the military comic song, Bert Lee. The committees are:

Arrangements—Corporals Johnson, Sergeant J. W. Miller, Private J. M. Dunn, Private H. G. Shields, Corporal William Elkington.

Invitation—Sergeant William Warburton and Edward Haines.

Reception—Major W. E. Stevens, Captain A. J. McCallum, Hospital Steward F. M. Davis, Sergeant J. A. Revan.

Floor—Sergeant R. McLaws, Private R. G. Shields, Corporal H. Johnson, Sentinel, William Elkington.

Zion's Maori Association.

A dramatic entertainment will be given in the Eleventh ward meeting house on Thursday evening, in aid of the funds of the Zion Maori association.

The Twenty-first ward Social Amusement company will present Cinderella. This amateur company has gained celebrity in the presentation of the popular military drama, The company will also give A Charming Pair, a most laughable farce. The proceeds are to aid in furnishing literature in the Maori language and to aid that association in its work. The object, as well as the excellence of the program, should attract a large audience.

Electric Bitters.

Electric Bitters is a medicine called for any season, but perhaps more generally needed in the Spring, when the world expanded feeling prevails, when the liver is torpid and sluggish and the need of a tonic and alterative is felt. A proper use of this medicine has often averted long and fatal illness. No medicine will act more surely in counteracting and freeing the system from the malarial germs. Headache, Indigestion, Constipation, Dizziness yield to Electric Bitters. Only fifty cents a bottle. E. O. M. I. drug department.

Marvelous Results.

From a letter written by Rev. J. Outenstirn, of Elmendale, Minn., we are permitted to make the extract "It gave me hesitation to recommend Dr. King's New Discovery, as the world is so full of worthless things in the case of my wife. While I was pastor of the Baptist Church at Elyee Junction she was brought down with Pneumonia accompanied by a cough. Terrible paroxysms of coughing would last hours with little intermission and it seemed as if she would not survive them. A friend recommended Dr. King's New Discovery; it was quick to do work and highly satisfactory in results." Trial bottles free at E. O. M. I. drug department. Regular size 50c and $1.00.

Bucklen's Arnica Salve.

THE BEST SALVE in the world for Cuts, Bruises, Sores, Ulcers, Salt Rheum, Fever Sores, Tetter, Chapped Hands, Chilblains, Corns, and all Skin Eruptions, and positively cures Piles, or no pay required. It is guaranteed to give perfect satisfaction or money refunded. Price 25 cents per box. For sale by E. O. M. I. drug department.

THE INITIAL TREATMENT of catarrh is very unsatisfactory, as thousands can testify. Proper local treatment is positively necessary to success, but many, if not most of the remedies in general use afford but temporary relief. A cure certainly cannot be expected from snuffs, powders, douches and washes. Ely's Cream Balm, which is so highly commended, is a remedy that combines the important requisites of quick relief, specific curative power, with perfect safety and pleasantness to the patient.

Awarded
Highest Honors—World's Fair.
DR. PRICE'S CREAM BAKING POWDER
MOST PERFECT MADE.
A pure Grape Cream of Tartar Powder. Free from Ammonia, Alum or any other adulterant.
40 YEARS THE STANDARD.

If the Bottoms

Of your feet rest on smooth leather they are bound to be comfortable. Goodyear Welts are made with smooth, flexible soles: just like hand-sewed, only better.

Your dealer has them.

GOODYEAR SHOE MARKET CO., BOSTON.

The direct line to Kansas City, St. Louis and Atlantic seaboard, is via the Missouri Pacific Railway, from Pueblo. Through sleeping and chair cars; and all connections made in Chicago depots in the day time. If you are going East and care for a daylight ride through the grandest scenery of the Rocky Mountains or Colorado, see that your ticket reads via Missouri Pacific Railway. Elegant smoker only positively free to holders of regular train tickets.

H. B. ROGERS, C. F. & P. A., 21 Marion Block, Salt Lake City.

It is not to be so doted at that Ayer's Pills are in such universal demand. For the cure of constipation, biliousness, or any other complaint in which a cathartic is needed, these pills are unsurpassed. They are sugar-coated, easy to take, and every dose is effective.

While no physician or pharmacist can consistently warrant a cure, the J. C. Ayer Co. guarantee the purity, strength, and medical virtues of Ayer's Sarsaparilla. It was the only blood purifier admitted at the great World's Fair in Chicago, 1893.

To restore gray hair to its natural color as in youth, cause it to grow abundant and strong, there is no better preparation than Hall's Hair Renewer.

The Time for Building

Up the system is at the present. The cold weather has made unusual drains upon the vital forces. The blood has become impoverished and impure, and all the functions of the body suffer in consequence. Hood's Sarsaparilla is the great builder, because it is the One True Blood Purifier and nerve tonic.

Hood's Pills become the favorite cathartic with all who use them. All druggists. 25c.

Just received: Thirty-five hundred pairs of children's and ladies' shoes in latest approved styles and prices. Look at them before buying elsewhere. Western Shoe & Dry Goods Co., 51-53 Main Street.

Keep your deeds and other valuables, valuable papers, in a safety deposit box at Utah Savings Trust Co. Best by far. Cheaper than annuity. Rent $2 per month. Tables specially fitted for cut and see vault.

When Baby was sick, we gave her Castoria.
When she was a Child, she cried for Castoria.
When she became a Miss, she clung to Castoria.
When she had Children, she gave them Castoria.

The most attractive line of ladies and Children's Muslin Underwear this season is found at the Western Shoe & Dry Goods Co. at popular low prices. 51-53 Main Street.

Miller & Miller Screened Coal.

"Coal That Sells" at Yellow Front.

Utah commercial and Savings Bank general banking business; pays 5 per cent on deposits. F. Armstrong, Pres.; F. W. Mahony, Vice-Pres.; J. E. Jennings, cashier.

Reliable Electric Work.

For sale lamps within and elegant line chandeliers, go to the Intermountain Electric Co., 43 East First South street.

For ladies' made-up Dress Skirts in plain and flounced black Jet Bouliou go to the Western Shoe & Dry Goods Co., 51-53 Main Street. Low prices always prevail.

Everybody is Talking

About Newcomier's Electric Light Photographic Gallery, and the slight gross for the platinum plates for three cent, which are a monopoly the best west of New York. The light and posing are perfect. Negatives are taken from 9 a. m. to 5 p. m. with equally splendid results. 150 S. Main. Near Auerbach's.

In the fall of 1893 a son of Mr. T. A. McFarland, a prominent merchant of Live Oak, Sutter County, California, was taken with a very heavy cold. The pains in his chest were so severe that he had spasms and was threatened with pneumonia. He had given him several large doses of Chamberlain's Cough Remedy which broke up the cough and cured him. Mr. McFarland ever since has been a believer. He never stops in invariably gives them Chamberlain's Cough Remedy and it always cures them. He considers it the best cough remedy on the market. For sale by druggists.

"It is with pleasure I tell you that by one day's use of Chamberlain's Cough Remedy I was relieved of a very severe cold. My head was completely stopped up and I could not sleep at night. I can recommend this remedy. Chas. M. Gatchell of Reedley, Fresno County, California." A cold nearly always starts in the head and afterwards extends to the throat and lungs. By using this remedy freely as soon as the cold has been contracted it will soon cure the cold at once and prevent it from extending to the lungs. For sale by druggists.

How to Cure Rheumatism.

ARANO, LINN COUNTY, OREGON, November 10, 1893.—I wish to inform you of the great good Chamberlain's Pain Balm has done my wife. She has been troubled with rheumatism of the arms and hands for six months, and has tried many remedies prescribed for that complaint but found no relief until she used this Pain Balm, one bottle of which has entirely cured her. I take pleasure in recommending it for that trouble. Yours truly, C. A. BELLOWS. 50 cent and $1.00 bottles for sale by druggists.

Miller & Miller—All kinds of coal.

By ordering your coal from C. S. Martin, you get it clean and promptly delivered. Office under McCornick's Bank.

Have You Seen
the new Pioneer Free Boat? It is given free with each box of Tonsline. Ask for it.

ROBINSON BROS.
Makes Shoes at Home,
NOT IN NEW YORK.
From $1.00 to $10.00.
NO DICKERING—ONE PRICE AND THAT THE LOWEST.
35 W. First South St.

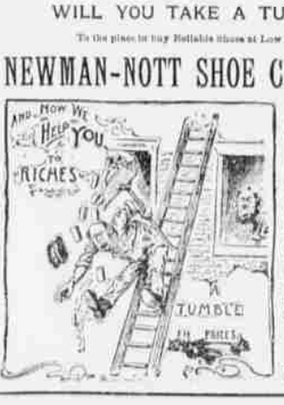
We Had to Plead Guilty
To the charge of showing the finest line of BUILDERS HARDWARE in the city, for the evidence were dead against us. We show more than forty different designs and every one a CORKER.
MANTLES and GRATES,
Splendid assortment.
ART and FLOOR TILES
For hall, vestibules, bath rooms, etc., etc.
Our house-furnishing department is well filled with all pertaining thereto, and new goods constantly arriving.
UTAH STOVE & HARDWARE CO.,
Corner Commercial and First South Streets.

YOUR CHOICE
"HEYWOOD"
OR
"WHITNEY"
The Finest Lines Baby Carriages in America.
The Majestic Oil Cooking Stove is safer than a lamp, thoroughly efficient, absolutely odorless and remarkably cheap.
H. DINWOODEY FURNITURE CO.
UNIVERSAL STOVES AND RANGES

HOME COMFORT
ROLL OF HONOR.
THREE GOLD And ONE SILVER Medal
The World's Industrial and Cotton Centennial Exposition, New Orleans 1884 and 1885.
HIGHEST AWARD
Nebraska State Board of Agriculture, 1887.
DIPLOMA
Alabama State Agt'l Society of Montgomery, 1888.
AWARD
Chattahoochee Valley Exp., Columbus, Ga., 1888.
HIGHEST AWARDS
St. Louis Agricultural and Mechanical Assn's, 1889
SIX HIGHEST AWARDS
World's Columbian Exposition, Chicago, 1893.
HIGHEST AWARDS
Western Fair Association, Ogden, Utah, 1895.
SIX GOLD MEDALS
Midwinter Fair, San Francisco, Cal., 1894.
SILVER MEDAL
Toronto Exposition, Toronto, Canada, 1895.
ABOVE HONORS WERE RECEIVED BY over 225,000 Sold in January 1st, 1896.
WROUGHT IRON RANGE CO.,
Washington Avenue, 6th to 7th Streets, and 70 to 76 FRANKLIN STREET, TORONTO, ONTARIO.
FOUNDED 1864. PAID UP CAPITAL, $1,000,000.
Wareroom, 402 10th Street.
Denver, Colorado

STEEL, HOTEL AND FAMILY RANGES.
Above Style Family Range is sold only by our Exclusive Agents from one county in each of our territories, place throughout the United States and Canada.
Made of Malleable Iron and Wrought Steel and Zinc Lined with Enamel Cloth.

WILL YOU TAKE A TUMBLE
To the place to buy Reliable Shoes at Low Prices,
NEWMAN-NOTT SHOE COMPANY



Down went McGinty to the bottom of the mess, it did not hurt him much for he had on a pair of our shoes. They say he cussed and but were torn getting such a fall. But our shoes and slippers are the best of them all.

NEWMAN-NOTT SHOE COMPANY,
57 Main Street

White & Sons Co.
GENERAL MARKET,
22 and 24 W. First South.

ALL THE BEST
Preparations on the long list of fancy grocery goods will be found in our stock. They are the staple of the breakfast table, an invaluable addition to our food products, serving to make good digestion wait on appetite and health on both. We not only include everything in this line, but everything that we do include is the best the market supplies and always at the lowest prices. A breakfast without farinaceous food isn't half a morning meal. Our stock comprises oats, wheat and barley in many various forms.

REMOVED!
M. A. WALSH is located in the Equitable Co-op building, north of Z. C. M. I.

BARGAINS
In Stoves, Tinware and Crockery. Tin Roofing, etc. a specially.
M. A. WALSH,
5 and 7 Main St.

WHIPMAKER
E. F. MARTIN
Has moved to 27 S. West Temple Street, "Grand" (old Lion) Block.
He makes or repairs all kinds of work. Tips out, buggy whips with back a lb. Indian back back lashes, any length or size, at 10c lb., 10c. lb. for any cut, according to the number or stitches to the foot. Orders filled by post.

$6 for an Iron Bed.
Have you seen all the bargains in FURNITURE, BED-LOUNGES, CARPETS, STOVES, etc., at
I. X. L. SECOND HAND STORE,
48 East, Second South.

FRY
WRIGLEY'S JUICY FRUIT CHEWING GUM,
The Finest Flavored Gum on earth. Clerk, Gardner & Co., Salt Lake City, Jobs Hoover with & Sons Co., Ogden, sole agents.

Your Face

Will be wreathed with a most engaging smile, after you invest in a
White Sewing Machine
EQUIPPED WITH ITS NEW
PINCH TENSION,
TENSION INDICATOR
AND
AUTOMATIC TENSION RELEASER,
The most complete and useful devices ever added to any sewing machine.
The WHITE is
Durably and Handsomely Built,
Of Fine Finish and Perfect Adjustment,
Sews ALL Sewable Articles,
And will serve and please you up to the full limit of your expectations.
ACTIVE DEALERS WANTED in unoccupied territory. Liberal terms. Address,
WHITE SEWING MACHINE CO.,
CLEVELAND, O.
L. E. HALL, Agent, Salt Lake City

DON'T MISS THIS CHANCE.
For the next 30 days we offer you great inducements in
Pianos, Organs,
GUITARS, MANDOLINS,
And all kinds of Musical Merchandise.
We have an elegant stock to select from, and our Prices are Lower than any other house in the country.
All we ask is to call and see for yourselves.
Note address.
CALDER'S MUSIC PALACE
45 and 47 West First South.