DESERET EVENING NEWS.

Thursday, - June 4, 1891.

Copy for Advertisements which are expected to appear in the issues of the DAILY or the WEEKLY should be handed in by the business department not later than 7 p. m.

Rates of Advertising furnished upon application.

Copy for advertisements must be in either book.

A CALL.

Territorial Central Committee of the People's Party.

A meeting of the Territorial Central Committee of the People's Party of Utah is hereby called to convene at the Social Hall, Salt Lake City, on Wednesday, June 10th 1891, at 2 p. m., to consider the present political situation.

F. S. RICHARDS, Chairman.

FRAGMENTS.

GEORGE C. SMILEY and a full dramatic company at the Theater tonight.

THE Odd Fellows of the city will have an excursion to Garfield Beach on the 19th of the present month.

THE grand musical festival of 1891 commences at the Tabernacle tomorrow, Friday, evening.

THE contract for building the Congregational church has been let to W. E. Barker & Co.

SOLIER HOUSE, an image of a dog of bronze, included $25 in the Police court today for prostitution.

THE West Side Rapid Transit company recently completed their road to Garfield city.

IN the case of J. J. Duckworth vs. Frank Knobel et al., Judge Zane yesterday afternoon granted an order of injunction.

FOUR drunks and a female disturber of the peace comprised the list of lawbreakers arraigned before Justice Laney this forenoon.

THE St. George Mining and Milling company of Omaha, Neb., have filed articles of incorporation with Secretary Poole. The incorporators are D. Dunn, D. Gardner and G. W. Holdridge, of Omaha. The capital stock is $1,000,000 in 10,000 shares, and the principal sites are near St. George, Washington county.

MR. GEORGE HUELER, of the Wasatch Roller Flour mills, is reported to be dangerously ill. Very little hope is entertained of his recovery.

GEORGE P. SUTHERLAND and Joseph Green, natives of England, were admitted to citizenship this morning, by Judge Zane.

THE regular meeting of the officers of the Primary associations will be held at Mrs. Clawson's residence at the usual hour, tomorrow.

THE Utah Book and Stationery Company, formerly McAllister & Co., have received the Scribner's American, Judge and other weekly publications for June 4th.

THERE are messages at the Western Union Telegraph office for Edward J. Lawless, A. C. Magnus, Will Forbes, Herrington, Donnelly & Nesmil, Mrs. Meg Richards.

MISS EMMA THURSBY, who will take a prominent part in the forthcoming festival, is registered at the Templeton hotel. Her sister, Miss L. Thursby, has accompanied her to Salt Lake.

PLANS have been prepared for the erection of a pavilion at Brighton, to be used for dancing and refreshment purposes during the summer, and theatrical and other entertainments during the winter.

THE regular monthly meeting of the Twenty-third quorum of Seventies will be held in the Seventh ward meeting house this evening, commencing at 7:30. A full and punctual attendance is desired.

THE Star Tea and Coffee company, South Main street, have assigned to F. C. Freeman. It is stated that the assets and liabilities will about balance when figured up. The liabilities are, however, comparatively small.

THE Joint City and County Building committee failed to meet at the mayor's office last night as previously arranged for. It is officially stated that the gentlemen constituting parties will meet tonight, and sign the agreement.

THE Supreme Court of the Territory, in the case of Amos Allen et al., appellants, vs. Frank J. Cannon et al., respondents, has ordered, on stipulation, that the appeal be dismissed, on request the appellant Marion Allen, without costs to her.

LAST night a thief effected a terrible entrance into the room of Mrs. Isett, in the Donlander building, during her temporary absence, and stole a pair of gold Brazilian valued at $15, a necklace valued at $8, and a child's savings bank containing about $12 in small change. No clue.

THE charge of malicious mischief against James Veitch and George B. Walker, the latter employed by Commissioner Norrell, will commence. The complainant in the case is one Elmer Hill, of the police bull dog. Bonds.

A MAN named Abram Wardale, aged 37, a carpenter, residing on east Fifth South street, was taken in custody yesterday afternoon on a charge of insanity. Upon an examination being held, it was resolved to send the poor fellow to the Territorial Insane Asylum at Provo.

IN the Supreme court this morning, upon the motion of Attorney Dunbar, Mr. James M. Denny, of the Supreme court of Colorado, was admitted to practice. Mr. Ernest L. Spencer, a member of the bar of the Supreme court of Illinois, was also admitted, upon the application of Attorney John M. Brown.

THE case of George Rent et al. vs. Joseph Mooney et al., appellants, on appeal from Judge Zane's court at Ogden, was argued and submitted to the Supreme court this morning, Smith & Smith appearing for the former and Judge Rolapp representing the latter.

IN the Supreme court this morning, in the case of the People vs. William Dunn, appellant, on appeal from the fourth district court of Sanpete county, manslaughter, about to come up on appeal, United States District Attorney Varian presented the certificate of the clerk of the Third district, which was placed on the file.

THE paving of Commercial street has been completed and that thoroughfare will be opened for traffic on Saturday next. The material with which the paving has been done is known as sandstone sandstone, and was shipped from Canon City, Colorado, and was laid by the Pacific Paving company of Utah. Its durability can not be tested.

THE grand jury of the Third district court are hearing the case of Cole Young. They are at present engaged in investigating a serious charge preferred against the proprietors of the Pioneer Paving company and a big farm in Brigham county. The officers visited the farm on Tuesday and report it to be "the finest place ever seen by them." A number of witnesses were examined by the grand jury yesterday afternoon and several more today. It is hinted that the jury will find bills against the parties mentioned.

THE Utah Soap Company, South Main street, have assigned to F. C. Freeman. It is stated that the assets and liabilities will about balance when figured up. The liabilities are, however, comparatively small.

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SUPREME COURT DECISION.

Attorneys Must "Take More Pains" in Preparing Abstracts.

SO SAYS JUDGE BLACKBURN.

Some Interesting Points in an Appeal Case Today.

Judge Blackburn, in the Supreme Court today, rendered the opinion in the case of Jonathan Needham et al., appellants, vs. Salt Lake City et al., respondents. This was originally a suit brought to quiet title, and was tried in Judge Anderson's court.

His honor, in the court, said the abstract in this case was so imperfect that the work of the court had been vastly increased, because it was compelled to read the whole record in order to understand the case. Attorneys ought to take more pains in preparing their abstracts. The complaint was filed November 15th, 1888, the amended complaint on January 10th, 1889, and the answer of defendants in December of the latter year. No summons was issued in the case, the defendants answering voluntarily. The plaintiffs claim that the defendants provided that the filing of the complaint was the commencement of the action; that a summons might issue within a year, and the defendant might within that time appear without summons and defend the action. The defendants here did so appear and defended the action without making any point in their answer, or in any other way, so that a summons was not issued within the time, and the suit was continued on the docket as commenced. The court thought, therefore, that the date of the commencement of the action was March 19th, 1889. Another preliminary question was, could the appellate court review in this case. The contention of the respondents was that the question as to whether the evidence justified the judgment could not be reviewed, because the appeal was not taken within sixty days from the rendition of the judgment. The appeal was taken both from the judgment and from the order overruling the motion for a new trial, and only a few days from the date of the order. The Supreme Court thought that the appellate court could review anything the court below might rightfully pass upon the hearing of a motion for a new trial in an appeal from the order overruling the motion. Therefore the whole case was subject to review by this court.

The suit was brought to quiet title to a quarter section of land by the heirs of Jonathan Needham, deceased. The defendants filed an answer denying the allegations of the complaint, and a cross-complaint alleging that they were the owners of a portion of the land in question, and derived their title through a deed from the administrators of the estate of the deceased to the city of Salt Lake. They also set up adverse possession for more than seven years, that they settled upon the land, made final proof, and paid for the land in his lifetime; after his death a patent for the land was issued to him. This gave him a title in fee, unless the title passed out of them by the sale and deed made by the administrators. But plaintiffs claimed that the proceedings in the Probate court in the application of one of the administrators were absolutely void. In the case application was made to the Probate court by only one of the administrators (there being two), on August 23rd, 1875, the order of sale being made on August 27th; the sale took place August 28th, and confirmation of the sale on September 3rd. The statute did not provide that any notice of these proceedings should be given. The contention of the appellants was that these proceedings were null and void for want of notice. It was not necessary for the court to pass upon that question, but it seemed that where a special proceeding was provided for by the statute, and the manner of pursuing it was not specified, it ought to be according to the course of the common law, the rule thereof being that every person interested in any adjudication should have an opportunity to be heard. Five many authorities held that in this class of cases notice to heirs was not necessary. Another contention of the appellants was that the petition to the Probate court to have this land sold did not state facts sufficient to give the court jurisdiction of the subject matter, and this court considered the contention well taken. The petition in this case did not allege that there existed debts or charges against the estate, nor that there was no personal property to pay such debts, if any existed. The logical conclusion—from which there was no escape—therefore was, that the court had nothing before it to give it jurisdiction. In the petition in the Probate court under discussion there was no pretense of an allegation that the personal property of Needham, deceased, was insufficient to pay the debts due from the estate and legal claims against it. The order of sale showed affirmatively that the real estate was not sold to pay debts and charges, but only that it would be for the best interest of the estate and the heirs of the deceased to sell the lands described in the petition. These proceedings were therefore absolutely void. The deed from the administrators of Needham's estate passed no title to Salt Lake City, the grantee, and that deed being in the chain of title through which these respondents claimed, they had notice of its invalidity, were not innocent purchasers without notice, and could take nothing by it. The presumption of law, under all circumstances, was that the parties having the legal title to land were in possession until the evidence showed to preponderate that it was held adversely to the owner.

The court accordingly reversed the judgment, and the cause was remanded for further proceedings.

The court of city partially furnishing the new Knutsford Hotel, which was formally opened to the public last evening, cost over $50,000, made up as follows: Furniture, $40,000; carpets, $3,000; silverware, $3,000; linen, $2,000; china and glassware, $2,000. Thirty-five men, however, include the very many smaller items, such as plants, etc. During last evening the hotel was crowded with people who had to be shown the interior of the building, the entire cost of furnishing which is given at $100,000.

EMMA THURSBY ARRIVES.

She and Her Sister are Staying at the Hotel Templeton.

The celebrated singer, Miss Emma Thursby, arrived in this city last night, to take part in the approaching festival of the Salt Lake Choral Society. The lady is accompanied by her sister, and they are staying at the Templeton hotel, where a suite of rooms had been secured for them a month in advance. For several hours Miss Thursby received quite a large number of callers, among whom were Mr. Evan Stephens and Mr. H. D. Whitney, representing the Choral Society. Miss Thursby is said to be in splendid voice at the present time.

The gifted vocalist has been in Salt Lake twice before—once in 1873 with Gilmore, when she was on her first tour, and again six years ago with Theodore Thomas. She is now on one of the longest tours she ever made since her European trip. She left Florida only a few weeks ago, first coming to New York, where she closed the Salt Lake contract and immediately made dates for Louisville, Denver and San Francisco. She sang in Denver last week and goes from here to the coast. She thinks the Tabernacle one of the greatest auditoriums in the world, and says there are few, if any, finer anywhere. She likes the music laid out for her here, though she has not sung "The Spring" for several years, and she and Mr. Stephens, for a rehearsal of his song, "My Western Home" (written for Nevada) today, and will rehearse with Mr. Stephens, Myron W. Whitney and the choral this evening. Miss Thursby says she looks forward with many pleasurable anticipations to singing with the Choral Society, the rehearsals of which she has heard so much. Denver gave her a chorus of sixty; Salt Lake's society numbers four hundred.

DEMOCRATIC MEETING.

The Jefferson Club in the Twenty-first Ward Last Night.

The Jefferson Democratic club held an interesting and enthusiastic meeting in the Twenty-first ward last night.

Prof. J. H. Paul spoke instructively on tariff question. In the declaration of the principles of the Central Democratic club of this city it is declared that the primal idea of all taxes should be revenue. It is unfortunately the case that we are paying taxes on a great many articles of daily use, and the most disagreeable part of the business is that we do not just know where the tax goes.

The speaker said we did not get, as claimed by the protectionist, gold for our exports. Last year, for example, the advance report of the bureau of statistics showed that our exports of merchandise amounted to $845,000,000, and our imports of merchandise amounted to $789,000,000. It is clear that the import was the pay for the export, with the exception of about $55,000,000. Did we receive the balance in gold and silver? No; the total import of specie was but about $34,000,000 and the export of specie was about $89,000,000. Not only did we receive nothing from abroad, but more gold and silver also than we received. When we send abroad more wealth than we receive in return, the difference is, of course, invested abroad and goes to build up other countries. The republican policy is to discourage imports and to encourage exports, that is, to drive as much wealth out of this country as possible. Since 1876 our exports of wealth, including gold and silver, have gone abroad to an amount far exceeding our imports of wealth by $1,350,000,000. It has been said that we need protection or we would have no American industries, but by figures furnished by the secretary of the treasury it was proved that only 5 per cent of the working population were engaged in protected industries, and those, too, earning smaller wages than those working in unprotected industries.

Mr. E. L. Williams was the next speaker. He said the Democratic theory of government is that the government shall protect its people from violence, and shall let them alone, but other wise leave them free to follow their own inclinations in all affairs—political, religious or industry. The government has no right to impose its burdens unequally, as is done in the present system of governmental taxation.

S. A. Kenner made the closing speech. He congratulated the people upon the dawn of a brighter day for Utah. Only in one spot was there darkness and despair and dismay, and that was within the four walls of the Tribune building. It seems to me the sun shines brighter, the flowers have a sweeter perfume, the birds sing more joyously to those who know that a spirit of friendship and of fellowship is extended to us from every side; and with such a beginning who can doubt what the end must be? [Cheers.]

A Feudling.

Jens Christiansen and his wife are a very worthy couple who reside on Grape street in this city, having recently come here from Elsinore, Sevier county. They never had any children of their own, though they have very much desired that they might. Possibly their childless condition and kind and genial dispositions may have influenced some person who had a large family to bestow it upon them. In this as it may, they found a great joy in the shape of a well developed male infant, apparently not many hours old, strewn by the roadside upon their doorstep last evening about 9 o'clock. It had probably not been there long when found, and it is fortunate for it that such was the case, as the air was so chilly that it could not have survived a very lengthy exposure. The parentage of the child is unknown to Mr. and Mrs. Christiansen, and they are so delighted over the unexpected addition to their household that they manifest no anxiety to discover whence or from whom it came.

Utah County Democrats.

D. D. Hoate, L. A. Wilson, W. N. Dusenberry, W. R. Pike, J. Bock and E. E. Cutman of Provo have issued a circular letter to the leading Democrats of Utah county, preparatory to establishing a county organization. In their letter they say their opponents, the Republicans, are already in the field making converts to their faith, and further delay on the part of the Democrats will be dangerous.

Heavy Claim for Damages.

M. J. Ney, a telegraph operator, has brought suit in the Third District court against the Union Pacific, claiming $40,000 damages. In the complaint the plaintiff alleges that he was recently in the employ of the defendant company at Rock Springs, where he was involved in a dispute with one of the employes. The result was that the plaintiff was shot at four times and subsequently went to work for the Western Union Telegraph company. He had worked there four months when he was dismissed, since which time through the efforts of the Union Pacific he has been denied employment. Ney says he had made frequent efforts to secure employment but was prevented by the alleged system of blackballing, in which the companies were combined. The plaintiff's suit is being conducted by Messrs Critchlow, Rawlins and McEvanny.

A Water Convention.

At a meeting of the members of the Chamber of Commerce last evening President Simon stated that their chief object was to consider the advisability of calling an irrigation convention in this city, to be composed of delegates from all the States and Territories between the Missouri river and the Pacific coast. The convention is to take the necessary steps looking to national legislation that will permit the government to transfer to the States and Territories the public lands within their borders. This would enable the States directly to devise measures by which these lands could be made immediately productive. There are in Utah alone over ten million acres of irrigable arid lands, but of this only 350,000 are now under ditch, and not more than one-half of this is under an actual state of cultivation.

The call for a convention will be signed by Governor Thomas, and the necessary arrangements will be made by the Chamber of Commerce. All the States and Territories and commercial bodies of the different States will be asked to send delegates.

The following committee was appointed, with the object of calling the convention: George Sutton, Joseph Donnellan, W. C. R. Allen, Fred Trimmer and the president and secretary of the Chamber.

C. L. Blazer Heard From.

A petition for a writ of habeas corpus was yesterday afternoon filed by Attorneys Dunbar and Rawlins in behalf of C. L. Blazer, convicted at the last term of the district court of obtaining money under false pretenses.

The petitioner represents that he is unlawfully deprived of his liberty by Marshal Parsons, on the ground that the indictment to which he was compelled to stand trial did not contain facts sufficient to constitute a public offense, and cites the following reasons for the statement: First, that the indictment did not allege that the Utah National bank or its representatives relied upon the false representations and did not state that it parted with the property by reason of their reliance upon said false representations; second, the indictment did not allege that the property obtained was of any value; third, the indictment did not with sufficient certainty describe the property alleged to have been obtained; fourth, that the indictment on which petitioner was tried and convicted is void, for the reason that it does not comply with section 6721 of the Compiled Laws of Utah; fifth, that he is unlawfully restrained of his liberty by said verdict, and that said verdict was procured against him, in not having been confronted by the witnesses giving the testimony upon which the verdict was rendered, and could have no American industries, but by figures furnished by the secretary of the treasury it was proved that only 5 per cent of the working population were engaged in protected industries, and those, too, earning smaller wages than those working in unprotected industries.

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Probate Court.

Estate of Peter E. Johnson; order of sale of personal property.

Estate of Chas D. Young; decree of distribution.

Estate and guardianship of John Gibson et al.; decree, annual account of guardian allowed.

Estate of E. M. Byron; John J. Byron appointed administrator.

Estate of James James; prayer of petition granted.

Estate of Geo. O. Calder; E. R. Young, one of the administrators, discharged.

Estate and guardianship of Joseph L. Graham; order of allowance made.

Estate of A. Jay Stahl; order discharging administrator.

Estate of Mary James; annual account allowed.

Estate of George M. White; an attachment was ordered issued for Frank Brown, who will show cause why he should not be punished for contempt.

Estate of Lydia Page; continued to June 6.

Estate of Adam G. Hertinger; June 15 to hear petition for letters of administration.

Estate of Henry Ingbrosen; June 18 to hear return of sale of real estate.

Returned from the East.

Elder Wesley S. Peasnell, of the Nineteenth Ward of this City, who left July 8th, 1888, on a mission, returned last Saturday, May 30th, 1891. Elder Wesley has been traveling principally in Ohio, Pennsylvania and the New England States, and says he has been remarkably successful in gathering genealogies as well as in doing missionary work. He has been able to trace his ancestors back to the beginning of the sixteenth century, the time when they first came over from England, and he has been very kindly received by friends and relatives everywhere. He is feeling well in body and spirit and is thankful for the opportunities given to him to aid in the good work of spreading the principles of the Gospel.

CLAY ENTRIES.

A Decision by the Land Office Registrar and Receiver.

The following was issued yesterday from the Land Office:

IN THE UNITED STATES LAND OFFICE, SALT LAKE CITY, Utah, June 3, 1891.

In the matter of John C. Kessler, applicant for mineral patent for the Cecelia, Agnes and Helen placer claims, and involving the north half and southeast quarter of section 16, township 1 south, range 1 east, Salt Lake meridian, Utah, in contest with other mineral claimants, contested 10 and 26 in the Territory, was reserved under date of November 3, 1890, by the Congress for school purposes. The official plat of survey of township 1 south, range 1 east, was approved by the surveyor general April 10, 1890. On May 2, 1890, John C. Kessler of Salt Lake City made application for mineral patent for the Cecelia, Agnes and Helen placer mining claims, which contains over the above-mentioned lands. The act of