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. 263. THURSDAY, OCTOBER 12, 1893. SALT LAKE CITY, UTAH. VOL. XXVI

## A SILVER DEFENDER.

### The Longest Continuous Speech Ever Made in the Senate.

### SEN. ALLEN BREAKS THE RECORD.

**A Warning to Those Obstructing Legislation and Steer Clear of Dynamite.**

WASHINGTON, Oct. 12.—All night long Senator Allen, Neb., held the floor, interrupted by an occasional ill-tempered colloquy for roll call, which dragged the sleeping senators from the adjoining cloak rooms. The gray dawn at six o'clock a. m. found Allen holding the fort in the great struggle against unconditional repeal, as he had been doing since darkness fell last night. He had spoken all previous session. For twelve hours and a half he had held the floor continuously. The longest time any senator had previously occupied the floor was on the occasion of the force bill fight in 1891, when Faulkner received no quarter for twelve hours, though the latter had a breathing spell during the absence of a quorum. Allen seemed almost as fresh as when he began. His voice was still loud and strong and the great strain seemed not to have effected his physical or mental vigor.

As effort was made shortly after by the anti-silver men to reach an agreement with the obstructionists to recess until 10 o'clock but the latter declined the offer. As the hour passed Senator Allen's power of endurance amazed the audience.

Shortly after 7 Sloop made the point of no quorum. Roll call uncovered the presence of only forty members, three short of a quorum. These, however, were soon supplied. Which made the point that only three was not a quorum, as Idaho, Wyoming and Washington were only partly represented and forty-three would not be a majority with their full representatives.

The rule was then said to the effect that the majority of members chosen and sworn shall constitute a quorum.

Manderson said the present rule was adopted under the stress of circumstances in 1864, when eighteen of the fourteen states were unrepresented, but contended that the necessity for it was past.

Vice President Stevenson ruled that the Senate as constituted was composed of eighty-five members and that forty-three was a quorum.

Walcott appealed from the decision, and Hale moved to lay the appeal on the table. The appeal was tabled, 36 to 5, Allen, Manderson, Martin, Peffer and Morgan voting in the negative.

Then Allen apparently as fresh as when he began fourteen hours ago resumed his address. It was far from an argument upon the question at issue, but it filled the time. Allen concluded at a quarter past eight.

Martin, of Kansas, was to follow him, but Voorhees suddenly interposed with a motion to lay the Peffer free coinage amendment to the repeal bill on the table and roll call began thereon. The result showed two short of a quorum, owing to the announcement of several pairs and the refusal of some silver men present to vote.

Vilas moved the call of order that when a senator was present he must vote unless excused. Roll call was entered showing 40 senators present. Roll was then recalled on the motion to lay Peffer's amendment on the table. Only 41 senators voted, Dubois being the first senator on the roll not present, who refused to vote.

The chair called on him for an explanation. Dubois paid he considered the amendment too important to be passed upon without debate. A vote on the motion to excuse Dubois resulted in 21 ayes and 19 nays.

Dubois's name was again called and he still failed to respond. Then followed a discussion whether Dubois could be compelled to vote, during the point was soon dropped. In the meantime other senators came and at 9:15 a ballot was announced showing fifty senators voting. The result of the ballot was as follows:

Yeas—Calvo, Camden, Carey, Colton, Davis, Dickson, Dolph, Faulkner, Frye, Gallinger, Gorman, Gray, Hale, Hawley, Hill, Hoar, Lindsay, McMillan, McPherson, Mitchell (Wis.), Murphy, Platt, Powell, Quay, Sherman, Shoup, Smith, Squire, Voorhees, Woodburn, Quinn. Total—35.

Nays—Bate, Berry, Blackburn, Butler, Call, Cameron, Cullom, Daniel, George, Hansbrough, Irby, Martin, Morgan, Pasco, Peffer, Vest, Wolcott. Total—17.

Peffer's amendment was laid on the table.

Voorhees said Peffer's amendment to the Voorhees bill was the only one pending except that offered by the committee on finance which is the Wilson of the House bill. There were, however, other amendments proposed by members but not yet offered. There would be no order which offered. He said the finance committee amendment was now before the Senate and asked that Martin (Ks.) be recognized to offer the question.

It was upon which Martin began a speech in favor of the coinage of silver. At frequent intervals he was called upon by demands for roll calls, when it became evident that a quorum was not in the chamber.

During one of the intervals Stewart rose and after wearily turn in desk in "obstructing legislation" or helping to blow up with dynamite. The reading merely provoked a laugh.

At 10 Martin was still speaking. The program of the silver men is to have Teller or Jones follow Martin and Stewart follow them. They seem they are in a position to go on intelligently and that the physical endurance question having been forced on them, they are determined to carry it to a legitimate conclusion.

Stewart, Jones, Pugh, Morgan and other silver men who were not present last night, taking their regular seat, came in this morning, while Teller, Wolcott, Dubois and others who were in the chamber all night went home to dine and rest. They have the best of information as they only need enough man to keep the talk going while the opponents of silver must at all times be ready to render a quorum. In the silver caucus on Monday night, it was decided to recognize no calls of the roll to establish the presence of a quorum.

**THE HOUSE.**

WASHINGTON, Oct. 12.—The McCreary bill was taken up in the house at the morning session and an attempt was made to reach an agreement when a vote should be taken, which failing, McCreary said he had an understanding with Cox, of Tennessee, that the bill will not remuneration to-morrow should be postponed and that to-morrow at 4 o'clock he would call the previous question.

Hill, Dem., spoke in favor of the bill, denouncing the Geary law. It was a violation of public faith and it was war and it was the duty of Congress now to state it as light upon the victims as possible. If carried out it would be strange if it did not cause a rupture with China. Hill admitted that Chinese coolie labor was a great evil, but the way to stop it was by international agreement.

Johnson, Ind., read a speech which he tried to have printed, from the society of Friends, asking for the repeal of the Geary law. He criticized Richardson, Tenn., and Outhwaite, Ohio, for objecting to his petition and defended the right of publicity and Grosvenor, Ohio, followed in the same direction. He claimed the citizens had the same right to petition as peers.

**A Heavy Fire.**

PEORIA CITY, IA., Oct. 12.—A fire this morning destroyed four blocks of business buildings, mostly old wooden structures. The loss is estimated at from $100,000 to $150,000.

**A Treasurer on Trial.**

LITTLE ROCK, ARK., Oct. 12.—The trial of ex-State Treasurer Woodruff on the charge of fraudulently obtaining signatures of the state debt board in order for exchange of certain securities wrongly the state was defrauded, began here late morning. It will require several days to secure a jury.

**A "Friendly" Appeal.**

CINCINNATI, OH., Oct. 12.—The synod of Ohio is engaged in hearing the argument in the appeal of Prof. Henry Preserved Smith from the judgment of the synod of Cincinnati, suspending him for alleged heretical teachings concerning the authenticity of the Scriptures.

**Besieged.**

Special Dispatch to the News.

LARAMIE, WYO., Oct. 12.—C. C. Randall, Union Pacific freight auditor, spent at this place yesterday his resignation yesterday. Mr. Randall has been in the employ of the company here for five years.

**Dolly's Day at the Fair.**

CHICAGO, Oct. 12.—The weather continues perfect. Thus in Italian day at the World's Fair. Italian societies paraded down town in the morning and then went to the Fair, where appropriate exercises commemorating the four hundred and first anniversary of Columbus's discovery of America were held. Spain participated in the

**Agricultural Success.**

Special Dispatch to the News.

CHEYENNE, WYO., Oct. 12.—Reports are coming in from all sections of Wyoming of the success that attended the efforts of those who have cultivated the field and garden. In the Platte valley near Saratoga L. C. Platt raised over eighty bushels of wheat from one kernel and many of the heads contained eighty grains of wheat.

**A Full Force at Work.**

Special Dispatch to the News.

LARAMIE, WYO., Oct. 12.—The Union Pacific rolling mill at this place is again in operation. A mill force is at work in nearly all departments.

**Cotton Mills Burned.**

FORT WORTH, TEX., Oct. 12.—Manchester Cotton mills were burned this morning. The loss is $100,000.

**Mining Awards at the Fair.**

CHICAGO, Oct. 12.—Awards at the World's Fair in the mining department: Silver lead ore, gold and silver of mining and metallurgy, the Dewey Publishing company of San Francisco; Mining and Scientific press, California State Mining bureau, reports of the state mineralogist of California; Copper Queen Consol Mining Co., of Bisbee, Ariz., a series of models of the Copper Queen mine; a model illustrating the manner of timbering sloped ground with square set; a model in glass and wood showing detailing horizontal and vertical sections of underground work.

**CONTINUOUS SESSION.**

**It is Likely to Last Through Another Night.**

WASHINGTON, Oct. 12.—An incomplete canvass of the Senate at 2 o'clock p. m. indicates the general opinion that the continuous session will last at least through tonight.

Vice President Stevenson impassibly the statement published in some quarters to the effect that Carlisle and Gorman have agreed upon a compromise to be put through the Senate by Voorhees. He declares that the administration is not seeking compromise.

Harris has prepared an amendment to suspend silver purchase till the silver now in the treasury is coined and then to coin a stack amount monthly, doing away with all small notes. The silver Democrats are not inclined to accept the proposition.

Jones, Ariz., will introduce an amendment for the coinage of two and a half millions monthly for four years, the bonus the silver men will accept if it carries silver through life administration.

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**THE WORST YET.**

**A Furious Storm Raging on the Coast of Florida.**

ATLANTA, GA., Oct. 12.—A big storm is now raging on the Florida coast and will reach Savannah and Charleston this afternoon. The signal service predicts the worst storm the South Atlantic has seen. It will be at its height by midnight.

## A QUESTION OF FEES.

### An Important Ruling by Judge Bartch This Morning.

### THE U. S. VS. CLERK MCMILLAN.

**His Honor Sustains the Demurrer to Complaint, Which is Dismissed.—Judge Judd Excepts.**

In the Third district court this morning, Judge Bartch delivered his decision in the case of the United States of America, plaintiff, vs Henry G. McMillan, John J. Daly and Worden P. Noble, defendants, argued and submitted recently.

It was an action brought against the defendant McMillan and his sureties on his bond as clerk of the Third district court, and it was alleged that he had failed to make returns of certain moneys received by him as emoluments of his office from June 6th to December 31st, 1888. The complaint states that between those dates Mr. McMillan, as clerk, collected and received from different sources as fees and emoluments of his office the sum of $740.75, of which $698.80 was received in United States business, $27.75 for declarations of intention and naturalization, and $13.95 from private persons in civil litigation, and from the Territory of Utah on account of territorial business.

The point that arose in the case was on a demurrer to the complaint, on the grounds that neither of the certain statements sufficient to constitute a cause of action. The question, said his Honor, was as to whether the defendant clerk was a compellable under the law of the United States to make returns of Territorial emoluments that are received from Territorial business and from naturalization. The plaintiff claimed that under the law he was required to make these returns, and the defendant denied that he was so required under the statute. This required a construction of the act relating to fees for these officers, and whether that act applied to Territorial business. The act to regulate fees and costs to be allowed clerks, marshals and attorneys of the circuit and district courts of the United States was passed February 26th, 1853, and provides "That in lieu of the compensation now allowed by law to attorneys, solicitors and proctors in the United States courts, to United States district attorneys, clerks of the circuit and circuit courts, marshals, witnesses, jurors, commissioners and jailers, in the several states, the following and no other shall be taxed and allowed." And then followed a specification of fees to be allowed in the conduct of civil business.

In this act, remarked the court, the territories were not included, and its provisions did not apply to clerks of territorial courts, but only to clerks of the circuit and district courts of the several states of the United States. There was no allusion whatever in any of its provisions to territorial, civil or criminal business, nor was thereon any reference to naturalization of aliens. The act was passed to regulate the fees for United States business in the several states, and there could be no question that no reference whatever having been made to the territories or officers of the territories—that at the time of its passage it was not intended to apply to those territories.

The law so continued without reference to the territories until March 3rd, 1885, when it was enacted "That the provisions of the act of February twenty-six, eighteen hundred and fifty-three, to regulate the fees and costs to be allowed clerks, marshals and attorneys of the circuit and district courts of the United States, and for other purposes, be hereby extended to the territories of Minnesota, New Mexico and Utah, as fully, in all particulars, as they would be had the word 'territories' been inserted in the sixth line after the word 'states' and the same read 'in the several states and in the territories of the United States.' This came to take effect from and after the date of said act, and the accounting officers will settle the accounts within its purview accordingly."

It seemed clear, then, his Honor went on to say, that up to this time the clerks of the territorial courts were not required to report the fees in question. The Supreme Court of the United States, in the case of the United States vs Hill, expressly held that the act did not apply to naturalization cases, and that the clerks need not make returns of their fees received in that class of cases. This was for the district of Minnesota, and the same ruling would also apply to the territories of the United States.

The section upon which counsel for defendants relied, or that part which is in point here, provided that the clerks shall, "at the time of making his half yearly return to the attorney general, pay into the treasury or deposit in the mint of the treasurer, as he may be directed by the attorney general, any surplus of the fees and emoluments of the office, which said return showed to exist over and above the compensation and allowances authorized by law to be retained by him." This section would be brought into play, include all fees of U. S. Clerk if the law just referred to applied to territorial business and naturalization.

Counsel for plaintiff claimed that there was a conflict between the case of the United States vs Hill and that of the United States vs Averill, which was found in 135 U.S., 505. His honor had examined the original papers in the latter case and found that there was no action brought against Clerk Averill for fees due to the United States. There was no reference whatever to the complaint to Territorial fees or to naturalization fees, and under the ruling in that case it was certainly very clear in view of the pleadings that the clerk must account for such fees. Comparing the two decisions (which were written by the same justice) no court saw no conflict. In the former case the question was raised as to naturalization fees, which were not included in the fee bill of the United States, and the court therefore held that the law did not apply to that class of cases. In the latter case (the United States vs Averill) there was no question under either of Territorial business or naturalization. Territorial business was not referred to in the statute providing the fees for United States courts. The decision, therefore, the same ruling would apply, and there being no reference whatever in the fee bill either to Territorial criminal or Territorial civil business, but to naturalization, he was of the opinion that the case of the United States vs Hill controlled in this particular case.

In the case of the United States vs. Averill the complaint alleged an action for these fees. In that case the reference was distinctly set out as Territorial business and naturalization, and he considered that it should be governed by the ruling of the United States vs Hill.

There would be no fee for this. It seems to be impossible to conceive what interest the United States could have in business that was purely territorial. The United States was not affected thereby. If there was any equity it would be in favor of the parties who were compelled to pay these fees. If the clerk—but it was not so in this case—had charged illegal fees, or had charged fees that he was not entitled to under the law, then in equity the parties should be made to refund from whom those fees were taken. Certainly the United States would have no interest in this, any more than it would in naturalization cases, and the held true to territorial criminal business as well as territorial civil business. The demurrer, he thought, should be sustained, and he so held.

Judge Judd—I desire to enter an exception to the action of the court. I did not know whether the attorney general at Washington may desire to be heard, but I shall communicate with him, and if he desires it I shall take an appeal.

Attorney W. H. Dickson—If you please, I understand that it is possible to make an amendment to the complaint, and therefore we ask judgment of dismissal, so that if they desire to appeal, the case will be in such shape that they can do so. I ask that the complaint be dismissed.

Judge Bartch—It is so ordered.

Judge Judd—Then I desire to enter an exception to the action of the court in dismissing the complaint.

## LOOK OUT FOR $20.

### Counterfeit Currency Now Being Circulated in the West.

A. L. Drummond, chief of the secret service division of the Treasury department, Washington, announces that there is a new counterfeit $20 United States silver certificate now in circulation. He describes it as follows:

"This counterfeit has recently made its appearance in the west. It is of the act of February 28, 1878, series of 1890, check letter A; plate No. 9; H. K. Bruce, register, A. U. Wyman, treasurer; portrait of Decatur.

"The note has the appearance of having been printed from a zinc etched plate and is so poorly executed that it is not deemed necessary to go into detail.

"The portrait of Decatur does not bear any resemblance to that on the genuine note, the lines of the lathe work cause the eyes to appear unmeaning, the regular and different sizes, and are almost black in color.

"The parallel side threads are imitated by red and blue lines drawn across them, and are not in spite. The seal is so faint and cloudy as to make that its design cannot be determined."

## THAT PAVING DIFFICULTY.

### The Abutters are Getting Tired of Changing Their Grades.

Upon complaint of the Utah Stove & Hardware company, the Utah Commercial & Savings Bank, Rhoda Murphy Gurney and H. L. A. Culmer, against Salt Lake City, the board of public works of Salt Lake, and Frank Hatrigan, contractor, Judge Bartch has issued a temporary injunction restraining the defendants from changing or altering the sidewalk, singing or executing the same, in front of the plaintiffs' property, commencing at the southwest corner of Commercial street and First South and running west along the south side of First South, about 185 feet.

The defendants have been ordered to show cause on or before Saturday, the 21st inst.

## ACCUSED OF PERJURY.

### The Brennan Case on Trial in the Third District Court.

George J. Brennan was placed on trial in Judge Zane's court at 11:45 this morning on a charge of perjury. For the prosecution Assistant District Attorney Howat appeared; in the defendant's behalf were Colonel Miller, Attorneys W. C. Bailey and John H. Anderson. The defendant is alleged to have sworn falsely on the hearing of a case tried in Justice Lowrie's court, in which Brennan was plaintiff and G. W. Norman, of the firm of Worthington and Morris, Livingstone defendants, the subject matter being the payment of certain attorney's fees. When a jury had been empaneled and the indictment read, the prosecuting attorney announced that the witnesses were prepared to proceed, and asked that the case go over until 2 p. m. To this request Judge Zane assented, and court just before 12 o'clock took a recess.

### Foreclosure Sale.

Sheriff McQuinn today sold, under a foreclosure, twenty acres of land west of the Jordan river, in the suit of Hy. W. Lawrence vs Thomas C. Armstrong, as administrator of the estate of Fernando E. Harris. The purchaser was Mrs. Julia A. Kimball, the price paid being $10,000. Hair was brought for $13,840.50.

## BUSINESS AND MINES.

### Mayor Baskin Stops the Issue of Illegal City Warrants.

### DELAY IN SALE OF CITY BONDS.

**Bad Crops and Debt.—Gold Discovery.—Prospectors Perish.—Business and Mining Items.**

In their treatment of Mayor Baskin's communication to the City Council on Tuesday evening, the municipal solons evidently did not count on the mayor putting an effectual block in the way of the city contracting any further indebtedness. But he has done so, and now refuses to permit city warrants to issue for the last appropriation bill passed by the council—$48,008.04—for the reason that such issue would be invalid. As the warrants would be void it follows that the order for them is in the shape of the appropriation referred to is now dead, and those who had claims against the city which were assigned at that time will have the pleasure of figuring on them at some future date.

This action by the mayor was foreshadowed in the communication which he sent to the council on Tuesday night, though that body was in no mood of a listening mood to recognize the fact. The solons were given an opportunity to arrange the matter themselves, but they would not. Then for the mayor took it upon himself to perform the necessary action.

Mr. Baskin does this upon the showing which he made to the council in his communication. There are now outstanding some $225,000 of city warrants, and all but the whole sum of bonds could bring to the city, when they are sold up to the limit of the city's indebtedness, would be $225,000. As the sale at the figure is not yet consummated the position the mayor is in can be readily seen. Upon this no just he said, "it shall not go one cent beyond the amount of indebtedness which the city can contract legally. Whatever the council has done in the past, I will not go beyond the lawful limit." That is where the matter stands today.

**THE CITY BONDS.**

There has been a good deal of speculating and talking going on since yesterday afternoon, in consequence of the letter announced in last evening's News, to impose of the city's bonds at the present juncture. The $50,000 which Blair & Co. offered Banker J. H. Dees to advance to the city has been withdrawn, and the announcement of Treasurer Duke that he is ready to receive certain outstanding city warrants face to the ground. There is no cash in the city's coffers for the purpose.

The negotiations are, however, still in progress, and may be successful after a few days' delay. The cause of the failure rests at this end of the arrangements, and not with Blair & Co. This renders necessary an explanation that will satisfy the bond buyers that no game was being put up on them. The fact is that the form of a resolution in the city's ordinances contracting, adopted by the correction of the assessment made by the board of equalization, was not taken into consideration.

It had become apparent that upon the basis of the assessment of 1892, bond buyers would not take up the city's paper, so the Mayor and finance committee decided to wait until they could get the assessment of 1893 as a basis of operation. The municipality was so pressed for money that when the first announcement of the total county assessment was made this was proceeded upon. It gave a borrowing capacity to the city of about $1,815,000, against which there already are $1,500,000 in bonds. This statement, which was a financial exhibit of the city, was forwarded to Blair & Co., and arrangements made for the latter to furnish $50,000 down. When the revised assessment list was announced, however, it aggregated but $44,815,000, giving a borrowing capacity of $1,795,000. Blair & Co. had recognized that the bonds would be legal only on condition of taking up city warrants, and an ordinance was passed by the council to meet this. But when the bonds were discovered that the city's borrowing capacity had been reduced $60,000, they became chary of the transaction, and the result was yesterday's action. They evidently feared that the whole $225,000 in bonds would be issued, and as $45,000 of it would be invalid they did not want any. The fact is, however, that the Mayor and finance committee did not contemplate the sale of more than $150,000, which would be within the limit, and when the cause is fully set out before Blair & Co. there will be nothing, so far as is now known, in the way of their taking the 150 thousand-dollar bonds for which they have agreed to pay $112,500, as well as the other 150 to which they have an option at the same figure.

**RICH GOLD DISCOVERY.**

Special Dispatch to the News.

SHERIDAN, WYO., Oct. 10.—A. E. Washington, general manager of the Bald Mountain mining and milling company, on last Thursday discovered a ledge of the finest gold-bearing quartz ever taken from the Bald Mountain country. The quartz is transparent white, with here and there a dark brown or gray tinge. The specimen Mr. Washington brought to town was literally plastered with gold, resembling very much the quartz found in Nova Scotia. But little work has been done this season as there has been already several snow storms in the mountains.

**AN UNSATISFACTORY CONDITION.**

A correspondent writing from Lewis, Idaho, on the situation there, says: "Times up here are very tad at present. Our crops are good, the average not being more than two thirds what there should have been where they did mature. There is a great deal of the grain frozen. For good wheat auctions we get only 50 cents per hundred pounds. Poulsen bring only 50 cents per hundred, dressed hogs are but six cents a pound. Those Egyptians in trade and are the prices the merchants pay. In Boston wheat is selling at 75 cents a bushel in cash or 50 cents in trade. Chickens here are worth 25 cents, and merchants pay nine cents a pound for good cheese, which is retailed at 20 cents a pound.

"Things look bad for patronizing home dealers when they charge such prices. We can buy more goods cheaper and ship them in 40 per cent cheaper than they can be bought here. For instance, I was asked $24 for a stove here. I sent to Chicago and got it for $15. That was a gain of more than 50 per cent on that item.

"I understand that Chicago people are coming in here to put up an elevator, and will buy up wheat for cash.

"Others here invited and enticed the farmers to buy machinery, thus getting them in a pocket, with big debts and nothing to pay with. Home there is a mortgage for an aggregate with 12 per cent interest, and many people are without anything. I think the city of the poor will be heard here this year. I hope we all will be able to pull through."

**MINING INCORPORATION.**

The Morgan Gold Mining and Milling company has filed articles of incorporation with the county clerk. The incorporators are Charles Stewart, John H. Cummins, John H. Dell, Francis Fowler and Thomas S. Fowler. The officers are John H. Cummins, president; Charles Stewart, vice-president; Thomas S. Fowler, secretary; John H. Cummins, treasurer. The capital stock is placed at $1,000,000, divided into 100,000 shares of the par value of $10 each. The mining claims owned by the company are four in number, situated in the Morgan mining district in Morgan county, Utah. The general descriptions will be in Salt Lake.

**SILVER KING SHIPMENT.**

The Silver King mine, at Park City, is in the market again. A shipment of 42 tons of ore came down today, the first that one has been received from the great mine since it closed down with the duty on silver last July. It is understood that regular shipments will follow, and the prospects are that the mine soon will be up to the old standard as a heavy producer.

**NOTES.**

Louis C. Fry, who was secretary of the Mining stock workingmen's organization in San Francisco which made an appeal for aid in Salt Lake and other cities a few months ago, a wanted by the San Francisco police on a charge of larceny committed $120 of the funds of the United Brotherhood of Labor.

Boise Gulcomer John Barkley will ship this year about 400 Spanish takes of assorted apples from one orchard on the Hot Springs road. These apples bring $1 a box on board the cars here. There is a great demand for them from points as far east as Omaha, and an immense quantity could be sold if they were to be had. The entire crop of this season will not begin to supply the demand. Mr. Barkley stayed his three five times, and he has comparatively little worthy fruit. For this reason his product is in demand, while that which is not properly taken care of cannot be sold at any price.

Dr. Mathews, of South Africa, who addressed the Mining convention in San Francisco on Monday, has lived for twenty-five years in the Transvaal. In his speech he said: "Twenty years ago an export included in London from South Africa and said there were no diamonds in that country. Since then that country has produced £125,000,000 worth of diamonds, and they have been placed on the market of the world. I now want to assure you that Africa is the future gold-mining country of the world. The mines there are enormously rich, and are now producing at the rate of $50,000,000 a month. I do not want to engage the golden wealth of California, but as miners I know you are interested in mining wherever it is carried on. I assure you that the great dark continent holds out an application to mine in the dreams and of which only a portion has been uncovered."

A Yuma, Arizona, dispatch says: A few days ago Loreto Villa, in charge of the cattle herds of the Allison brothers, along the Cocopah mountains, left Black Butte for Campo, Cal. Wednesday last he made his appearance without him. A search was instituted which resulted in the finding of his saddle hanging on a bush about a mile from camp. The Cocopah Indians believed the man's tracks took to Desert Springs, about half way between Signal mountains and Coyote Wells, where Villa's tracks showed that he had got off his mule to water him at the spring, when the mule, which was chained, got away and ran home, a distance of forty miles. Villa tried to follow and when he had gone about half way wandered off into the desolate, where he threw away his shoes and where his tracks were obliterated by the winds. The tracks of the mule were seen, and also those of the saddle. They are supposed to be those of two prospectors named Rose and Williams. These men have more nerve than the desert's end, and have persisted in sight of the spot where the Indians have found dead more than a year ago. Word has been received here that an Indian herding cattle 100 miles above Yuma had found the body of an American a few miles west of Rhoades. From the description given it is believed to be that of Conrad Davis, who left here on a prospecting trip about four months ago in company with J. W. Baker. They were from Clifton, A. T. They camped about twenty miles west of the Colorado river and while prospecting became separated.

**A Sensational Failure.**

PROVIDENCE, R. I., Oct. 12.—Wilbur Jackson & Co. and Shelburn Binney & Co., the largest banking and brokerage firms in the state and among the strongest in New England, have suspended. The cause is said to be that the firms endorsed a considerable amount of Denver street bonds. The West is said to be deeply involved in the suspension. The failure caused a great sensation as their standing was very high. They are said to have dealt heavily in Western municipal bonds and bonds of railroads.

## THE VERDICT GIVEN.

### John Benson Found Guilty of Voluntary Manslaughter.

### THE JURY OUT TWENTY HOURS.

**The Defendant's Counsel Intend to Move for a New Trial.—McBride's Case to Be Call'd Saturday.**

It was close upon 4 o'clock yesterday afternoon when Colonel Montgomery closed his address to the jury on behalf of John Benson, whose trial for the wilful murder of Dr. Charles O. Elliott, at Grantsville, last April, has taken up a whole week's time in Judge Zane's court.

District Attorney Judd's closing copy for the prosecution occupied about two hours and a quarter, and the court's charge to the jury followed. It was half-past six o'clock when the jurors retired to deliberate. In the course of his instructions Judge Zane informed the twelve good men and true that they could find the defendant guilty under the indictment, if they found him guilty at all, charged murder in the first or second degree, or of voluntary manslaughter. If they could find him guilty of murder in the first degree, they could recommend imprisonment for life as the punishment.

Colonel Montgomery stated that he decline to take exceptions to the charge on several grounds, particularly where his honor had used the term "murder," counsel insisting that it should have been homicide.

Court took a recess till 8 o'clock, at which hour Chief Justice Zane was again in attendance, and remained around the building until 10 p. m. At that time a message came from the jury room that there was no prospect of an early agreement, as his honor departed and the jurors were locked up for the night, the whole of which was passed in a discussion of the case.

It had been expected that the jury would render their verdict upon the opening of court this morning and in that hope a goodly number of persons had gathered in the court room, but it so happened whispered around that the jurors had not yet made up their minds. And so the morning wore on. Not a word could be heard from the jury room, and Judge Zane made no inquiry—at least not publicly—as to the prospects of an agreement. At 12:30 the wearied jurors were seen marching along West Temple street, guarded by a couple of court bailiffs, on their way to a hotel, for luncheon. Their faces were a very haggard look, and had plenty of lost of sleep.

**VOLUNTARY MANSLAUGHTER.**

The jury after being out twenty hours came into court at 2:15 this afternoon with a verdict of voluntary manslaughter.

Judge Howat asked that a day be set for sentence.

Colonel Montgomery, the defendant's counsel, answered that he intended to submit a motion for a new trial, and wished a day for the argument. He said he desired at least a week to prepare his statement, with a view that it should certainly be more than formal.

Judge Zane—Let it be set down for next Saturday morning at 10:00 o'clock.

Judge Howat next asked that a date be fixed for the trial of McBride, the defendant Robson's accomplice. He did not want it to go over the term.

Colonel Montgomery observed that he had an application to make to the court in regard to McBride's case, which he thought would dispose of it. He would do so as soon as possible.

Judge Judd—Let the case be set down for trial in the meantime, anyway.

Judge Zane—Make your motion for a continuance on Saturday next.

Col. Montgomery—We may not make an application for a continuance, but we will make an application of some kind to the court.

At the request of McBride's counsel, the judge made an order for the bringing down of McBride from the penitentiary at 10 a. m. tomorrow, in order that his attorney might hold a consultation with him.

Col. Montgomery had a confidential chat with Benson just before the latter was removed to the prisoner.

It is stated that the jury who tried Benson were all "old men" up to which a short time before the verdict was handed in. About six of the number long stood out for an acquittal "on the ground of the defendant's insanity," and the result was a compromise in voluntary manslaughter.

None of the jury complain badly of the attempt to "freeze them to death" in their room. Said one of them: "The engineer of the building shut off the steam about 10 o'clock last night, and there we all were shivering with the cold from that time on. We signed the case from the time we left the court room yesterday afternoon until 4 o'clock this morning, when some of us began to feel rather sleepy, and after a very short repose we started in again. It has been a trying time for us."

The punishment prescribed for voluntary manslaughter is not less than one nor more than ten years.

## Brief Mention.

The story front of the last two nights has been very noticeably for gratuitous that were thoughtlessly left out by their owners.

Marcus Skeen, who was shot recently by Joseph Mooney, at Hartsville, Weber county, is recovering. His wounds are healing rapidly.

Only one short order was made in the Probate court this morning.

The twenty-first quorum of Elders will meet in the 3 Nineteenth ward meeting house tomorrow evening at 7:30.