THE DESERET EVENING NEWS.

TRUTH AND LIBERTY WEDNESDAY, JANUARY 23, 1901. SALT LAKE CITY, UTAH.

FIFTY-FIRST YEAR

KING-EMPEROR ENTERS HIS CAPITAL

At Privy Council Meeting Takes Title of Edward Seventh-Lord Chancellor Administers the Oath.

The king, at the accession ceremony,

nestness and was quite extemporane.

ous. It is expected it will be published

PROCLAMATION OF ACCESSION.

The proclamation of the accession of

Cambridge, Finderbury, the lord chancel-lor, the lord mayor and the other rep-resentatives of the city of London. At 4:30 p. m. the artillery began firing salutes in St. James park to signalize

QUEBEC SHOWS RESPECT.

Quebec, Jan. 23 .- Expressions of sym-

London, Jan 12, 1 p. m .- The king- | wore a military uniform. His brief speech was delivered with great earerst entered his capital at 12:55 p. and proceeded to Mariborough later in official form. At the last moment the king decided not to attend the house of lords today.

At the meeting of the privy council king took the title of Edward VII, ing of the United Kingdom of Great in and Ireland and emperor of

The proclamation of the accession of his majesty was signed by the princes present, the Duke of York first, then the Duke of Connaught, the Duke of Cambridge, Prince Christian, the arch-After attending the first privy council St. James palace at 2 p. m., when a iden will be reached regarding the blic proclamation of his accession, high, it is expected, will be read togrow at 10 a. m., his majesty will cred to the house of lords for the eting of parliament.

King Edward's accession to the throne. Among the incidents of the day was Condon has doned a garb of mournan imposing civic procession. The lord from end to end and an early hour an imposing civic procession. The ford mayor and aldermen, accompanied by the city marshal, mace-bearer and other members of the corporation, es-corted by a strong body of police, pro-ceeded from the Mansion house by way of the Thames embankment and Tra-falgar square, to St. James palace in atdee equipaged with liveried out-rid nd a thick fog enveloping the city ite a pail, a fitting accompaniment of funeral apparel of every one. coughout the west end drawn blinds e the order of the day, while on all glided equipaged with liveried out-rid-ers, including twenty semi-state carmbassies government offices and e embassies government offices and blic buildings the flags are half-sted. The law courts, the stock ex-nege and all the produce and metal hanges throughout the country only while to close immediately after the siding officers had addressed to the riages, making a notable picture, which was witnessed by thousands of silent people who filled the sidewalks along people who filed the sidewalks along the entire route. The royal proclamation by the earl marshal will be heralded at St. James palace and the other customary cen-ters tomorrow and will forthwith be published in the Gazette. a few words of tribute to the ad monarch

AT ST. PAUL'S CATHEDRAL.

here were exceptionally large conions in churches in all parts of untry. At St. Paul's cathedral Quebec, Jan. 23.—http://www.sync-pathy on the death of the queen have been telegraphed to the governor-gen-eral by the lleutenant-govxernor, the mayor and Archbishop Begin. Last night at a meeting of the executive committee for the winter week of e rountry. At 5t. Faults cathedra e propers for the royal family were ked to read: "For our sovoreign d the King and the Queen Consort." If the services were ended by the wing of the Dead March. The varising of the Dead march. The varia s much and military stations fired a use of eighty-one guns at mid-day to saike the death of the queen, one for each completed year of the en's age buildings are being draped

committee for the winter week of sports, it was unanimously decided to cancel the sports fixed for the week of February 4 and to postpone them un-til next year. All social functions have also been cancelled. The royal stand-ard on the citadel is to be floated at beformst until further and or h black, the stores are displaying by signs of mourning and business half-mast until further orders. ically at a standstill EGYPT SYMPATHIZES

where crowds, beginning at St. James et. lined the entire route to Vic-a station from an early hour until Mall and the front of Buckingham loc were appealing the structure and Alexandria, Jan. 23 .- The sympathy of the people of all nationalities with Great Britain on the death of the queen is very marked. Business is suspended and all the flags are half-masted JAMAICA MOURNS. Kingston, Jamaica, Jan. 23 .- Never before has there been a greater display morning the police were summoned to here of loyalty to the British throne The entire island is in mourning, busithe Elk saloon by telephone, the unness is suspended everywhere and hundreds of people are sorrowing known informant stating that there was a fight in progress. Officer Sulliaround the queen's statue in Kingston. Little attention is paid to the great van, Detective Pender and Chief Conlisk at once repaired to the scene, the former slightly ahead of the other two damage caused by the storm. FRANCE AT THE FUNERAL. officers. On arriving at the saloon it was found that the front window had Paris, Jan. 23 .- The delegation which will represent France at Queen Victorbeen smashed and that there was a man lying at the rear of the saloon in la's funeral will be composed of Vice Admiral DeLajaille, Gen. Dubois, secrea pool of blood; his pockets were also turned out. Upon interrogation the tary general of the presidency; Maj. Chabaud, an officer of President Loubartender stated that there had bet's military household and a reprea fight between the man on the floor and his partner, who was afterwards arrested by the officers, and gave the name of Silas Hart. When the latter

queen's death through Cardinal Ram-polla. His eminence said not a word but dropped on his knees to pray, remaining in this attitude for a con-siderable time. Afterwards he gave or-ders that in all churches prayers for the queen be offered up tomorrow. The pope will be represented at the funeral by Cardinal Vaughan. EMBASSY AT WASHINGTON.

Washington, Jan. 23 .- The British embassy is enshrouded in gloom today and the heavy hangings of black withand the heavy hangings of black with-in and without the stately old mansion give tribute to the memory of the de-parted queen. The British flag hangs at half-mast above the porte cochere fronting the building. Around the royal arms, which top the portico, hang heavy masses of black, and from the large columns are draped jong bands of crepe. All the curtains of the embassy are drawn and the entire place pre-sents an aspect of silence and mourn-ing. ing. Lord Pauncefote remains in retire-

ment with his family and staff most of the time, only occasionally seeing some distinguished caller who comes to pay a tribute of respect and condo-lence. These condolences have come in the most abundant form, and testify to the widespread feeling which the death of the queen has awakened in all class-es. They come in the form of notes, telegraphic messages and cards, run-ning into the hundreds, besides the many personal calls which the officials of the queen many personal calls which the officials many personal calls which the officials of the government and of the diplomat-ic corps have paid. The sentiment of the government was first to express it-self in the calls of the entime member-ship of President McKinlev's cabinet, including Secretaries Hay, Gage, Long, Wilson, Hitchcock, Attorney-General Griggs and Postmaster-General Smith and the leaving of cards from Secretary Root(who is confined to bis home. The Root(who is confined to his home. The British officials throughout the country also have taken occasion to send their expressions of grief.

The official announcement of the gov-ernment as to the procedure to be followed has not come. For the time be-ing there is little to do but testify in silence to the affliction which has come upon the British nation.

A RUSSIAN VIEW.

Petersburg, Jan. 23 .- A majority of the comments of the press on the death of Queen Victoria is sympathetic, but the Herald takes occasion to say: "The Prince of Wales has passed as a friend of Mr. Chamberlain, will the same be true of the king? Will the

glowing persuaveness of a Chamberlain, which, up to now, hos hypnotized the English masses, also prevail in the palace, or will the new king see Cham-berialn's way is the way of destruction? It would be good for England if Cham-berlain's time was ended."

In Honor of the Queen.

New York, Jan. 22 .- The news of the death of Queen Victoria was received in this city with the sorrow due to so in this city with the sorrow due to so momentous an event in the history of the British empire. The buildings of J. P. Morgan & Co. bankers, and the two buildings of the Mutual Life Insurance company are being appropriately draped with mourning symbols. Owners of other buildings are following the ex-amples set by these leading institutions.

SLUGGED AND DRUGGED. Elk Saloon at Ogden the Scene of a

Thomas Kelly, Later it developed

hard name in this community

in a sudden and mysterious manner.

CEORCE H. WRIGHT

[SPECIAL TO THE "NEWS."]

ing trial for the crime of grand larce-

While Sheriff Storrs does not place

a great deal of confidence in the pur-

ported capture of the alleged murderer, at the same time he does not propose

he receives this picture and concludes that there is something in the story, he

will lose no time in boarding the train

There is one weak link in the chain

ny

for the north.

past.

SAFE IN JAIL

a half a minute and asked if it was a A COMBINATION half a minute. "No;" said the witness. "I did not think a half a minute was so long." The incident created considerable laughter among the attorneys and wit-nesses, and the witness guessed he was mistaken about the time **ON SENATORSHIP** mistaken about the time. THE NEXT WITNESS.

Senator Rawlins Makes Some Grave Intimations.

Intimates Former Had Made Certain **Promises Regarding Practice** of Polygamy.

REPUBLICANS AND CHURCH

ABOUT GARLAND'S NAME. County Attorney Christensen asked the court to ask the defendant his true name and have it inserted in the com-Washington, Jan. 23 .- A spirited incldent occurred in the Senate this afternoon when the legislative bill was takplaint in the place of "John Doe Garen up. Mr. Rawlins (Utah) read a Attorney Straup objected to this pro

newspaper article saying there was a combination formed in the Utah Legis. lature to elect a Mr. Kearns senator. and that it was being forwarded by the "Mormon" Church, which was now working with the Republican party. He intimated that the Church had received certain promises from the Republicans

relative to the practice of polygamy, and he said he thought a voice should go out from Washington in condemnation of the proceeding. Mr. Hale (Maine) replied to Mr. Raw-

lins vigorously. He said there ought not to be any expression of the United not to be any expression of the United States Senate upon a matter like a senatorial election. It was highly im-proper to send a "voice from Washing-ton" while a legislature was performing its constitutional duty. It was pater-nalism of the worst sort. Mr. Chandler (N, H.) also took occa-sion to say that be thought the action of Mr. Rawlips was not in good taste, and that the Senate should not attempt to influence a State legislature. In reply Mr, Rawlins criticised the action of the legislature of New Hampshife, where Mr. Chandler was defeated, and said the result was, ac-cording to Mr. Chandlers statement, brought about by combinations similar to those proposed in Utah. Mr. Chandler smillingly retorted that while the result in New Hampshire was greatly to be deplored and the methods

greatly to be deplored and the methods of the late senatorial election in that State to be condemned, yet it would have been very bad taste if his colleague (Mr. Gallinger) had made a pro-test while the election was going on.

This allusion, owing to the well known differences existing between the New Hampshire senators, raised a laugh among senators and the galleries. The Senate then continued the consideration of the legislative appropriation

FIRE AT EUREKA.

mit murder.

THOMAS KEARNS ELECTED SENATOR

hie lo

Received Full Strength of Thirty-seven Votes-A. W. McCune Given Twenty= five Democratic Votes.

FIRST AND LAST JOINT ASSEMBLY BALLOT.

For Kearns-Senators Allison, Alder, Howell, Johnson, Larsen, Lawrence, Love, Sherman; Representatives Anderson, Axton, Bench, Barrett, Cutler, Christensen, Davis, Evans, Glasmann, Gardner, Hewleit, Hall, Hamlin, Homer, Holmgren, Johnson D. C., Johnson George W., Kelley, McFarland, Morris, Mc-Millan, Phillips, South, Smith, Stevens, Stuart, Sharp, Van Horne, Williams-

For McCune-Senators Bennion, Barnes, Evans, Klesel, Murdock, Smoot, Tanner, Thomas, Whitmore, Whitney; Representatives Billings, Fry, Hatch, Holzheimer, Harmon, Langton, Lambert, Morris David H., Maughan, Mc-Gregor, Mohr, Pond, Redd, Van Wagenen, Wells-25. Absent-Representative Page,

Straup. The objection was overruled, and the name inserted. Mr. Christensen then addressed the court, and briefly defined murder in the first degree, and presented a lively scene as the eventful vertices and the testimony of the principal witness. He testimony of the principal witness. He testimony of the principal witness, He testimony of the principal witness. He testimony of the principal witness, He t hour of noon approached today. In the face of what occurred in the Republican caucas last night it would be supposed that the Senatorial election had been relieved of all of its most interesting danger, and there was no occasion for him being afraid. That when Garland drew the gun and fired he did it with elements. But the apparent settlement of that question by the caucus election malice in his heart, and it was cold blooded murder. He said that when Garland fired, Williams already had Hopkins in control. of Thomas Kearns did not seem to abate an iota of the public interest that centered in the issue. Every available In replying to Mr. Christensen, Judge Powers said that Mr. Christensen was not familiar with cold blooded murder in this State. He called attention to the crime committed by Herman, the minister who will be defined as inch of room was occupied and while everyone was on the qui vive, there was no undue disturbance or noise to break the very formal and solemn spirit of the occasion. There was a liberal sprinkling of the fairer sex in the audi-ence, and as is their custom they witgirls. "This case does not come under that class of crime," said Judge Pow-ers. He argued that the young men ennessed the proceedings with intense interest.

While the crowd in the hall was quiet and attentive, the corridor was jammed with men and women who created con-siderable noise in their futile efforts to get near the doors and to hear what was being said. There was a look on many of the faces of the spectators that betokened an expectation of some-thing unusual, or sensational. Such did not occur however and only the these not occur, however, and whether there was disappointment over the result of the first ballot which made Thomas Kearns a United States senator, or not the annuancement of the result of the ballot precipitated nothing more dem. onstrative than a slight clapping of the hands and the hum of the voices of the visitore visitors.

The Utah Hall of Representatives | of the "greatest sovoreign the world

NUMBER 54.

of the "greatest sovoreign the world had ever known" and thought that it would be proper for the Legislature to adjourn in honor of Queen Victoria, and offered the following resolution: "Resolved, That whereas, the death of that great and noble woman, Queen Victoria of England, has been an-nounced, thereby causing widespread and universal serrow. That in testimony of our sympathy

That in testimony of our sympathy and respect and also mindful of the fact that many of her former subjects are residents of Utah, it is hereby Resolved, That the Legislature of Utah do now adjourn, not to meet

again until the usual hour designated for such meeting tomorrow.

In order to avoid any irregularities that might appear in the minutes, the resolution was withdrawn, the joint assembly was dissolved, and immedi-ately upon reconvening each house passed the resolution separately.

SENATOR AND GOVERNOR. At 1:25 Senator Kearns and Governor Wells entered the hall. The president introduced Senator Kearns, who pro-ceeded to deliver the following short address of acceptance: "Mr. President, Members of the Leg-islature of Utah and Friends: No man could receive so high an honor as that you have just conferred upon me with-out faeling a deen sense of gratiude.

you have just conferred upon me with-out feeling a deep sense of gratitude. To say that I thank you from the bot-om of my heart, but feebly expresses my feelings at this time. I am no ora-tor. I am but a plain, blunt man and what I lack in oratory I hope to make up in action. I promise you now that so far as the in my nower I shell do so far as lies in my power I shall everything possible to maintain everything possible to maintain the honor and integrity of our beloved State and my highest ambition will be gratified if I can advance Utah's ma-terial interests and place her in the forefront of waters.

GOVERNOR WELLS TALKS.

The Governor followed with a short

address. He said in part: "I have known Mr, Kearns for many years and found him to be an exam-

ple of integrity, good citizenship and splendid executive ability. He has risen from the pick and drill, from what might be called the bucket bri-

gade, to his present high commercial standing by his own efforts. I have no

fear as to the results of his election as senator. I do not fear that there

as senator. I do not fear that there will be blood on the moon or that the

earth will stop revolving on its axis. He may not be long on oratory, but

he will make up for this lack in his

doubt will prove a credit to our State.

JUSTICE MINER'S VIEWS.

Justice Miner of the Supreme court then said a few words on the choice of the new senator. The Judge spoke in rather a low voice, which could not

be well heard except by those who were seated near the stand. He said

have for senator a business man of sterling quality and a man of character who would reflect honor on

Senate Proceedings.

Previous to the joint assembly for the election of senator, the Senate held a

brief session and disposed of some

Senator Whitney stated that had he

ould have cast his vote for A. W.

Senate bill No. 15, introduced by Sena-

tor Murdock, an act to amend section 1884 and 1885, chapter 14, title 55, Re-vised Statutes of Utah, 1898, relating to the bonding of school districts. The new provision is that the amount of bonds, including the indebtedness new existing shall not exceed four per

now existing shall not exceed four per cent of the value of the taxable prop-erty in any school district. Referred

Senator Tanner introduced Senate bill

No. 16, an act providing for the proper measurement and division of water;

measurement and division of water creating water divisions in the State of Utah; creating a board of control of irrigation for the State of Utah, and defining its duties; defining the duties of the State engineer; providing for the adjudication of water rights and

for the recognition of water rights and for the recognition of existing rights; providing for the proper handling of stored water; and repealing chapter 8, title 63, Revised Statutes of Utah.

The measure is a voluminous one, re-

pealing the present irrigation laws and offering 67 sections covering the ground suggested in the title. Referred

o committee on agriculture and irri-

ation. The Senate then adjourned until 2

W. G. BARTON DIES AT EUREKA.

SPECIAL TO THE "NEWS."

Eureka, Utah Jan, 23.-William G, Barton died here this morning at about 9 o'clock from pneumonia, Mr. Barton has only been in the district about a month and worked at the Mammoth

mine for three weeks. The remains will be taken to Mt. Pleasant for burial

CHANGE OF VENUE TAKEN.

Tillie Williams' Hearing Before Jus-

tice Lochrie This Afternoon.

The case against Tillie Williams,

charged with the robbery of a China-

man named Wah Chong, is being heard

by Justice Peter Lochrie this after-noon. A change of venue was granted from Judge Timmony's court to Loch-rie's. Attorney J. M. Hamilton is coun-sel for the Williams woman.

o'clock tomorrow afternoon.

committee on education.

been present at yesterday's session he

that he

the State.

McCune.

gat

routine matters.

that

belleved in the selection

had been made we would

other sterling qualifies, and I have no

were especially long the former place to Mariborough ouse, carriages filled with ladies, stood as if for a drawing room, except that the coachmen, footmen and occupants tere all dressed in mourning. The po-loc precautions were unusual. Men on and mounted guarded almost every

rd of the way The crowds waited patiently for hours greet their king.

THE KING ARRIVES.

Finally, preceded by half a dozen ed policemen, the new sovereign fived in a plain brougham, which was lven very rapidly, with the coachan and footman in their usual gray ries, with mourning bands on their An equerry was seated beside The king was, of course, dressed the deepest and most simple mourn-g and carefully raised his hat in ledgement of the silent un ing of heads, which was more impresthan the most enthusiasti le king looked tired and very sad. t very well. Following him came Duke of York, the Duke of Con-spit and others. Both the king and Duke of York Vach Duke of York looked pathetically at Buckingham palace, as they and acknowledged the salute he guard of honor drawn up inside palace grounds. The troops there elsewhere showed no signs of signs of present, all the officers had crepe

The king drove to St. James palace a Marlborough house to preside at first privy council, by way of Marl-wigh house yard, the Mall and the iss entrance of the palace. He was midd by Lord Suffield, and was esned by a captain's escort of the one guards. The procedure was exty as on levee days.

IN THE THRONE ROOM.

by the time the king arrived a great aring of privy councilors, in levee a, sith greps on their left arms, taken up positions in the throne m-cabinet ministers, peers, comrs, bishops judges, the lord mayor, meluding the Duke of York, the d Connaught and lesser members he royal family

as Salisbury, Lord Rosebery, A. J. as, the Duke of Devonshire, Lord thema and Mount-Royal and a of the most prominent personage is the most prominent personages is the and were there to receive the data formal each, binding him to men the kingdom according to its wand customs, and hear him assume a tile of King Edward VII of Great what and indeed ond emproprie of inan and Ireland and emperor of In-The ceremony was interesting, monthing to precedent. The king as isording to precedent. The king has a separate apartment from the invomations. To the latter the Duke if promatics, lord president of the band dreaming, communicated the same dreaming communicated the same dreaming communicated the same dreaming of her son, the trans of Wales. The royal dukes, with trans of Wales. The royal dukes, with trans for the council, were then inecessing to the king's presence and presidents statement. Shorthy president's statement. man his majesty entered the an a such the councilors were as-model and addressed them in a brief sech. The jord chancellor (Lord abbury) then administered the oath the king. Afterwards, the various makers of the council, commencing in large in council, you's the cath of nce, and then passed in turn beell, took the oath in majesty, as at a levee, ex-is that each paused and kissed dist hand before passing out of This brought the cere B a close

to a close. In p. m., when his majesty re-to Mariborough house, the in the neighborhood was of im-supervises. The king's prior regrass accomplished in almost pressure, but on this occasion mainstip cheered all along the line regra. "LONG LIVE THE KING!"

Immediately opposite Mariborough the crowd waved his hat and shout-the crowd observed with redoubled vigor. The pope received the news of the fered.

sentative of the foreign office. tri-color over the Elysee was furled and bound with crepe this mornname of Silas Hart.

Gen. Dubois and Maj. Chabaud called at the British embassy today and conveyed President Loubet's cond The president has countermanded a that the injured man's name was Thos. Kelly, although at the time of sending which was to have been given dinner th's dispatch he was too dazed to talk. Both men were placed under arrest, alat the Elysee, January 31, in honor of the new bureau of the chamber and senate, and has abandoned his intended though the police are of the opinion that Kelly was drugged, slugged and then robbed. The Elk saloen bears a visits at three different functions today

and tomorrow. A creped standard is fixed over the gateway of the British embassy and the register there is being filled with the best known names in France and those of the foreign ambassadors, including General Horace Porter, the United

States ambassador. SYMPATHY FROM DENMARK. Christiana, Jan. 23 .-- The president of parliament, referring to Queen Victoria's death today said he felt assured of the support of all the members in express-

ing sympathy with Great Britain's grief at the loss of her popular queen. The members listened standing. FRANCIS JOSEPH.

Vienna, Jan. 23 .- Emperor Francis Joseph went to the British embassy this morning and personally expressed his sympathy to Lord and Lady Plunkett. He remained there half an hour. The Duke of Cumberland called at the embassy and many of the nobility and court dignitaries inscribed their names.

SORROW AT BOMBAY.

Bombay, Jan. 28 .- All public functions here have been cancelled, the public of-fices have been closed and business has been suspended. The genuine sorrow of the natives is extraordinarily marked, even the poorest and most ignorant ex-pressing the utmost regret and pro-found sorrow. It is a remarkable revelation of sincere loyalty. Special ser-vices have been arranged to take place in the native places of worship.

DEEP SYMPATHY IN CEYLON.

Colombo, Ceylon, Jan. 23 .- The deepest sympathy with the royal family on the death of Queen Victoria is felt throughout this island. The flags are half-masted; all functions have been postponed and business is suspended.

GRIEF AT MELBOURNE.

Melbourne, Victoria, Jan. 23 .- Business is entirely suspended here as a result of the death of Queen Victoria and the deepest grief is manifested There are signs of mourning everywhere,

MOURNING IN BERLIN.

Berlin, Jan. 23 .- The court has been ordered to go into mourning for four weeks. The empress has arrived at Hamburg and proceeded to the royal castle in order to be near Dowager Empress Frederick,

KING CHARLES WILL ATTEND. Lisbon, Jan. 28.-King Charles intends to attend the funeral of Queen Victoria personally. Court mourning for a month has been ordered. The papers are filled with eulogistic articles on

reward for his apprehension was of

Mysterious Affair. SPECIAL TO THE "NEWS." Ogden, Jan, 23 .- At 10 o'clock this

as being

CARLAND MURDER CASE CONTINUED.

The preliminary hearing of the Garland murder case was continued in Justice Kroeger's court at 10 o'clock this morning. The first witness put upon the stand by the prosecution was Chas. Olsen of Bingham. He testified that he was in the Oxford saloon on the night of the shooting, sitting at the card been table. His back was toward the bar. Witness said in answer to County Attorney Christensen that he saw Wilwas searched it was found that he had \$1.20 on his person in addition to a purse liams, Hopkins and Wells in the saloon that night and a pass-check made out in the name of Thomas Kelly. Later it developed

'Did you see a shot fired?" Yes, sir. Who fired it?"

"Mr. Garland "Who was shot?"

"Norton Williams."

Did you see Williams, Hopkins and Wells at the bar just before the shooting 1

I saw Williams and Hopking." a tough resort, and has given the police a great deal of trouble lately. Only a few days ago a man died in the resort

"What were they doing?" "Hopkins tried to strike Garland?" "Did he have a club in his hands?" 'He did not. "Did you see Mrs. Garland enter the

saloon?

"Yes; but I did not hear what she said. Garland pointed to Hopkins and said: 'He is the s- of a b- I shot at." SAW HOPKINS RUSH AT GARLAND By Mr. Straup-"How long have you

been in Bingham 'About one year.

"Who went in the saloon with you?" "Mr. Lewis. "Were you engaged in card playing?

Provo, Jan. 23 .- Once more it is said Yes." that the triple murderer, who several "Were you all playing around one ta-ble?" years ago was the principal in the terrible tragedy at Pellcan Point, has been

"Yes." "Did you remember when Hopkins located. This time he is said to be in jail at Butte, Mont., where he is await-

and the others came in?"

"Yes." "Did they use profane language?" "They did."

"What was it?" "They called each other vile names. "Did Hopkins rush up to the bar?"

to let any chance of that nature slip; accordingly he has forwarded a letter "Yes. "How many times?"

to the Montana authorities, asking for a photograph of the man. As soon as 'Twice.'

"Did you see Garland use the gun more than once?"

"I did not." "Would you have seen it if he had?"

"I would." "Was Hopkins on the railing on the

bar when he rushed up?" "I think he was,"

of evidence, as set forth in a letter received from W. F. Whitely, under sheriff of Silver Bow county, this morn-Olsen said he saw Hopkins strike at Garland twice, and Garland stepped back out of his reach. He said he didn't know whether he hit Garland or ing, by Sheriff Storrs, and that is that while the man is said to resemble the much-wanted Wright in every particular, that he has given the name, when arrested, of George H. Wright, which not. He further said that Hopkins took his coat and hat off.

is essentially the same as the name of the man on whise trail the sheriff of "Was Hopkins angry at that time?" "He was." Utah county has been for some years

"Was he talking in an angry man-

Sheriff Storrs argues, with some rea-son, that if the man now in jail at 'Yes, he was,"

"Did you see Williams and Fitzgerald Butte were the alleged Pelican Point murderer, that he would not be so intry to hold Hopkins?" "Yes.

judicious as to give the name under which he was known while residing in Witness said that the first time he saw the gun, it was leveled in Garland's

Utah at the time of the terrible tragehand However, the Utah county official is

By Mr. Christensen "How far was Williams and Hopkins from the bar when the shot was fired?

"About six feet."

nowever, the other county official is not going to let such a thing as that deter him from investigating the mat-ter to its full limit. From the letter received from Under-Sheriff Whitely, that officer seems to be positive that he has the man who is winted for the murders. He states that in comparing his prisoner with the nublished descrip-"How long was it after the boys rushed up to the bar, that the shot was his prisoner with the published descrip-

"I don't believe it was over a half a tion of the man Wright, that he an-swers in every detail and that he bears minute.

MISTAKEN ABOUT THE TIME. a striking resemblance to the pictures of him that were circulated throughout By Judge Powers-"You say about half a minute elapsed?" the United States at the time that a

Judge Powers then timed the witness

Sporting House Burned to the Ground This Morning.

tered the saloon on the night of De-cember 22nd, apparently looking for trouble. He stated that Hopkins tried to engage in a fight with Garland, took

off his coat and hat and challenged Garland to come out and fight. Hop-kins was in the act of making an as-sault when his friend, Williams, was killed. Judge Powers then went into the guestion of murdar in its various

the question of murder in its various degrees and argued that there was no

evidence in the case to show that any murder had been committed by Gar-

land, that there was no intent to com-

The next witness for the State was David Hepburn of Bingham. In an-swer to Mr. Christensen he said he was in the saloon on the night of the shoot-

ing but did not see the gun discharged He was not cross-examined.

ALSO IN THE SALOON.

Frank Wilda was next called, and said that he was also in the Oxford sa-loon on the night of December 22nd. Michael Fitzgeraid testified that he

vas manager of the games in the Oxford saloon. He was present on the night of the shooting. He has known Mr. Garland for twelve years. This

Mr. Wilda was recalled by Judge Powers and stated that he saw Hopkins rush at Garland and strike him on the

cedure on the ground that the court

nor the State had a right to ask the

defendant any questions whatsoever

Justice Kroeger asked the defendant his name, "F, C, Garland," he replied

the name will be inserted in the repried, plaint," said the court, "To which we object," returned Mr.

face.

SPECIAL TO THE "NEWS." Eureka, Utah, Jan. 23 .- A very disas. trous fire occurred here at an early hour this morning, destroying a sporting house in the eastern part of town belonging to Kate Russell. The blaze orig. inated in the kitchen, and it took but a few minutes to reduce the large frame structure to a pile of ashes. Nothing was saved from the building.

and the loss is said to be \$5,000 with insurance to the amount of \$2,000. PETITION IN BANKRUPTCY.

Patrick Fitzpatrick has filed a petition in bankruptcy with liabilities of \$2,224.83 and assets of \$6,942.75, \$4.059.70 of which is in bills due the petitioner and \$66 is exempt.

ESTATE CONTEST.

Case of William Turner, Deceased, Before Judge Hall Today.

The contest over the appointment of a person to administer the estate on William Turner, deceased, which was continued over from last Saturday, was up today before Judge Hall in the probats division of the district court.

The law provides that if the widow of a deceased person, or other party. who is entitled to letters of administra-tion on an estate, fail to apply for such within three months after decedent's death, that any other interested party may petition to have some one ap-pointed to administer on the property. In this case it appears that Mrs. Turn-er, widow of deceased, falled to apply for letters of administration within th three months, and so her daughter. Mrs. Edward Webb, asked that letters issue to her. The widow and other heirs objected to this, and later on petitioned that letters issue to her. Mrs. Webb withdrew her petition and filed another one requesting that her husband, Ed-ward Webb, be appointed administra-tor. The widew also now objects to

this appointment. The matter is somewhat mixed up, and Judge Hall is asked to determine who shall administer the estate, Mrs. Webb, the daughter, says the estate is conjuosed of about \$15,000 personal property and \$20,000 in real estate. widow and other heirs in their petition say there may be some real property belonging to the estate, thus making a discrepancy on this point. Most of the property is situated in this county

near Mutray.

Brown Snes for Damages.

Joseph Brown late this afternoon, filed an action in the district court against the Salt Lake City Kallroad company for damages in the sum of \$5,000, and costs. For cause of action plaintiff alleges that he was riding on one of defendant's cars July 20, 1900, along Fourth East, between Ninth and Tenth South streets, when by reason of grass growing over the ralls, making them slipery, the car could not be stopped and a collision occurred, injur-ing plaintiff's right foot whereby he lost the great toe of that member, caus-ing him great suffering for which he acks indement as aforesaid asks judgment as aforesaid.

Windberg Acquitted.

H. E. Windberg, who was on trial before Judge Marioneaux and a jury in the criminal branch of the district court, was acquitted late yesterday af-ternoon. The defendant was charged with stealing \$10 in cash and two revolvers from the saloon of Oscar Youngberg, 51 east Second South, on October 25th last, and was bound over to the district court by Judge Tim-mony soon after the alleged commis-sion of the crime.

The accused was defended by Attor. ney J. H. Hamilton. Another similar case was pending against Windberg for alleged breaking into the store of Joseph Hanak, 40 east. First South, which was dismissed.

The Speaker's desk was made very attractive by a couple of vases of gorgeous American beauty roses, The clerk's desk was likewise adorned, the flowers coming from Mrs. Thomas Kearns. The speaker's stand was ocforefront of western States. Again I thank you." cupled by President Evans of the Senate, Speaker Glasmann and ex-Speaker Rowlance.

ARRIVAL OF THE SENATE.

A few minutes after 12 o'clock the august body from the upper house entered and sealed themselves in the chairs which had been set in two rows in the front of the house for the senators. The reading of the roll by the Senate clerk showed that all were present. A similar proceeding with regard to the lower house showed no absentees except Page, who has been absent since the opening of the Legislature, undergoing an operation on his eye, The secretary of the Senate then read the sections from the Revised Statutes which referred to the election of United States senator, and the secre-

taries of each house read such portion of their respective journals as had a bearing on the subject. Senator Smoot presented a set

rules to govern the balloting, which he had prepared. The rules were adopted. The election was really a very simple affair. One ballot settled it. Nominat-ing speeches before declaring their vote were prefaced by several of the legisla-Those who made nominating remarks were Senator Lawrence and Rep. resentatives Anderson, Axton, Bench, Evans, Kelly, D. H. Morris, Stuart, Van Horne and Glasmann.

KEARNS WINS ON FIRST.

The ballot resulted in Kearn's getting 37 votes to McCune's 25, and as soon as it was announced from the chair, Representative Van Horne made a motio that a committee of two be appointed from each house to conduct the governor and one of the Supreme court judges to Senator Kearns and present him to the joint assembly. The chain appointed Senators Howell and Murdock and Representatives Van Horne and Wells.

MEMBERS EXPRESS THEMSELVES.

The members merely stated the name of their senatorial choice till it came to the turn of Senator Lawrence. In voting for Kearns he said that he wished it to be known that he did so in accord ance with the rules which had been adopted at the Republican caucus, in which he had been one of the minority No one, however, would be more glad than himself to see the new senator make a favorable record for himself and he believed that Kearns would make a successful record for himself. Anderson said in voting for Kearns

that he believed that his election would be for the best interest of the State and the Republican party,

Axton laid emphasis on the youth of the nominee. He said that Kearns was a strong, stalwart, typical western, young man. What the world wanted today was young men who could dream large dreams and have the energy to work them out.

Bench said he felt that no mistake would be made in the election of Kearns.

Cutler designated him as the prince laboring men and said that his charity covered a multitude of sins.

Van Horn took exception to the refer-ence to charity. He said that no man ence to charity. He said that no man in the Republican party had need of a mantle of charity to cover his sine. That condition belonged exclusively to the Democratic party. As we got to know Kearns better we would grow to like him better. He had voted for Kearns in the caucus after making a careful canvass of the claims of all. Stuart also spoke warmly for Kearns and his way of treating working men. He said he voted for him because he was a miner and a man. The vote by roll call was as given

The vote by roll call was as given above. IN THE QUEEN'S HONOR.

While the assembly was awaiting the

arrival of Senator Kearns, Senator Smoot arose and stated that the Legis-lature had received notice of the death

