

FIFTY-FIRST YEAR

## KING-EMPEROR ENTERS HIS CAPITAL

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

London, Jan. 22. 1 p. m.—The king, who entered his capital at 12:35 p. m., proceeded to Marlborough palace.

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queen's death through Cardinal Rampolla. His eminence said not a word but dropped on his knees to pray, remaining in this attitude for a considerable time. Afterwards he gave orders that in all churches throughout the queen be offered up tomorrow.

The pope will be represented at the funeral by Cardinal Vaughan.

EMBASSY AT WASHINGTON.

Washington, Jan. 22.—The British embassy is enshrouded in gloom today and the heavy hangings of black within and without the stately old mansion give tribute to the memory of the departed 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 long bands of crepe. All the curtains of the embassy are drawn and the entire place presents an aspect of silence and mourning.

Lord Pauncefote remains in retirement with his family and staff most of the time, only occasionally seeing some distinguished caller who comes to pay a tribute of respect and condolence. The word of condolence is the most abundant form of testimony to the widespread feeling which the death of the queen has awakened in all classes. They come in the form of notes, telegraphic messages and cards, running into the hundreds of thousands.

The proclamation of the accession of his majesty was signed by the princes present, the Duke of York first, then the Duke of Cornwall, the Duke of Cambridge, Prince Christian, the archbishop of Canterbury, the lord chancellor, the lord mayor and the other representatives of the city of London.

At 4:30 p. m. the artillery began firing salutes in St. James park to signalize the king's accession to the throne. King Edward's accession to the throne. Among the incidents of the day was an imposing civic procession. The lord mayor and aldermen, accompanied by the city marshal, mace-bearer and other members of the corporation, escorted the royal party to the city hall.

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## A COMBINATION ON SENATORSHIP.

Senator Rawlins Makes Some Grave Intimations.

## REPUBLICANS AND CHURCH.

Intimates Former Had Made Certain Promises Regarding Practice of Polygamy.

Washington, Jan. 22.—A spirited incident occurred in the Senate this afternoon when the legislative bill was taken up. Mr. Rawlins (Utah) read a newspaper article saying there was a combination formed in the Utah Legislature 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. Rawlins vigorously. He said there ought not to be any expression of the United States Senate upon a matter like a senatorial election. It was highly improper to send a "voice from Washington" while a legislature was performing its constitutional duty. It was paternalism of the worst sort.

Mr. Chandler (N. H.) also took occasion to say that he thought the action of Mr. Rawlins 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 Hampshire, where Mr. Chandler was defeated, and said the result was, according to Mr. Chandler's statement, brought about by combinations similar to those proposed in Utah.

Mr. Chandler smilingly retorted that while the result in New Hampshire was 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 protest 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 bill.

## GARLAND MURDER CASE CONTINUED.

The preliminary hearing of the Garland murder case was continued in Justice Crocker'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 table. His back was toward the bar. Witness said in answer to County Attorney Christensen that he saw Williams, Hopkins and Wells in the saloon that night.

"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?" "I saw Williams and Hopkins." "What were they doing?" "They were drinking." "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.'"

By Mr. Straup—"How long have you known Mrs. Garland?" "About one year." "Who went in the saloon with you?" "Mr. Lewis."

"Were you engaged in card playing?" "Yes." "Were you all playing around one table?" "Yes."

"Did you remember when Hopkins and the others came in?" "Yes." "Did they use profane language?" "They did."

"What was it?" "Hopkins tried to apply for such a license as to the bar?" "Yes."

"How many times?" "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."

Olsen said he saw Hopkins strike at Garland twice, and Garland stepped back out of his reach. He said he did not know whether he hit Garland or not. He further said that Hopkins took his coat and hat off.

"Was Hopkins angry at that time?" "He was."

"Was he talking in an angry manner?" "Yes, he was."

"Did you see Williams and Fitzgerald try to hold Hopkins?" "Yes."

Witness said that the first time he saw the gun, it was leveled in Garland's hands.

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

"How long was it after the boys rushed up to the bar, that the shot was fired?" "I don't believe it was over a half a minute."

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a half a minute and asked if it was a 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 witnesses, and the witness guessed he was mistaken about the time.

## THE NEXT WITNESS.

The next witness for the State was David Hepburn of Bingham. In answer to Mr. Christensen he said he was in the saloon on the night of the shooting 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 saloon on the night of December 22nd. Michael Fitzgerald testified that he was 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 concluded the testimony for the State. Mr. Wilda was recalled by Judge Powers and stated that he saw Hopkins rush at Garland and strike him on the face.

## ABOUT GARLAND'S NAME.

County Attorney Christensen asked the court to ask the defendant his true name, and have it inserted in the complaint in the place of "John Doe Garland."

Attorney Straup objected to this procedure on the ground that the court nor the State had a right to ask the defendant his true name. However, Justice Crocker asked the defendant his name, "F. C. Garland," he replied, "his name will be inserted in the complaint," said the court.

Straup, "I object," returned Mr. Straup. The objection was overruled, and the name inserted. Mr. Christensen then addressed the court, and briefly defined murder in the first degree, and reviewed the testimony of the principal witnesses. He argued that although the defendant had been charged with murder, there was no occasion for him being afraid of Williams. He drew the gun and fired it and it was cold blooded murder. He said that when Garland fired, Williams already had Hopkins in his clasp.

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 killed and was hanged for. "This case does not come under that class of crime," said Judge Powers. He argued that the young men entered the saloon on the night of December 22nd, appeared to be in a peaceful mood, and that Hopkins tried to engage in a fight with Garland, took off his coat and hat and challenged Garland to come out and fight. Hopkins was in the act of making an assault when he was shot. Williams was killed. Judge Powers then went into 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. He said that there was no intent to commit murder.

## FIRE AT EUREKA.

Sporting House Burned to the Ground This Morning.

Eureka, Utah, Jan. 22.—A very disastrous 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 originated in the kitchen, and it took but a few minutes to reduce the large frame structure to a pile of cinders. 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 \$2,234.83 and assets of \$6,942.75, \$4,053.70 of which is in bills due the petitioner and \$6 is cash.

## ESTATE CONTEST.

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

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

The law provides that if the widow of a deceased person, or other party, who is entitled to the administration of 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 appointed to administer the property.

In this case it appears that Mrs. Turner, widow of deceased, failed to apply for letters of administration within the 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, Edward Webb, be appointed administrator.

The widow 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 composed of about \$15,000 personal property and \$20,000 in real estate. The 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 Murray.

Brown Sues for Damages.

Joseph Brown late this afternoon, filed an action in the district court against the Salt Lake City Railroad 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 rails, making them slippery, the car could not be stopped and a collision occurred, injuring plaintiff's right foot whereby he lost the great toe of that member, causing him great suffering for which he asks judgment as aforesaid.

## Windberg Acquitted.

H. E. Windberg, who was on trial before Judge Marionaux and a jury in the criminal branch of the district court, was acquitted yesterday afternoon. The defendant, who was riding on a street car, was charged with assaulting \$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 Judge Timmons' court after the alleged commission of the crime.

The accused was defended by Attorney 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.

While the assembly was awaiting the arrival of Senator Kearns, Senator Smoot arose and stated that the Legislature had received notice of the death

## THOMAS KEARNS ELECTED SENATOR

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, Glassmann, Gardner, Hewlett, Hall, Hamlin, Homer, Holmgren, Johnson D. C., Johnson George W., Kelley, McFarland, Morris, McMillan, Phillips, South, Smith, Stevens, Stuart, Sharp, Van Horne, Williams—27.

For McCune—Senators Bennion, Barnes, Evans, Kiesel, Murdock, Smoot, Tanner, Thomas, Whitmore, Whitney; Representatives Billings, Fry, Hatch, Holzheimer, Harmon, Langton, Lambert, Morris David H., Maughan, McGregor, Mohr, Pond, Redd, Van Wagenen, Wells—25.

Absent—Representative Page.

The Utah Hall of Representatives presented a lively scene as the eventful hour of noon approached today. In the face of what occurred in the Republican caucus last night it would be supposed that the Senatorial election had been relieved of all of its most interesting elements. But the apparent settlement of that question by the caucus election of Thomas Kearns did not seem to abate an iota of the public interest that centered in the issue. Every available inch of room was occupied and while everyone was on the quiver, 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 audience, and as is their custom they witnessed 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 considerable 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 something unusual, or sensational. Such did not occur, however, and whether there was disappointment over the result of the first ballot which made Thomas Kearns a United States senator, or the announcement of the result of the ballot precipitated nothing more demonstrative than a slight clapping of the hands and the hum of the voices of the visitors.

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 occupied by President Evans of the Senate, Speaker Glassmann and ex-Speaker Rowland.

A few minutes after 12 o'clock the august body from the upper house entered and seated 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, and the speaker's stand was occupied by the respective journals as had a bearing on the subject.

Senator Smoot presented a set of rules to govern the balloting, which he had prepared. The