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DESERET EVENING NEWS.

5 O'clock -EDITION.-

TRUTH AND LIBERTY.

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NEARER TO PEKIN.

The Japanese Take Two Forts Without Opposition.

FIRST AND SECOND ARMIES MEET.

Foreigners in the Occupied Cities Given Ample Protection by the Japanese Troops.

[illegible], March 9.—The Japanese have occupied Kaiwah and Yin Kow, the port of New Chwang without opposition.

The latest facts about New Chwang [illegible] holding out. First and second Japanese armies have effected a junction at Yan Kow. The Chinese army commanded by General Sung has retired to Shien Chiang Lab. It is officially announced that the safety of foreigners at Yan Kow has been guaranteed by the Japanese, who are inquiring [illegible] injuries they have sustained. The foreign settlement is guarded by Japanese troops, the [illegible] and American war ships, Firefly and Petrel respectively, having the protection in the hands of the Japanese.

HARRISON'S CONDITION.

Somewhat and seriously ill, the [illegible].

INDIANAPOLIS, March 9.—The condition of General Harrison has not materially changed today. The night was only comfortable. Dr. Henry Jameson this morning:

"General Harrison has been working very hard recently in Richmond. He has taken a bad cold, almost the grippe, he has some insomnia and last Tuesday he had [illegible], termed [illegible] pains. He is very weak. He [illegible] ill, but I should not say in any danger. Overwork has a good deal to do with his weakness."

New York, March 9.—Mrs. McKee, daughter of ex-President Harrison, left for Indianapolis upon receipt of a dispatch advising her of General Harrison's serious illness.

THE MARQUIS IN COURT.

He is Charged with Libel by Oscar Wilde.

London, March 9.—At Marlborough street police court this morning the Marquis of Queensbury was formally committed for trial on a charge of libel by Oscar Wilde, in having left a card on February 28, a card upon which was written a [illegible] Bail was allowed in £1,000. The Marquis of Queensbury declared in court that he wrote the card "simply to bring matters to a head and having no [illegible], I abide by what I wrote."

The Britannia Won.

MONTE CARLO, March 9.—The Prince of Wales's yacht Britannia won the grand prize at Monte Carlo from Cannes to Monte Carlo, [illegible] miles, defeating the Corsair, Valkyrie and Caress. The Ailsa did not leave as the [illegible] just before the [illegible]. The prize was 10,000 francs.

Engineer Killed.

ALTOONA, Pa., March 9.—The boiler of an engine attached to the Pacific express on the Pennsylvania road [illegible] at Cotton station, thirty miles from Harrisburg. The explosion is believed to have been due to the low [illegible] of the water.

Engineer James Funk was killed and the fireman was badly injured.

THIRTY FIVE THOUSAND BID.

The Largest Proposition for Fight Considered Worth That Much.

KANSAS CITY, March 9.—G. Wilson, president of the Kremlin, Oklahoma club, writes to a local paper that he is authorized by the Kremlin [illegible] citizens of that town to offer purse of $35,000 for the Corbett-Fitzsimmons fight. This is a raise of $5,000 over the Perry bid.

[illegible] Shot by Officers.

[illegible], Iowa, March 9.—The police [illegible] last night to quell a [illegible] at the salt mills east of [illegible] had taken possession. The [illegible] used their revolvers. [illegible] Freeman, alias Riley, [illegible] through the heart, and instantly killed. Tim Lyman, another [illegible] wounded. A third [illegible] through the arm. [illegible] are now in the city jail.

[illegible] for Oranges.

LOS ANGELES, Cal., March 9.—The Chamber of Commerce of Los Angeles [illegible] special prize at the Citrus fair [illegible] for the best [illegible] grown in southern California. A number of entries were [illegible] a committee of carefully [illegible] and thoroughly [illegible] awarded the prize to G. W. Freeman [illegible] a box of navels grown at [illegible] The oranges were auctioned off at the sale of $25 realized from [illegible].

[illegible] will be sent to Governor McKinley, of Ohio.

[illegible] from the [illegible].

CHICAGO, March 9.—The first direct [illegible] from the ill-fated steamer [illegible] Chicago last night. The [illegible] of a cabin which had [illegible] after the wreck. [illegible] books, newspapers and [illegible] letters addressed to [illegible] and persons living in the [illegible] the cabin showed the ill-fated [illegible] None of the passengers [illegible].

[illegible] Police Another Court.

[illegible], N. Y., March 9.—[illegible] Hill, [illegible] Pressley Hill [illegible] last night. [illegible] the direct cause of his [illegible] Hill, in September 1893, killed [illegible] Pressley in Sidney. [illegible] had [illegible] ever [illegible] his mother. He [illegible] while the [illegible] and grabbed Hill by [illegible] Hill drew a revolver and [illegible] Pressley, killing him instantly.

Hill was twice tried in [illegible] and convicted of manslaughter both times. He never served his sentence. After a long litigation, in which the case went [illegible] three times to the court of appeals, the attempts to convict were finally abandoned.

Hill was 40 years of age. He was born in Roxbury and is said to have been an old school mate of Jay Gould.

TAMPERING WITH LEGAL PAPERS.

Charges Brought Against Bostwick, a Leading Attorney.

SEATTLE, Wash., March 9.—Harrison Bostwick, a leading attorney, is under charges of tampering with legal papers in a case in which he was engaged, and a committee of the King County Bar association has been appointed to investigate. It is charged that he took the complaint in a lien case from the clerk's office and inserted a page right under Judge Langley's name. Bostwick was formerly chairman of the Republican state committee of Nebraska and came here several years ago.

LORD ROSEBERY'S ILLNESS.

The English Premier Suffering From Influenza and Insomnia.

Rumors That He Intends to Resign—The Consequences of Such a Step.

NEW YORK, March 9.—A special dispatch to the World from London says:

The London newspapers now refer for the first time to Lord Rosebery's condition as serious and that he desires to resign.

A morning paper says: Lord Rosebery has been much more seriously ill than the public imagines. Influenza is bad enough, but when insomnia is added it is difficult for the patient to regain his strength. The protracted illness of the premier has given rise to rumors that he actually intends to resign, which, of course, would mean the breaking up of the government and Parliament.

The Chronicle says: His (Rosebery's) terrible insomnia continues and his recovery must be tedious.

The Star observes that the lobby in parliament was the scene of intense excitement for some little time when the rumor got about that Lord Rosebery intended to resign the premiership on account of illness. Little groups quickly gathered here and there discussing the possible results of such a step. An official contradiction was soon forthcoming.

Tramps Capture a Train.

WILMINGTON, Del., March 9.—Last night fifty tramps captured the Philadelphia, Wilmington and Baltimore freight train from Baltimore, due in this city at 11:30. Conductor Riley and crew were powerless. A few of the gang had revolvers and all were armed with knives and clubs. One brakeman was beaten. The tramps attempted to force him from the car. He took refuge on the engine. At Chesapeake City the trainmen were all driven from the tops of the cars and it was expected an attack would be made on the engine, but the tramps began quarreling among themselves. One was thrown from the train and it is supposed fatally injured. Conductor Riley telegraphed to [illegible] for assistance. As soon as the train stopped the tramps jumped from the cars and ran across the fields. After a running fight in which several shots were fired, the officers succeeded in capturing eleven. The tramps only surrendered at the point of revolvers. This morning the prisoners were given jail sentences.

GRESHAM DISPLEASED

With the Lack of Diplomacy Shown By the Havana Consul.

WASHINGTON, D. C., March 9.—Secretary Gresham is rapidly recovering from the neuralgia. He has had no official information relative to the reported intention of the Spanish government to request a recall of United States Consul General Williams at Havana. He is displeased at the freedom with which the consul-general is reported in the newspapers, and said today:

"A diplomat and consular officer cannot with propriety publish in the newspapers his criticisms upon the acts of officials of the country to which he is accredited."

Action Against the Coffee Exchange.

ALBANY, N. Y., March 9.—Attorney General Hancock today decided to grant the application of Charles Stewart Martin for permission to commence action in the Supreme court for the dissolution of the coffee exchange, New York city, on the grounds that the exchange handled adulterated coffee.

Strikers Confident of Victory.

PITTSBURG, March 9.—The miners predict victory in the strike for higher wages. This morning, W. P. Rend, the Chicago operator at whose mines over 700 men are employed, granted the demands for 69 cents a ton and the men returned to work. J. M. Risher who employs 300 men on the Monongahela river, also granted the increase. The scale committee of the Operator's association today decided to call a general meeting soon. This is regarded as evidence of weakness on the part of the employers. Four thousand miners in the district are working at 69 cents, the price for which the strike was ordered.

Reorganization Plan.

NEW YORK, March 9.—The official plan for the reorganization of the Distilling and Cattle Feeding Co. was made public today. It provides for an issue of the following securities: $1,[illegible] first mortgage 6 per cent 20-year gold bonds out of a total issue of $[illegible],000 5 per cent non-cumulative preferred stock; $[illegible] common stock. Each stockholder of the present company becoming a party to the reorganization is required to subscribe for the said bonds at par to the amount of $1 per share upon the par value of his present holdings, and deposit his stock on or before March 23, 1895, with the Manhattan Trust company, and pay $1 a share to the trust company when such deposit is made, the remainder on call; and shall receive bonds so subscribed 1.5 and 25 per cent in the par of his present holdings in new preferred stock and 8 per cent common stock. The proceeds of the bond issue will be applied to retire the out-standing $1,000,000 bonds and rebate vouchers and other claims as provided in the plan, $500,000 new bonds will be reserved to be issued only in case of an emergency upon the unanimous vote of the committee, or subsequently by a two-thirds vote of the new board.

HAYWARD WORRIED.

He Passed a Sleepless Night Realizing the Situation.

MINNEAPOLIS, March 9.—It was 4 o'clock this morning before Harry Hayward was able to sleep, and at 10 he was still sleeping. He had passed the night [illegible] in a trance while awaiting the jury's verdict. He [illegible] was [illegible] from the crowd when the acquittal should come. When he reached his cell, after hearing the verdict, his first remark was: "By——, I'll have to answer this thing now. If I don't say nothing will get whittled." When he was removed to a cell on the second floor he seemed to realize more fully his perilous situation.

A day and night watch has been put over him.

George A. Grindall was arraigned in the municipal court on the charge of perjury today and examination was set for Wednesday next with a bail of $1,000. Miss Maggie Wenzler demanded immediate examination on the perjury charge, but this was denied as the state wanted time. Her attorney also demanded that she be released on her own recognizance, but the state would not consent and the case was continued until this afternoon.

Swanwick for Mayor in Chicago.

CHICAGO, March 9.—Frank Wenter, president of the board of directors of the big Chicago drainage canal, was nominated by the Democratic convention today for mayor. Postmaster Hesing withdrew from the contest.

A letter from the postmaster referring sarcastically to machine politics and machine methods is attracting much attention.

London Shoemakers Strike.

LONDON, March 9.—In consequence of the National Federation of Boot makers notifying the operatives to stop work March 16, owing to a complicated dispute concerning the use of machinery, the shoe operatives' union has called out all the operatives not obliged to give a week's notice. Ten thousand quit today.

ONLY A SAILOR'S YARN.

Terrible Tale of Mutiny and Shipwreck.

WASHINGTON, D. C., March 9.—From reports received at the state department from United States consul at Callao, Peru, there is reason to suspect the strange tale that came to Philadelphia in a letter from Charles Jones, of mutiny on the American bark Portland Lloyd and the wrecking of a vessel near Juni, Chile, was put afloat to cover the desertion, or some movement of the crew. According to the consul's report, the bark, which hailed from Seattle, put into Callao towards the end of last year. She departed for Juni, Chile, December 1. Soon after there were stories afloat that the crew had mutinied, the officers had been killed and the ship wrecked with a loss of all but two men. The consul traced the story to letters written by E. M. Barker and another man who evidently they had been the only ones to escape. The consul reports that Fruggie & Co., the charterers of the vessel at Callao, have received letters showing her to be at Juni, Chile, loading.

THE LOS ANGELES ROAD.

Judge Neville Speaks of Its Value to Salt Lake.

Judge James Neville, of Omaha, ex-United States district attorney of Nebraska, is in this city visiting relatives and friends. He is on his way to the coast, where he spends considerable of his time, his interests being divided between San Diego and Omaha. He is well acquainted with the western country, having during the last eight years done much traveling over the roads.

Judge Neville is sanguine that the proposed railroad between Salt Lake and Los Angeles would be a veritable boon for this city. To a NEWS representative today he stated that in his opinion the people must certainly not be aware of the great benefit to be derived from the construction of such a road, or they would surely make a greater effort to push the project through.

"Very many people of the East," said he, "purchase tickets to the coast good for from six to nine months, which allows them to stop over and spend the time visiting the principal places of interest. Salt Lake being a historic city, they all have a desire to come here, but as those coming over the U. P. have to come out of their way, they very often forego the privilege of doing so. If the Salt Lake and Los Angeles road were in operation the majority of the tourists would come here."

He also referred to the fact that the route of the proposed road lay through immense iron and coal deposits, all of which would by this road be made available to this city, as well as the unsurpassed fruit country of southern California being brought into closer communication.

Judge Neville expressed himself as being well pleased with Utah, and thinks that when she becomes a State great advancement will be made.

After spending a few days in this city Mr. Neville expects to resume his journey westward.

Soldier Arrested for Assault.

A. Karnnack, a soldier, arrested about 10 o'clock last night for assaulting James McMahon, cutting his cheek and lacerating his finger, was given the alternative of paying a fine of $15 or going to jail for fifteen days.

Jim Long, a Chinese gambler, was arrested last night by the police and deposited the sum of $20.

COLLECTING DATA.

The Question of What Shall Go Into the Constitution.

COMMITTEES ARE CONSIDERING.

A Few of them Met Today and Others Will Meet On Monday.—Convention Chips.

This would have been an uninteresting day in Constitutional Convention work but for the fact that it marked the beginning of a collection of material which is to be used in framing the instrument which the existence of the convention contemplates. But little active work, however, was done, as it will probably be the middle of next week before the committees begin holding regular sessions. In the meantime preparations for actual, painstaking labor are under way.

STARR PRAYING TODAY.

The committee on rules, President Smith presiding, met today and appointed a subcommittee, consisting of Varian, Evans and Hart, to draft rules for the government of the convention. The task was commenced and the result will be reported to the full committee on Monday forenoon, to be passed upon before presentation to the convention.

PRINTING BID OPENED.

Bids for the [illegible] printing [illegible] for printing the minutes of the proceedings will [illegible] bids were opened today by the committee having the matter in charge. The offers were very close, but the Deseret News Publishing company, being the lowest bidder, was awarded the contract at the rate of $1.572 per thousand em page.

THE STATE LEGISLATURE.

Chairman Van Horne of the Legislative committee will call his committee together on Monday as soon as the Convention adjourns. Among the duties will be that of determining satisfactorily to all concerned, if possible, how the two houses of the State Legislature shall be organized, the number of men in each and the relation of the chief executive thereto with reference to veto power.

Personally, Mr. Van Horne favors 27 new members in the upper house and twenty-seven in the lower, with the provision that the number in each may be augmented according to the requirements of increased population. The gentleman says he has consulted some of the Democratic leaders on the question and that they are entirely favorable to such an arrangement. The legislature, arguing it be increased with reference to the number of members in each branch, would remove all possibility of deadlocks, a condition, in the light of recent events in neighboring states, he thinks the people of Utah would readily approve.

PUBLIC REVENUE.

Asked for an outline of the work contemplated by the committee George M. Cannon, chairman of the committee on revenue, taxation and public debt said this afternoon: "We design taking up and canvassing the subject of taxation in all of its phases. It will be the purpose to recommend the creation of conditions which will meet all necessary expenses of the state and in this way tax everything that can be taxed, and at the same time seek to foster every industry established for the benefit of the people.

"The line of taxation on mines will in all probability be somewhat similar to the method that prevails in Montana. That is, there will be a tax upon the net revenue and upon all patented mines at the price paid the government. Added to the net revenue may possibly be a provision for taxing salaries paid officers of the companies outside of those necessarily employed in the operation of the mine. On taxation of deeds it is probable that the provisions of the California constitution will be followed, which are to the effect that any incumbrance is considered an interest in the realty and is taxed accordingly to the owner of the land or mortgagee at the option of the parties interested. The present Territorial statutes exempt all mortgages from taxation."

SELECTED THEIR SEATS.

After the NEWS report of the Convention proceedings closed last evening, Evans, of Weber, offered the following resolution, which was adopted:

Resolved, That in the selection of seats for delegates, all members of the age of 60 years and upwards, be first permitted to take their choice of seats, after which the seats of remaining members shall be ascertained by placing on a slip of paper the names of such members in a box, thoroughly mixed, and separately drawn therefrom by the clerk, and which called by such clerk the member whose name is thus called may select his seat, and that such method be continued until all the delegates are seated.

NINETEEN MEMBERS OVER SIXTY.

In the general re-adjustment which took place it transpired that there were nineteen members who had passed the sixtieth annual mile stone on life's journey, and these aged gentlemen all got choice seats under the provisions of the resolution.

COURTESY TO OFFICIALS.

Wells, of Salt Lake, offered the following resolution, which, on motion of Varian, was referred to the committee on rules:

Resolved, That the freedom and courtesy of the Convention be extended to the Governor and secretary of the Territory, delegate to Congress and judges of the Supreme Court, and that the secretary of the Convention be directed to notify them of this action.

AUTHORITY FOR THE PRESIDENT.

Hart, of Cache, offered the following resolution which was also referred to the committee on rules:

Whereas, The appointment of standing committees of this convention was made before the adoption of the special rules giving the president the same power of appointing standing committees,

Now, therefore, be it resolved, That the president of the Convention is empowered to appoint all the standing committees and that appointments heretofore made by him are hereby ratified and confirmed.

AS TO CONVENTION VACANCIES.

James, of Salt Lake, introduced the following, which was adopted:

Resolved, That the committee on accounts and expenses report to the Convention the number of necessary employees from up to the present time and any other information they may give as to the general expenses of the convention.

STUDENT REPORTS MADE.

Thurman, of Utah, offered the following which also went to the same [illegible]:

Resolved, That the several standing committees of this Convention shall report the work assigned to them as speedily as may be consistent with efficiency and thoroughness, and when the same is reported, it may be referred to a committee of the whole for action thereon [illegible] as [illegible] the report, [illegible] the names of the [illegible] and the [illegible] of the committees and [illegible].

ADJOURNED TILL MONDAY.

The Convention then adjourned until Monday forenoon at 10 o'clock, at which time important committee reports are looked for.

CONVENTION CHIPS.

The chief event which appeals this [illegible] is the [illegible] city and county building simultaneously with the session of the Convention is literally [illegible] by the "working members."

A large number of delegates have expressed themselves to the effect that a much smoother, under the present [illegible] of some popular [illegible] [illegible] housed in the joint building, would prove a [illegible] while the Convention is in session.

Out of the twenty-one chairmanships Salt Lake county got twelve. A severe two divisions of the city of Republicans [illegible] from the same county [illegible] [illegible] [illegible] in the [illegible] for [illegible] and [illegible].

The committee on judiciary was to have met at the Walker House [illegible] this evening, but owing to the absence of a quorum [illegible] and [illegible] Judge Goodwin, chairman, and three of his colleagues [illegible] to 2 o'clock and [illegible] the members who are [illegible].

Colonel George E. Squires is slated for clerkship of the committee on revenue, taxation and public debt. The chairman of the committee is George M. Cannon, who stated today that it would meet in one of the east chambers of the city and county building on Monday next immediately after the adjournment of the Convention.

The committee on elections and right of suffrage held its first session this afternoon. Several of the members were absent, but it is understood that everyone of those favors giving franchise to women. It is already a foregone conclusion what the convention will do. Very few of the delegates are opposed to the proposition, though there are two or three also men in each political party who are.

The artist who was to photograph the delegates last evening gave up the undertaking, for the time being, as a bad job. Nearly one half of the members refused or failed to descend the stairs and stand as targets before the camera. When they are in a better humor, and when, generally speaking, the circumstances are more auspicious, another [illegible] of "try it again" will be executed.

The Convention has numerous committees but each has a separate meeting room in the joint building. The accommodations in this respect are the very best. The great objection to the meetings in the present quarters are that they are so remotely located from the business part of the city and that there are no elevator "lifts" in the building. The steep climb to the third floor, several times a day, has a wearying effect on the older members.

The question of employing an official stenographer is one that has caused the committee having the matter in charge considerable anxiety, as they are desirous of settling it with fairness to the contestants and profit to the state. It is believed that Frank McGaurin's offer of $15 per day and fifteen cents a folio for transcribing will be accepted. The other contestants are Thomas Marrinerson, whose bid was $10 a day and [illegible] a folio and Miss McMorrow, whose offer was $7.50 a day and five cents a folio.

Information Wanted.

Isaac Williams, Box 10, Sunshine, Perry Co., Ohio, wishes to know the whereabouts of Thomas Williams and family, from Allegheny county, Penn., and formerly from Pwnteastellin, South Wales, Great Britain. Also of William Bowen, from the same place.

COUNTY TEACHERS MEET.

Dr. Millspaugh Speaks of His Visit to Eastern Cities.

A meeting of the teachers of this city took place at the high school building, at 3:30 o'clock. A short time was occupied by Superintendent Millspaugh in giving some general directions as to work pertaining to the daily routine of the school room; also calling attention to the importance of making adequate preparations for Arbor Day, and to the urgency of having Utah's educators well represented at the meeting of the National Educational association at Denver next July. This Territory, the doctor stated, is making rapid strides and is commanding an ill [illegible] attention in the east, and that a large attendance at the meeting aforestated would improve the situation of that gathering that the teachers of Utah are in the van of educational [illegible].

Following Dr. Millspaugh's directions and suggestions, Principal J. E. McKnight, of the seventh school, was called upon to again read a paper which was read about a year ago, which proposal was complied with. Mr. McKnight's subject was educational in themes, and was a production of unusual merit, and heartily enjoyed by all present.

Dr. Millspaugh then gave a brief account of his late trip east. His visit, primarily, was to attend the meeting of city superintendents at Cleveland, Ohio, and secondarily to visit some of the leading schools there for the purpose of making comparisons as to the work under his direction here. The meeting was attended by the leading educators of the United States; the subjects considered were entered into in a spirited manner, and were productive of much profit to those in attendance, and the session was a notable one.

A visit was then made to the schools of Kalamazoo, Chicago, Cleveland and Kansas City. In some of these cities were found school buildings which would compare with those of Salt Lake. Every department of school work was visited during the sessions, and while typically excellent work was seen, and the teaching generally of a superior character, just as good teachers are found in this city, and the quality of the work done here will compare favorably with that of the best seen in the schools visited.

Mention was made of the branches taught, and manner and method of teaching the same, and while some of the work here could be improved, it will, he stated, bear favorable comparison with that in the schools visited. The teachers were greatly interested in the report of the doctor's visit, and were greatly encouraged by a comparison of their work with that of other schools of much longer growth.

A. E. Whitehead Dead.

Brother George Goddard, of this city, has received the sad tidings that his son-in-law, Adolphus E. Whitehead, died at [illegible] o'clock on Wednesday evening. The deceased lived at St. George, and was in Tuscarora a [illegible] this. From there his wife received a message at St. George that he was dangerously ill, and she set out at once, making the arduous journey over roads rather rough and muddy roads, to find her husband in a very critical condition. This was on March 1, and two days later he passed away. The nature of his illness was not stated. He was about fifty years of age, and highly esteemed.

The Husband This Time.

Walter G. Fowler is seeking a divorce today from his wife, May, on the ground of desertion. The parties intermarried in this city on May 23, 1892, and there are two children, whose respective ages are eight and two years. On April 2, 1893, Mrs. Fowler left her husband without, as he alleges, just cause or reason, and has ever since continued to live apart from him.

It is expected that Judge Merritt will hear the case late this afternoon.

S. A. Kenner was the plaintiff's attorney.

"Bidsh" Party.

The "bidsh" party held in the Seventeenth ward hall last night for the purpose of raising means to assist in defraying the expenses of putting electric lights in the meeting house was a very enjoyable affair. The costumes were of unusual style, such as a coat and vest worn in Washington's time, and gowns as worn in Cleveland's time. A pleasing feature of the evening was a tambourine drill led by a very small girl dressed in white. An excellent flute solo was also rendered by H. J. Sharp. In fact the evening was one of interest and pleasure to the large number assembled. It was given under the auspices of the young people of the ward.

Will Be Repeated.

The performance given by the Fifteenth Ward Comedy company last evening in the Y. M. M. I. A. hall, at the corner of Third west and First South streets, will be repeated this evening at 8 o'clock.

Judge Bartch's Return.

Judge Bartch is expected back from Fairview on Monday or Tuesday next. Upon his arrival he will resume work in the Third district court.

Surprise Party at Herriman.

HERRIMAN, Utah,
March 6th, 1895.

Editor Deseret News:

A pleasant surprise was gotten up by the members of the Young Ladies' M. I. A. on their president, Sister Sarah J. Butterfield. The large company took possession of Brother and Sister Butterfield's large house about [illegible] p. m. and after a pleasant greeting and a little social chat the young ladies prepared for a genuine good supper. Tables were set to accommodate about twenty-five persons, and when all the older ones of the party were seated, the young ladies presented Sister Butterfield with a beautiful large framed picture of the Salt Lake Temple as a token of the good feelings existing between the president and the members of the association. After 112 persons had eaten supper, the rest of the evening was spent in singing, reciting and social chat. One pleasant feature of the party was that it was not confined to the members of the Mutual alone, an invitation having been given to all who were excepting the little ones; the majority of Brother Butterfield's children and [illegible] were present, sisters especially there being but [illegible] out of the eleven that we have in our little ward.

One more could mark on the young ladies for the success of another pleasant party and the good time enjoyed by all.

JOSEPH S. H. BODELL.

Fruit Tree Inspectors.

The fruit tree inspectors will commence work on Monday next in distributing notices to the people in this city and county. They desire those living east [illegible] to recall the same of the inspectors when they call upon them. They hope by the united effort of the fruit growers to rid the orchards of the pests which infest them.

Plumbing Without a License.

In the police court this afternoon James Fenwick was adjudged guilty of doing plumbing work without a license and sentence was set for Monday morning next at 10 o'clock.

THE DISTRICT COURT.

Justice of the Peace P. Lochrie Ousted From That Office.

JUDGE MERRITT HAS SO DECIDED.

Another Wife Granted a Divorce.—Copper Plant Attachment Suit.—General Orders.

Chief Justice Merritt held court today, as is his regular custom on Saturdays, for the disposal of motions, etc. The Judge began this morning's work by rendering decisions on cases previously submitted to him.

LOCHRIE, J. P., OUSTED.

In the case of the people vs. Peter Lochrie, justice of the peace, argued last Saturday, the decision of the court was as follows:

In this case defendant was appointed and claims the office and the right to act as justice of the peace by virtue of the following resolution of the county court of Salt Lake county, Utah:

"Whereas, it appears to the county court that the public good requires that there be an additional justice of the peace in and for the Fifth precinct of Salt Lake City and county.

"Be it resolved, That Peter Lochrie be and he is hereby appointed an additional justice of the peace in and for said Fifth Salt Lake City precinct."

Which appointment plaintiff contends is illegal and void and not authorized by any valid law, and that defendant should be ousted from said office.

Section 161, Com. Laws of Utah, 1888, page 286, provides: "Each precinct in this Territory shall elect one justice of the peace and one constable, and the same may be increased in any precinct by the county court, whenever they shall deem that the public good requires it." And under this provision the county court passed the above resolution.

It is contended First, That this section is invalid as being a delegation of Legislative power. Second—That if not invalid the only authority conferred upon the county court thereby is power to create an additional office of justice of the peace in any precinct, which is to be filled in the usual manner by an election. Third—That the language of the resolution (conceding the authority of the court to create the office) is not sufficient for that purpose, but is a direct attempt to appoint the defendant to an office which had never been created.

His honor reviewed the acts of the legislature and legal authorities on the subject and proceeded:

Tested by these rules, it would seem, and I am therefore obliged to hold, that said act of the legislature is invalid as being a delegation of legislative power.

2. And this disposes also of the second contention.

3. But even though the act be held valid, and that the county court was thereby empowered to create such additional offices as it might deem proper, or for the public good, yet the defendant is in no better position, because the resolution of the county court does not attempt to create the office or to provide for an election to fill the same, but simply appoints the defendant a justice of the peace, assuming that the statute authorizes such appointment. And such appointment is in violation of the laws of Congress, which provide that all justices shall be elected. Rev. Stats., Sec. 23, U. S. (1 Laws U. S., p. 25.)

Defendant further contends that the act of Congress which provides that vacancies in the office of the justice of the peace may be filled by election or appointment, in such manner as has been or may be provided by the legislature (1 Laws U. S. at p. 32) authorizes his appointment. But in this I cannot concur. The act of Congress was simply intended to authorize an appointment (if the legislature so provided) to fill an actual vacancy in an office which had previously had an incumbent, and cannot be construed to permit the office to be changed from an elective to an appointive one. O'Leary vs Adler, 11 Mining, p. 83.)

And an election for the office (even if one had been created) having been held at the time provided by law, no election to fill it can be held at a time not so provided.

The People etc., vs Church, 6 Cal 66, and both houses of Congress have repeatedly held to the same effect.

I am therefore of the opinion and so decide that defendant is unlawfully holding the office in question, and that he be ousted and excluded therefrom; and that he pay the costs of this action.

NOT DONE WITH, PROBABLY.

It was understood that the matter would be called up again some time this afternoon, on the application of Lochrie's attorney for an appeal.

A WIFE'S SUIT FOR DIVORCE.

The divorce suit of Annie M. Green vs Walter E. Green was taken up, the ground being desertion.

The marriage took place at Park City on October 19, 1886, the plaintiff's maiden name having been Annie M. Colch. There are two children, boys, aged respectively seven and five years. Mrs. Green stated that her husband deserted her in March, 1893, and he has not since been heard of. No alimony was asked for, and after listening to corroborative testimony Judge Merritt granted the decree as prayed.

Thomas Hale was the plaintiff's attorney.

FOR THE PLAINTIFFS.

In the case of the Union Pacific Coal Co. vs W. H. Shaughnessy, [illegible] submitted, the court now rendered judgment for the plaintiffs.

A SUPPLEMENTAL COMPLAINT.

In the case of Gilbert B. Amos vs G. M. Green et al. submitted last week, leave was given to file supplemental complaint.

GENERAL ORDERS.

E. P. Ellison vs the Rio Grande

(Continued on Page Five.)