The Evening paper is the paper of Today, the morning paper is the paper of Yesterday.

DESERET EVENING NEWS.

5 O'clock -EDITION.-

TRUTH AND LIBERTY.

NO. 150. MONDAY, MAY 18, 1896, SALT LAKE CITY, UTAH. VOL. XXIX.

ENERGETIC PROTEST.

Consul General Williams Compelled Weyler to Yield

IN THE CASE OF THE CORPETITION.

A Stormy Interview at the Palace and a Great Diplomatic Victory for Uncle Sam.

NEW YORK, May 18.—A special to the Herald from Havana says:

The action of Consul General Williams in protesting against the methods of the trial of the prisoners of the schooner Competitor adopted by the Spanish authorities is worth more than a passing mention.

Before the court martial assembled Consul General Williams's letter of protest was read. The representative of the United States quoted the real treaty existing between the United States and Spain and denied the right of the latter to try American citizens and others sailing under the American flag by other laws by civil laws, adding that consequently the latter they should be judged by ordinary and not by military or naval courts, and he permitted to employ legal counsel and present witnesses in evidence.

A note by the judge advocate general, which had also been endorsed by Admiral Navarro, the highest naval officer of Havana in Cuba, ruling Consul General Williams's protest as without just ground and out of order, was also read and noted.

Within two hours after the court martial ceased its session, at a special meeting in the afternoon the members sent to Admiral Navarro a sealed envelope addressed to the Spanish Supreme Council of War and Marine, signed by the naval chief. The enclosure of all five proceeds to order, in accordance with the verdict, were signed, sealed and preparations were made to have the men shot.

Receiving no satisfactory response from the admiral, not even an invitation to consult the Spanish Supreme Council General Williams on any attempt of his office was present at the court martial, nor was he allowed to see the prisoners until after the trial had closed. Naturally he had the whole case before the state department at Washington by wire early and received instructions as promptly as possible. When these arrives he went immediately to the palace, where a stormy interview with Captain General Weyler ensued.

The general told the consul general that if the men had been convicted, as he (the latter supposed, they would shot certainly at sunrise the next morning, or the morning, outside any prison the United States might move.

"If you shoot them," said Mr. Williams, "my government instructs me to close its consulate to-day and demand my passports, and I could most certainly do no less." Upon such government consequences, should these prisoners be executed before our protest be given due consideration."

While Mr. Williams bowed himself out of the captain's presence he drew back to his office. The excitement that followed at the palace was inconceivable. The journals of all shades of opinion and the contrast in the leading conservative parties and the managing director of the Spanish bank were called and conferences began. The majority of these personages advised the authorities to suspend the execution pending higher instructions from Madrid.

General Weyler said no, and added that if the men were not executed, he would resign. He so telegraphed the Spanish ministry, and in the meantime, it appears the United States was, through Minister Taylor, bringing pressure to bear also at Madrid. Orders came from Spain to suspend all proceedings and directing the captain general and admiral to transmit all documents in the case to Madrid for consideration by the supreme court military and naval, admiral and cabinet. General Weyler, it is said, also received a message telling him to await a more opportune moment to give up his command, as for diplomatic reasons the government could not afford at this crisis to have him suddenly resign. Consul General Williams had won. The transfer of the case to Madrid will give the prisoners at least a month of a little respite.

A Suspicious Murderer.

SAN FRANCISCO, May 18.—Evidence is accumulating against J. E. Hamilton, suspected of the murder of Mrs. Philomena Ruffner on the night of May 3. Through the unwilling aid of his boon companion, George Dodge, and the voluntary statements of J. H. Lynch, Lynch's wife and other witnesses, movements have been in dark hound. It is believed that the murder of Mrs. Langhorn took place before 11 o'clock on Friday night. Between 11 o'clock and midnight Hamilton entered the bathroom of the residence where he resided, to wash his hands. When J. H. Lynch started to enter the bath Hamilton hastily departed without washing a word and as Lynch stepped to the wash basin he was surprised to see that he was in a bloody condition. It is said that the police have received from a pawnshop the diamond rings which were stolen from Mrs. Langhorn at the time of her murder. A description of Hamilton has been telegraphed all over the country.

DAMAGE BY WIND.

Trees Uprooted, and Houses Under Construction Blown Down.

GRAND RAPIDS, Mich., May 18.—A wind storm with a velocity of fifty miles an hour swept this city early this morning and continued until night. Many trees, wind mills, etc., suffered severely and it is feared that crops have been badly damaged.

MILWAUKEE, Wis., May 17.—A thunderous gale swept over Wisconsin Sunday at forty-two miles an hour. Cautionary signals were displayed by the weather bureau and in consequence no vessels left port. A tremendous sea was running on Lake Michigan all day. The wind was at Boise in Milwaukee and Vicinity that trees were uprooted and several houses in course of construction were blown down. Several bicycles were thrown from their wheels and a number of baby carriages were overturned. Continued rain damage is reported from interior towns.

NIAGARA FALLS, N. Y., May 18.—The great Niagara fall fell has been seriously damaged by the terrific gale which prevailed all day yesterday. The wind began early in the morning to blow strong from the west, and by noon it was a howling gale, which tore the trees, fruit off in chunks. The indications from the blossoms in the orchards throughout the peninsula, which promised the largest fruit crop in years. The fruit blossoms especially. There has been no frost and fruit growers were doubtful in being confident that the fruit would escape all effects. Apples, pears and plums suffered the most. So there is estimated that half of the apple crop is lost and a large number in peaches and plums. Pears are suffered some, but nothing near to what the others did.

How Catholics Should Vote.

MONTREAL, May 18.—In all the Roman Catholic churches in Quebec province a mandate signed by the archbishop and bishops was read last night dealing with the duties of the faithful in the approaching election. The mandate concludes as follows:

"Therefore all Catholics should unity and solidarity adopted, therefore to vote in parliament in favor of the legislation giving to the Catholics of Manitoba the school laws which were recognized as such by the privy council of England. This grave duty imposes itself on all good Catholics and you would not be justifiable, neither before God nor your spiritual guides but before God Himself in voting against this obligation."

Senator Tarsiano Will Retire.

LA PORTE, Ind., May 18.—A private letter received here from Washington conveys the information that Senator Voorhees will retire from public life at the end of his present term. His failing health has given his friends great concern for more than a year past and it is his avowed intention which has caused him to resign the position that he will not seek a renomination in the United States senate where he has been a conspicuous figure during his long public career. It is believed that he will seek to recover his health by a trip to Europe.

Priest Accused of Slander.

NEW YORK, May 18.—A dispatch to the Herald from Valparaiso, Chile, says: Father Stolz, a Jesuit of Santiago, has caused a sensation in that city by what the people regard as an intolerable language, used in the course of an address in his pulpit. The priest charged directly that Lilies de Silva, the governor of the Chilean port, and the Santiago district, was a center of corruption.

The director of the school has sworn out a summons for the priest to appear in a criminal court, and the government attorney also accuses the reverend father of slander.

Expeditions for Cuba.

NEW YORK, May 18.—A special to the World from Jacksonville, Fla., says: There was a report here last night that another Cuban filibustering expedition is organizing and that ten to twenty days's cargo of arms and munitions of war, with a goodly number of Cuban "passengers" will be on the way to Cuba.

NEW YORK, May 18.—A special to the World from Key West, Fla., says:

A Cuban expedition is being quietly organized in Norfolk. A steamship is to be used as a filibuster by getting at a Spanish port in Cuba. Captain Hanson has his name plates have been painted over and repairs are being made. For several days recruiting has been going on in Norfolk and Newport News, and it is known that boxes of arms and ammunition have been put aboard the steamship.

The boat is said to be one of the fleetest in Atlantic waters. She was recently purchased here, ostensibly for the purpose of plying between Florida and northern ports. Her name cannot be learned.

Reserves to Leave Korea.

NEW YORK, May 18.—A dispatch to the Herald from Chefoo, Pekin, says: Dispatches to the Novoe Vremya from Vladivostok state that the Russians are preparing to leave Korea. If so, however, they will prepare to bring the king to power under a strong guard of Russians.

A Russian company has obtained a grant to work the gold in Korea for twenty-five years.

Killed Himself for $300.

CHICAGO, May 18.—Desperate to be unable to replace $300 belonging to a secret society for which he was the collector and which had been lost in dealing in wheat, Charles Fabian, a young man of good family and business movements have been in past hours. It is believed that the murder of Mrs. Langhorn took place before 11 o'clock on Friday night. Between 11 o'clock and midnight Hamilton entered the bathroom of the residence where he resided, to wash his hands. When J. H. Lynch started to enter the bath Hamilton hastily departed without washing a word and as Lynch stepped to the wash basin he was surprised to see that he was in a bloody condition. It is said that the police have received from a pawnshop the diamond rings which were stolen from Mrs. Langhorn at the time of her murder. A description of Hamilton has been telegraphed all over the country.

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Annexation Accepted.

CONSTANTINOPLE, May 17.—Over 1,500 Armenians have been arrested in the capital during the last fortnight, owing to apprehensions of fresh disturbances by the Armenian population. Fifty-two Armenians and six Turks were also killed in Asia Minor yesterday, and seventy-seven Armenians included in the military lines. Nineteen were arrested for complicity in the outrages.

Silo Situation Safe.

CHICAGO, May 17.—Nearly half the business portion of the suburban town of Blue Island was destroyed by fire today. Altogether twenty-six buildings were burned, entailing a total loss of about $150,000.

A Second Russian Reform.

LONDON, May 17.—The correspondent in the Daily Telegraph at Moscow publishes that after the promulgation of the czar, an edict will be issued dispensing thousands of exiles in Siberia, and also, prohibiting the deportation in future of the corporal punishment of all kinds.

LIGHTED AT MOSCOW.

Notabilities from Various Quarters of the World.

MOSCOW, May 18.—Li Hung Chang and suite arrived here today from St. Petersburg. The Chinese envoy was received in his most brilliant manner and afterwards present at a reception given in his honor at which the Chinese were perhaps decorated with Rear Field Marshal Yamagata, the Japanese envoy, and the Duke of Sajaro, the representative of Spain, and the crown prince of Roumania, have also arrived.

Col. Cockerell Laid to Rest.

NEW YORK, May 18.—The obsequies of the late Col. John A. Cockerell, were held today in the Madison Square hall, over the casket was thrown the mortuary banner of the Legal Legion, on which was a wreath of white roses and immortelles inscribed, "From Jim's wife."

The services included brief addresses by T. F. Bradley, resident agent of B. P. O. E., and J. Howard Jr. President of the press club. The body was conveyed from Calvary Baptist church, where the religious services were conducted by Rev. Dr. McAllister.

IN FAVOR OF TELLER.

A Suggestion That He Be Proposed for the Presidency.

DENVER, Colo., May 18.—The Rocky Mountain News in a leading editorial today suggests that the Colorado Democracy organize with the Democracy of the neighboring states to present Teller in the Democratic National convention as a candidate for the Presidential nomination, should he bear himself at St. Louis as he is expected to do.

AT PRETORIA.

Fearful of a Rising Prisoner Who Committed Suicide.

PRETORIA, May 18.—There was a great demonstration today upon the occasion of the funeral of P. L. Grey, the reform committee who committed suicide by cutting his throat in jail. Harney Batsato rode in the first carriage.

Harmless Explosion.

MADRID, May 18.—A petard was exploded today in the street near the Royal Palace. No damage was done.

Nominated by the President.

WASHINGTON, May 18.—The President today sent the Senate the following nominations: Kenneth M. Jackson, commissioner for the district of Alaska, to reside at Wrangle; Henry C. Fick, receiver of public money, Montrose, Colorado.

The Bolt-State Election Contest.

WASHINGTON, May 18.—By a vote of 6 to 4, the house today refused to take up the resolution to investigate the alleged election frauds in Alabama in the Bolt-State election contest.

WOMAN'S CUBAN CONGRESS.

A Notable Feature of the Fair to Be Held Next Week.

NEW YORK, May 18.—A special meeting of the executive commission of the Woman's congress of the Cuban American fair has been called for today in order to discuss the program for each day's session and to select speakers. The congress promises to be one of the most notable features of the big fair for Cuba, which is to be held in Madison Square garden from May 25 until May 30. The avowed purpose of the fair is to raise funds for the "securing of the rights of a people fighting for justice, self-government and liberty." The Woman's congress would be devoted to the celebration and commemoration of patriotic movements in the Western hemisphere. The woman's building which has been set aside for the purpose and will be decorated with the flags of the new world's free countries. The congress will be given over on Monday, the opening night, to the Daughters of the American Revolution, who will give a congress report with history of the American colonies' struggle for liberty and jubilation over the victory. Mrs. Donald MacLean, regent of the daughters, will preside, and will deliver an address in answer to an address by a representative of the Cuban committee. During the remainder of the evening some recognition of every republic in North and South America will be given by women appointed to represent them. Two nights during the fair will be devoted to the Cuban women of New York and the program will be given in Spanish. It is expected that Mrs. Allen Stevenson, wife of the Vice President, and also an officer in the Daughters of the American Revolution will open the congress on Monday night.

CYCLONE VICTIMS.

A Long List of Dead and Wounded Yesterday in Kansas.

NEWS BUT SLOWLY COMING IN.

The Path of the Destroyer Strewn with Wrecked Homes and Demolished Property.

KANSAS CITY, May 18.—News is less of the sad destruction of property by yesterday's cyclone in Kansas is slow in coming in, owing to the crippled condition of the telegraph wires. Only half a dozen towns were struck by the twister and the known dead number is seven. The injured somewhat fifty thirty, many of whom, it is feared, were fatally hurt.

Reserve, a village on the Missouri Pacific, Brown county, seems to have felt the brunt of the storm. But five houses were left standing there. The killed and injured at Reserve are:

Killed—D. W. Terhune, aged 36; Ralph Sweeney, aged 3; Viola Pattillo, aged 8; and Mrs. John Hynder.

Injured—John Hynder, fatally; Wm. Mellaney, Mrs. D. W. Terhune and daughter, Sherman Pattillo, Jerry Young and wife, George Kennedy, Ed. Phillips, Harry Thompson and son, Frank Jones, Mrs. Kennedy and three children, Rev. Mr. Parker, wife and daughter, and William Margrave.

The path of the cyclone ran south of the Missouri Pacific at Elmo river, two miles east to Irving, followed the railroad east river to Fairview, thence north to Baileville, Everson, Sabetha and Baker, entering Nebraska at Falls City. At Falls City it overturned twenty-six freight cars, demolished a freight depot and damaged twenty-six houses. Mr. and Mrs. Hinter are reported hurt.

At Sabetha, Kansas, twenty-five houses were destroyed and twice as many damaged.

The identified dead in the vicinity of Sabetha are: Mrs. Jessie Messner, Hattie Bunkerly, Ellen Carey, the twelve-year-old daughter of Mr. Carey, Mr. Dan Sayler, Mrs. Schaggs, Mr. Beeson and an unknown woman.

Injured: Mr. M. Carey, Geo. Carey, Wm. Mechmer, S. P. Hay, Allen Hay, Mrs. Carey, two Carey children.

Early Sabetha families are homeless, but persons are reported killed near Everson.

The cyclone spent itself here at Preston, Neb., where many the buildings are reported wrecked. Several people were injured, some dangerously.

CAUSE FOR DISPUTE.

An Island Belonging to the British Shore in British Possession.

CHICAGO, May 18.—Major General Wesley Merritt, commander of the department of the Missouri, and Robert T. Lincoln, have returned from the Pelee Fishing club course on Pelee Island in Lake Erie. General Schofield was also a member of the party. Gen. Merritt said: "Nothing I found out about Pelee, it is owned by Great Britain and according to the Canada-Bagot treaty of 1817, should belong to the United States. The treaty provided that all islands north of the channel in the lake should belong to Great Britain and south of the channel should belong to the U. S. The channel course was not properly laid down at that time or has changed since, so it is not north of the island.

"We went to Pelee Pay Island near the scene of Commodore Perry's great naval victory. We visited a neglected, willow-grown spot where the American and British English naval contests and a number of other dead belonging to both countries are buried. There are no stones or other grave marks. It is to be hoped only with posts and a chain. I has heard the government intended filling and marking in a proper manner these graves, and the surgeon of our ship was to see if anything had been done."

Indian Charged With Murder.

SEATTLE, Wash., May 18.—In jail at Juneau awaiting trial on the charge of murder is Chief Ye Testlen, the Tyee of the Hoonah Indians, a small tribe of Alaska Indians, who occupy Chichinof island and about a hundred miles southerly from Juneau.

The offense with which the old chief is charged was committed by a relative of his nephew whom he accused of witchcraft. The chief had a decrepit affecting his right leg which had gradually eaten the flesh away. He dreamed that his nephew had bewitched him and on the strength of this he proceeded to inflict punishment upon the offender.

The victim's knee were tied close back and in this position he was bound tightly to a tree. As time dragged, a quantity of an herb which was then placed around his face, sinking into the nose and covering the eyes, and this was also made fast to the tree, so that he was unable to see or hear what in any direction. He was left in this position to starve to death. He lasted five days. He was about 50 years of age.

Presented to the Queen.

LONDON, May 18.—The Duchess of Marlborough, formerly Miss Consuelo Vanderbilt, was presented at the queen's drawing room today.

Death's Harvest.

BERLIN, May 18.—Herr Otto Campe, formerly Prussian minister of finance, is dead. He was born in 1812 and was minister of finance in 1870, and had to meet the necessity of the situation caused by the war between Prussia and France. His services were highly appreciated and upon the resignation of Count Von Roon in 1873, Count Campe was appointed vice president of the minister of state.

Ways and Means Committee.

WASHINGTON, May 18.—The House committee on ways and means today decided to report favorably the bill to permit custom officials to deliver packages of the value of $100 free of charge, which has been passed Lewis, Kyle, to pass upon the House, under suspension of the rules, a bill to permit the bottling of spirits under bond in the distilleries.

The Immigration Bill.

WASHINGTON, May 18.—The House committee on rules today reported a special order for consideration of the McCall immigration bill and amendments to be offered thereto. The McCall bill provides a sentence of not and imprisonment similar to the Lodge bill. One bill which provides for a reserve fund to be offered as a substitute. The bill for one million is carried will give the immigration commissioner time to work out the bill requires from that side.

THE SUPREME COURT.

Is Constitutional to Keep the Law Force Suspended.

WASHINGTON, May 18.—The Supreme Court decided today in what is known as the "Jim Crow" car case of Plessy vs Ferguson, that the statute of Louisiana, requiring railroad companies to supply separate coaches for white and colored persons, is constitutional, affirming the decision of the court below.

Justice Brown delivered the opinion. Justice Harlan dissented.

Justice Harlan today delivered the opinion of the Supreme Court in the case of Hennington vs the state of Georgia, upholding the constitutionality of the law prohibiting the running of freight cars in Georgia on Sunday. The opinion held the law valid.

In the Supreme Court today Justice White handed down an opinion of the Curtis case singer sewing machine case. The judgment of the court below, in favor of the singer manufacturing company, in the Northern district of Illinois, against Singer was reversed. The Supreme Court held, however, that other suits on the same "Singer" as a trade mark, should show the source of manufacture.

The Methodist Conference.

CLEVELAND, Ohio, May 18.—Bishop Newman presided at the M. E. conference this morning. Dr. J. L. Morris and A. E. Phillips of Texas fraternal delegates from the M. E. church, South, were introduced. Dr. Morris spoke. He showed great mastery on the occasion of his previous appearance before the conference, but his speech now received this morning with applause.

In the ninth ballot for bishops, the white number of ministers was 1,000, giving 334 necessary to elect. The vote for the orders was: McCabe, 236; Crooks, 235; Roots, 215; Hamilton, 195; Neely, 187; Bowen, 176; Scott, 174.

The result of the ninth ballot proved a great surprise. The lead for McCabe was 32; Crooks, 21; Roots, 42; Bowen, 38. The gain in the vote for Hamilton, for Neely, 38. This took out the rumor of a break in Neely and Hamilton and the latter was swamped with intense interest. Dr. Tedrow then moved that under all further balloting for bishop until the next general conference in 1900. No second was made.

Bishop Newman presented Rev. W. L. Wallinson, fraternal delegate from the British Wesleyan conference, who said a few words of farewell. Bishop Newman's response was good, and he thing I found out about Pelee, it is owned by Great Britain and according to the Canada-Bagot treaty of 1817, it should belong to the United States. The treaty provided that all islands north of the channel in the lake should belong to Great Britain and south of the channel should belong to U. S. The channel course was not properly laid down at that time or has changed since, so it is not north of the island.

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RAILROAD MEN DEPART.

Negotiations Were Probably Successful —President Clark Will Soon Return.

Chairman Clark of the Union Pacific reorganization committee, President Clark of the same system and the other interested railway men who have been in this city for the last few days everything with the Messrs. Cannon and their associates, on a series of railway interests, left last night for the east. All efforts to obtain detailed information as to the result of the conference have been fruitless, but it is understood that the meeting was satisfactory. President Clark will return to Salt Lake within the next few days.

The morning there was an improvement in the grading work of the grading work of Salem. Already about two miles of grade is in shape completed, and nearly eighteen miles of the road ready for the ties. In about four weeks more the work will be complete to Black Rock, but about a half mile of the Salem V. and where the road will probably follow the Utah and Nevada grade which may be widened to receive the broad-gauge rails, made by placing two additional rails in position.

COUNTY COURT MATTERS.

Business Transacted Before the Commissioners This Forenoon.

The county commissioners met today at the usual hour and transacted the following business:

Petition of Jane P. Jones et al., asking for a change in the boundaries of school district No. 43. Clerk ordered to notify trustees of district No. 43 to appear at the next meeting of the county commissioners and show cause why the petition should not be granted.

The report of Constable C. E. Offenbach was received and filed.

Communication from the county surveyor concerning the preparing of an estimate from the county attorney relative to whether the county could sue a big corporation for a bad road upon a way across land referred to county attorney.

E. R. Williams of Murray and State Hays of Bingham were granted a retail liquor license for the term of three months.

Resolution of Geddes relative to the removal of the remains of Rodie W. Baldwin, the coming footer to the sheriff's office, from $40 to $50 per month, adopted.

Resolution of Christopherson relative to the extension of Fifth East street between Twelfth and Thirteenth South, recommending that an appropriation of $25 be allowed Campbell as a claimant for payment for his land, the board pledging itself to construct a road with this from 1st a clearance of 1,000 feet along the east side of said extension. Adopted.

Communication from Road Supervisor Hardy denying the charge of the county grade and line stakes, noted accepted.

Requisition of county recorder for $25 worth of postage stamps granted.

Application of county recorder for new official maps of Salt Lake City, Reserves to Geneva.

The court then adjourned for one week.

Supreme Court.

The following cases came up before the Supreme court today:

Salt Lake City et al, appellants, vs Joseph Coloogh; motion to dismiss the appeal overruled.

Fitzpatrick Rich Dry Goods company vs E. A. Rix, appellant; submitted and taken under advisement.

Ex parte Pepper et al, appellants; submitted and taken under advisement.

On motion of Attorney C. J. Peters J. M. Cutsler of Colorado was admitted to the supreme court bar of this place.

SERGEANT ROBERT LOVE.

Funeral of the First Local Guardsman Called Away by Death.

The funeral service over the remains of Sergeant Robert Love of Company A, First Infantry, N. G. U., were held at the Hall Wark meeting house at 12 o'clock yesterday. The building was crowded to the utmost capacity, there being besides mourners, neighbors and friends of the deceased, the following representatives of the National Guard of Utah: Captain Grow, Lieuts. Wahl and Smith, and the non-commissioned officers and privates of Company A. Men who acted as escort to the remains to their late comrade, Capt. Alfred and Lieut. Fisher of Company D; Lieut. Lister, Sergeant Bennett of Company B; Cpl. Page, First Infantry, and Captain Thompson and Sergeant of the regimental staff; Secretary Lamont of the staff; the Commander-in-Chief—all the foregoing in uniform, besides representatives of the First Battery and First Cavalry. The officers and men of Company A were seen on their swords and sleeves.

The services were conducted by Bishop Watson of the Sixth ward, Chaplain Mr. Stephens and Deacon Hendricks, of the First Baptist church, and Elders James H. Anderson and Stephen Hunter, of the Church of Jesus Christ of Latter-day Saints. Were the speakers, they also were largely of the deceased and made exceedingly remarks to the bereaved relatives and friends. A duet was pleasingly rendered by Miss Rudolph and Mr. Woodruff.

The procession left the meeting house at about 1:30 o'clock led by Company A, the hearse following and on foot drawn, and arrived at the cemetery an hour later. The company then took a last look at their departed comrade, who had spent three years in the and fired three volleys over his grave. Captain Nystrom sounded "Taps" and the bore to their early assembling place and meeting place of their respective armories.

Runaway.

A serious runaway was narrowly averted in the city cemetery yesterday afternoon. As one of the carriages which had been in attendance at the funeral of Sergeant Love was leaving the cemetery, the horses started to run down the hill and soon became unmanageable. Luckily, however, they collided with the inside gate of the cemetery which brought them to a stop. The driver was thrown to the ground, sustaining a slight bruise on his face, and one of the horses had his ear badly cut. The occupants of the carriage escaped with a scare and a shaking.

CASE DRAGS SLOWLY

Value of Morris's Dugway Property a Subject of Inquiry.

TESTIMONY AS TO ASSAYS.

Attention to Fraud That the Francis and Holland Lode Deals With Hayes are Detailed.

The Morris-Hayes inside case again held the right of way in the criminal branch of the district court today. The whole of the forenoon session was devoted to an effort on the part of the defense to prove that the mining claims in the Dugway district, in which Morris included Hayes, are valueless properties, that there was nothing of a temperate character about the negotiations that that they were genuine in all their bearings upon this case. The prospects are that the trial will continue for several days yet. Judge Powers says that his argument alone will cover a period of two days and it is expected that the prosecution will want nearly if not quite as much time to reply.

Engineer Byron Gow of the United States land office was the first witness on today's hearing. He had with him a packet of papers and other records of the office. At the instance of Judge Powers he committed a copy of the plat of plotting mines and a diagram of the Hayes Warrior and Holland mining claims in the Dugway district, purporting to show dates, etc., of property in which Morris became interested through J. F. Delaney. The official plat of survey for patent, as certified to by the surveyor general of the same property, was also shown, as were also the field notes, location notices, proof of possession, official certificate, that there was $500 worth of work had been done on the mine. All these and other similar papers were introduced by Judge Powers for the purpose of letting my and all inference, argument and proof to the effect that the defendant's ownership in the property was not genuine and to show that he was interested previously as set out earlier in the trial.

Attorney Carlon for the prosecution objected to their admission and a long dispute concerned as to their materiality. The court ruled most at the papers out.

Angus M. Cannon was the next witness. He was called for the purpose of testifying as to the value of the Dugway Mining district as such. "Are you a miner?" asked Mr. Carlon. "Acquainted with mining in general?"

"Well, I have spent about $50,000 in the business." (Laughter.)

Witness went on to the Morris-Delaney property in March of this year; it, according to the representations of Mr. Delaney, was a valuable one; it contained carbonate, lead, silver and gold, and would probably produce fifty tons of ore a day. Probably one hundred tons were already on the dump. Witness had paid $500 for it, but had never visited it. He sought it on the representation of Mr. Delaney. It is on the New Mexico.

Charles C. Van Alstine had also visited the property in March of this year. He had taken some samples of ore from the dump. He had thought, in Salt Lake and assayed. He had taken at home and did not state the result.

In Cross-Examination Clossman followed and testimony was elicited that Mr. Van Alstine had been induced, relinquishing how the active Morris insisted on getting in an article that would compare with the best in Salt Lake City. However, over witness's protest, Hayes sent to his firm for the best which was duly forwarded to Salt Lake but which the never taken out from the freight depot. The desk is still there and remains unclaimed.

Angus M. Cannon was recalled at this point of the proceeds go and asked if he had made any assays of the Francis mine, owned by De Lamy and Morris. He replied in the affirmative and stated from a sample taken from the dump by Mr. De Lamy he got one and one-fifth ounces in silver and $1 in gold. He was not satisfied and reported to Mr. Delaney, who furnished him another sample. It went seven and two-tenths silver, twenty-four one hundredths gold and four per cent lead.

J. S. Morton, clerk of the board of education, was called and on request secured the contract of the board with Mr. Hayes for the Salt Lake City to quarry out the jobs building.

John E. Hansen, a member of the board, was called and asked by Judge Powers if he had any interest in this Hayes represented that the reason he was willing to sell the bars to landlord 10 per cent cheaper than the city was because he was the bosses. Mr. Bra was anxious that it should go out to the furniture business of the county that it had furnished the building through. Witness replied that such was the case and that Hayes in support of his statement produced the contract with the board for furnishing various items that were cheaper as stated.

City Auditor Swan was called and asked as to the whereabouts of the contract of the city with Andrews & Clossman, but his mind was a blank on that matter and he was excused.

The court then took a recess until 2 o'clock p. m.

This Afternoon.

At this afternoon session ex-Sheriff Magleson was put on as a witness in the interest of Morris to testify as to the value of Morris's mining property before he mentioned.

Exchequer J. P. Cannon was next called to the witness stand by Judge Powers.

"Made what of assay you made in Chicago in 1893?"

"Do you meet Mr. Morris in Chicago?"

"No, sir."

"Do you know if Morris was in Chicago about that time?"

"If was in that line would I not?"

Harry Hayes of Murray was then