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10 PAGES—LAST EDITION.

### JUDGES TO GET THEIR SALARIES.

Justices of the Supreme Court May be Henceforth Unmolested On Stipend Question.

### JUDGE MARSHALL'S OPINION.

Practically Throws the Case Out of Court and Brings Proceedings To an End.

### SUIT WILL PROBABLY NOW DROP

In the Opinion of Some of the Leading Attorneys the Incident Is Closed.

From present appearances the justices of the Utah supreme court will be allowed to enjoy their increased salaries undisturbed by any further legal proceedings against them.

An important opinion was handed down this morning in the case of the Mine & Smelter Supply company vs. C. S. Tincey, state auditor of Utah, by Judge Marshall of the federal court, which to all purposes throws the case out of court, and settles the matter as far as the U. S. district court is concerned.

The defense in the case some time ago, entered a "plea in abatement," asking for a non-suit upon statutory grounds. This plea Judge Marshall upholds upon the grounds that the amount involved to the plaintiffs is less than \$2,000 and so is not within the jurisdiction of the court. In his opinion the judge goes into the matter somewhat extensively and states that there is a grave question as to whether the increase in salary to the supreme court judges is legal or that the state auditor is justified in drawing the money out of the same, but he does not point out any redress for the condition the auditor finds himself in, and the warrants will be drawn as usual.

It is yet too early to state just what action the plaintiffs will take in the matter as an entire change of front will have to be made before their case will have any standing in court. In the opinion of some of the leading attorneys of the city, the matter will be allowed to drop, and the judge left to enjoy their salaries as the state legislature intended they should.

### PUBLIC CONCERN ABOUT THE KAISER

Berlin, Nov. 9.—A bulletin concerning the condition of Emperor William, who was operated upon Saturday for the removal of a polypus from the larynx, was issued this morning at the new palace, Potsdam. It is as follows:

"Inflammation, which naturally follows as a reaction from the operation already is diminishing. We can, therefore, be satisfied with the appearance of the left vocal cord. Nevertheless the healing of the little wound probably will require another week.

"The emperor's general condition is good, his temperature and pulse are normal.

(Signed) "VON LEUTCHOLD, "SCHMIDT.

The court circular states that the emperor this morning personally heard the report of Herr von Lucanus, chief of the civil cabinet.

Prof. Bernhard Fraenkel, the eminent throat specialist of Berlin university, in an interview today with the correspondent of the Associated Press, said:

"The public concern about the emperor's condition is unwarranted. The facts are absolutely as stated in this morning's bulletin. The people are only agitated because they remember that the first reports about Emperor Frederick did not disclose his true malady, but this time the bulletin is correct. You can re-assure America."

### EMPEROR FREDERICK'S CASE RECALLED.

New York, Nov. 9.—Information contained in private dispatches received here shows that the operation on Emperor William is similar to the first one performed on his father and consequently causes concern in his household. The official statement issued by the surgeons fails to reassure because it is well understood that for reasons of state the emperor would be given the benefit of any doubt as to the true character of his disease.

It is recalled that the surgeons at that time made nothing of the first operation on Emperor Frederick. There is anxiety because both Emperor William's father and mother died of cancer and his grandmother Augusta also was so afflicted. The emperor's aunt, the Grand Duchess of Baden, as is well known in Germany, is suffering from the same malady.

It will take months to decide whether the fears now entertained are unfounded. At present the whole weight of scientific authority which is in attendance upon the emperor affirms that he has not cancer.

### WHAT PROF. ORTH SAYS.

Berlin, Nov. 9.—Prof. Johannes Orth, the famous cancer specialist, who succeeded the late Prof. Virchow in the chair of pathological anatomy at the University of Berlin, says:

"I authorize you to declare as explicitly as possible that not the slightest suspicion of any dangerous formation exists. It is a matter explained in an ordinary laryngological book. With persons who, like the emperor, are commonly in the professional duties to speak often in public there are often formations on the vocal cords which we call polypus. They are, of course, a hindrance to the voice and accordingly these excrescences were removed. As for the rest I am unacquainted with the clinical side of the case, but I believe I am warranted in

saying that the emperor in eight days will again have full possession of his vocal powers."

### Emperor's Condition Satisfactory

Berlin, Nov. 9.—(6:38 p. m.)—The latest news regarding the condition of Emperor William is that it remains satisfactory. He worked several hours this afternoon on state business and wrote a long telegram to King Edward congratulating him on his birthday.

The story of the day concerning the emperor is not the story of the bulletins, of the telegrams from foreign sovereigns nor of the sympathetic inquiries of the ambassadors, but of the regret and concern of the people.

"It is worth being ill to receive a thing like this," the emperor is reported as saying when some flowers were sent to him by three working women were handed to him today.

Several similar indications of regard were made by poor persons in Potsdam. The emperor makes light of his indisposition and has asked the members of his family to act precisely as heretofore. He feels the change from his uncommunally active life to a quiet one, but he declines to be relieved altogether of the routine business of state and received an audience of the heads of his private cabinet and the chancery, Count von Buelow.

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### FEDERATION OF LABOR.

#### Twenty-third Annual Convention Opens in Faneuil Hall.

Boston, Nov. 9.—With an assembly of delegates numbering nearly 500 the American Federation of Labor today opened its twenty-third annual convention. Although the subjects to be taken up at the convention had not been decided, the program for today's sitting includes the usual formal welcoming of delegates—the appointment of committees and the presentation of the reports of some of the principal officers.

Discussions in which the delegates have appeared since reaching the city indicate that among the important questions to be considered by the convention will be whether the federation's affiliated members shall ally themselves with any particular political party.

Child labor, ten-hour work day and the "Miller case" at Washington are also expected to come up.

President Gompers reported that never before has there been such uniform growth in unionism as during the past year. The American Federation of Labor has issued new charters as follows: International unions, 20; state federations, 3; central labor unions, 17; local trade unions and federations, 131. The gain in membership has been 42,100.

On the head of "Industrial activity and reaction," President Gompers said:

"There are indications that the era of industrial activity which we have enjoyed during the last few years has reached its flood tide, in that there is now some fear of a reaction. Among us we see some contraction of industrial activity by which workmen have been rendered idle. It is true that the change is not pronounced, but it is sufficiently evident for notice and deserves our consideration. More especially should this receive our attention since quite recently we have been given by our most pronounced antagonists, the capitalists, the press has endeavored to point upon our movement the responsibility for the industrial reaction."

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### FLORAL TRIBUTES FOR UTAH'S SENATORS.

(Special to the "News.")

Washington, D. C., Nov. 9.—Senators Smoot and Kearns arrived here last night and registered at the Raleigh hotel. Both of the Utah senators called and paid their respects to the president this morning. Senator Smoot is in the best of health, and being asked about the vote of the senate said:

"The senate will most likely pass the bill for reciprocal relations with Cuba at once; this seems to be the general impression. The house may delay action for some time, however; the Panama canal will receive early attention and Senator Morgan as usual may be relied upon to press the claims of the Nicaraguan route. In relation to my case there is nothing new. There will be no trouble; my opponents are doing the worrying."

The friends of both of Utah's senators remembered them by a number of floral designs which were laid on their desks when the senate convened this morning.

Congressman Howell and his secretary arrived late Saturday and will be temporarily located at the Driscoll until he finds suitable quarters.

Senator Kearns reached Washington yesterday afternoon and went at once to his rooms at the Raleigh. A representative of the "News" saw the senator a short time before the opening of Congress. He had just returned from the department of justice, where he had been to urge the department to hurry the examination of the title to the Indian school at Panguitch. The matter has been hanging fire for some time and the senator is anxious that the department take immediate steps to acquire the property so that the government can go ahead with the school. The senator said he did not look for a long session. He did not think any other matters except those directly concerning the reciprocity treaty with Cuba would be considered. As he came further east he noticed a feeling in favor of financial legislation. But at this time he could not tell what, if anything would be done along these lines. He said he was going to do his utmost to have Salt Lake City made a port of entry and had several things in mind in the shape of bills which he hoped to introduce at this session of Congress which would redound to the good of Utah.

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### BOLD ROBBERY AT WEST WEBER.

Two Greeks Hold Up Another, Relieving Him of \$125, a Watch and Other Articles.

### TURNED TRICK WITH A SHOTGUN

Coffin, the Man Stabbed in the Brain By Chris Peterson, May Recover—Sue for Divorce.

### (Special to the "News.")

Ogden, Utah, Nov. 9.—A Greek whose name is unpronounceable, was arrested last evening by Sheriff Bailey and Deputy Sebring at West Weber, charged with robbery. It is alleged that he and another man held up and robbed a fellow countryman, relieving him of \$125 in cash, a watch and other articles. The men were all working on the section, and on learning that one of their number had money, the other two planned the robbery and carried it out by means of a shotgun, which one placed in the man's hand, the other two searched through his pockets. The second offender has not yet been captured, but the sheriff hopes to have him in the course of a few hours.

### ORDERED TO PRISON.

In the case of the State vs. Fred Engleke, Attorney W. L. Maginnis appeared in court this morning and stated that the defendant's bondsmen had been released, he being now in custody. He therefore asked that he be permitted to enter upon his sentence of one year and the court made an order accordingly. Engleke burglarized the home of Fred J. Kiesel a short time ago, stealing therefrom a quantity of valuable clothing. He will be taken to the state prison tomorrow.

In the case of the State vs. John Moore, the defendant withdrew his former plea of not guilty and entered one of guilty. Moore is charged with entering a lodginghouse on lower Twenty-fifth street and stealing a gold watch and chain.

### MAYHEW BOUND OVER.

William Mayhew was given his preliminary hearing before Judge Howell this morning on the charge of house-breaking, the specific charge being that he broke into the Diamond saloon and stole a watch belonging to C. H. President. He was bound over to the district court in bonds of \$500. Chief DeFater, who was arrested with Mayhew, was ordered discharged from custody. It is expected that the state will have nothing to do with the offense.

### SUIT FOR DIVORCE.

Suit for divorce has been filed by Maude Finsell against William F. Finsell. The parties were married in Ogden, Sept. 24, 1900, and have two children. Plaintiff alleges cruelty and failure to provide for the custody of the children and \$35 temporary alimony pending the action; also for permanent alimony.

### COFFIN MAY RECOVER.

John Coffin, the man who was stabbed in the brain Saturday morning at Huntsville by Chris Peterson, is now improving so much so, in fact, that the attending physician, Dr. Forbes, says there are good hopes for his recovery. Inasmuch as the blade penetrated the brain to a depth of three inches, his condition is astonishing in most such cases death ensues soon after, if not immediately. Peterson, his assailant, who was badly beaten after making the vicious plunge, is still at the county jail, improving slowly. A complaint was sworn to this morning charging him with assault with intent to commit murder, with Albert Engstrom, city marshal of Huntsville, as the complainant.

### GALADET PROMOTED.

Dennison Galadet, who has been foreman of the Union Pacific shops here for some time past, has been appointed foreman of all the shops in the western district. He will be succeeded here by Evan Jones.

### GEO. FINLAYSON DEAD.

Chief Engineer of Logan Sugar Factory Succumbs to Injuries.

(Special to the "News.")

Logan, Nov. 9.—George Finlayson, chief engineer of the Logan Sugar factory, died yesterday afternoon here as the result of injuries received while working in all the shops in the western district. He was 44 years of age and leaves a wife and four children. He was a most exemplary citizen and had resided here for several years. He seemed to sink from the first when he was so severely scalded, and never rallied.

George Finlayson, chief engineer of the Logan Sugar factory, died yesterday afternoon here as the result of injuries received while working in all the shops in the western district. He was 44 years of age and leaves a wife and four children. He was a most exemplary citizen and had resided here for several years. He seemed to sink from the first when he was so severely scalded, and never rallied.

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### CITY COUNCIL MEETS TONIGHT.

Will Assemble in Special Session To Canvass Returns of the Municipal Election.

### EXPENSES OF TUESDAY'S BATTLE

Itemized Statement Shows Them to Have Amounted to Nearly Two Thousand Dollars.

### (Special to the "News.")

The city council met in special session at noon today as a board of canvassers to canvass the returns of the municipal election. After the call for the meeting was read and the bill of election expenses was submitted by the city recorder, a recess was taken until 7 o'clock this evening when the work of canvassing will be commenced. In addition to nine members of the council, there were also present at the meeting today Chairman Leary, Secy. Willey of the Democratic city committee and several other spectators.

The following is the itemized statement of election expenses which was referred to the committee on finance for consideration:

Rolling places ..... \$ 424.50  
Extra help, recorder's office..... 140.00  
Ballot boxes ..... 492.50  
Supplies, including ballots ..... 474.25  
Livery and messenger services..... 14.75  
Advertising ..... 472.00  
Total ..... \$1,928.00

### IRRIGATION CONGRESS REPORT.

The report of Willis T. Beardsley, secretary of the board of control of the recent Irrigation congress, has been filed with State Auditor Tincey. In addition to the expenditure of the \$6,000 appropriated by the Legislature, the report also includes the receipts and disbursements of all other funds of the congress. The report is in printed form and is very credible in every respect. Accompanying it are vouchers for every cent of the \$6,000 appropriated by the state.

### TIE-UP OF COLORADO COAL MINES COMPLETE.

Denver, Nov. 9.—Information received from the coal fields of Colorado today indicates that the strike of coal miners will be more extended than anticipated. It is reported that the order of the executive committee of the United Mine Workers of America declaring a strike in District 15 for today has been obeyed in Colorado almost to the man. At certain mines where it was confidently believed a sufficient number of men could be retained to operate them, it appears that not enough men reported today to make a showing. In the northern fields where the men decided to strike upon their own referendum vote because they have not been granted an eight-hour day, the walk-out is complete.

Unusual precautions have been taken by the sheriff of Las Animas county, in southern Colorado, where it is feared trouble may break out at any time. It is reported that strikers have threatened violence if they are ousted from the cottages of the Victor Fuel company and the Colorado Fuel & Iron company. The state troops are being held in readiness to respond at a moment's notice to a call from the governor.

Already the effects of the strike are being felt in this city. Practically all the dealers announced today that they had no coal. At the retail offices of the Colorado Fuel & Iron company orders were taken for not more than one ton from each customer, subject to two weeks' delay in delivery.

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