

HE WHO RUNS MAY READ. LOCAL. PAGE. Briefs. 8. Personal. 8. Sporting Spillers. 8. Death of Fred. 8. In Official Circle. 8. Trials with the Smoke. 8. The East has Her Eye on Salt Lake. 8. The Kureha Toward Dispute. 8. Court Notes. 8. Political. 8. The Utah Democratic Club. 8. Officers and Programs for the Celebration of Jackson Day. 8. The Young Men's Democratic Club will hold a meeting at 731 South Fifth West to-day. 8. The City Council. 8. Believed only by Several. 8. Most Claims Filed by ex-Policemen. The Natural Gas. 8. The Kureha Toward Dispute. 8. Entertainment. 8. Tolerable. 8. Wonderland. 8. The Natural Gas. 8. A. Debatling Club. 8. EDITORIAL PAGE 4. Articles and Paragraphs. 8. Cheats. 8. Silver Quotations. 8. Weather Predictions. 8. MISCELLANEOUS. 8. Railroads: A Plea for Them in Rich Valley. 8. The Markets (by Telegraph). 8. MINES. 8. UTAH NEWS—PAGE 3. OGDEN, PROV and SPRING CITY. 8. CORRESPONDENCE. 8. HOLDS CITY: A Second Daniel Has Risen in Judge Nugent's. 8. Washington, D. C. Blair's Story. 8. A Woman Who Defies Her Fate. 8. The Right to Speak and Vote in a Precinct. 8. A Horrible Case of Burgled Alive. 8. [Special to THE HERALD—Examiner Cable.] 8. ST. PETERSBURG, Jan. 5.—Intelligence reached here to-day of a fearful accident that occurred at Proschovitskas, a village in Russian Poland. It appears that a physician who had been practicing at that place recently became ill, and at all appearances, died. The body was prepared for burial, and followed by a number of mourners, was conveyed to the village cemetery, where it was interred. A few hours after the mourners had departed from the cemetery, some men who were engaged about the grounds were started by hearing a succession of the most unearthly shrieks, which at all appearances, came from the newly filled grave. At first the men fled in consternation, but in a short time their courage returned and they decided to investigate the matter. Shovel's were produced and the earth was hastily removed from the grave and the coffin lifted out. Upon opening the coffin, it was found that the doctor had indeed died, but that he had subsequently died from suffocation. The body gave evidence of the terrible agony endured by the physician while in his coffin. He had made almost superhuman efforts to burst of the coffin lid, but the weight of the earth prevented this, and his head was terribly bruised. The affair has caused the greatest horror in Proschovitskas.

HOME RULE

Congress is Asked to Grant it to Utah.

BILLS TO THAT END

Introduced by Messrs. Faulkner and Caine.

THICE READ AND THEN REFERRED

They Provide for the Election by the People of All Territorial Officers, Including Governor and Judges.

WASHINGTON, Jan. 5.—[Special telegram to THE HERALD.]—The following measure was formulated by the Democratic Territorial Central committee of Utah and forwarded to Delegate Caine, by whom it was to-day presented in the House. It was also referred to the committee on territories in each house.

AN ACT FOR THE LOCAL GOVERNMENT OF UTAH TERRITORY AND TO PROVIDE FOR THE ELECTION OF CERTAIN OFFICERS IN SAID TERRITORY.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following measure be and it shall be the duty of the President, after the first Monday in November, 1892, and biennially thereafter, an election shall be held in the territory of Utah, in the several election precincts thereof. At said election the following officers shall be elected, to-wit: One delegate to Congress, from the territory at large; one governor; one lieutenant-governor; one secretary; one auditor; one treasurer; one attorney-general; and one superintendent of public instruction for the territory at large; three judges of the supreme court of said territory from the territory at large, and seven judges of the district courts, one to be elected in and to be a resident of each of the seven districts hereinafter provided, and seven district attorneys, one to be elected in and to be a resident of each of the seven districts as hereinafter provided; and one probate judge; one county recorder; one county clerk, who shall be clerk of the district court, while sitting in his county, and three judges of the probate court; one assessor and collector; one treasurer; three electmen; and one superintendent of schools, and one surveyor and one corner for each county in said territory; one constable and one justice of the peace in each election precinct in said territory.

Sec. 2. The officers elected at such election shall qualify and enter upon the duties of their respective offices on the 1st day of January, 1893, and the term of office of the present incumbents of each of all said offices which are now elective or appointed shall expire on that day and no sooner. And said officers so elected shall hold their offices for two years and until their successors are elected and qualified.

Sec. 3. There shall also be elected at said election twelve members of the legislative council, and twenty-four members of the legislative assembly, to be appointed to and elected from the several districts as now provided by the board of commissioners, known as the Utah commission in said territory. But the representatives in the legislature may be re-appointed to the legislature elected as herein provided.

Sec. 4. The legislature so called shall meet upon the first Monday in January, 1893.

Sec. 5. The salary of the several officers elected as herein provided shall be as follows: The governor, \$4,000 per annum; the lieutenant-governor, \$3,000 per annum; the secretary, \$3,000 per annum; treasurer, \$2,000 per annum; the attorney-general, \$3,000 per annum; the superintendent of public instruction, \$2,500 per annum; the judges of the supreme court, each, \$4,000 per annum; the judges of the probate courts, each, \$500 per annum; the district attorneys, each, \$2,500 per annum. All to be paid out of the territorial treasury of said territory. The members of the legislature shall each receive \$5 per day, for a term not exceeding sixty days in any two years, and 25 cents per mile for each mile necessary to be traveled in going from their respective places of residences to the capital of said territory, to be paid out of the territorial treasury.

The salaries, except the compensation of the members of the legislature, may be changed by the legislature, but such change shall not take effect until after the next regular election.

Sec. 6. The executive power and authority of the territory shall be vested in the governor. The governor shall be an elector of said territory, over twenty-five years of age. He shall be commander-in-chief of the militia of the territory. He may grant reprieves and pardons, and remit fines and forfeitures for offenses against the laws of the territory. He shall have original jurisdiction in all cases both in law and in equity, and such jurisdiction upon appeals from inferior courts and tribunals as may be conferred by law; and shall also have original jurisdiction in all cases of writs of mandamus, certiorari, prohibition and habeas corpus, and all writs necessary for the full exercise of the jurisdiction hereby conferred. The county clerk shall be ex-officio clerk of the district court and the custodian of its seal. Upon the request of the judge of any district, the judge of another district may hold the whole or any part of a term in a district other than his own, and both judges may sit and try cases at one and the same time, and the acts of such judge so called in shall be of equal force as if he were duly elected in said district, and upon the order of the governor, any district judge must assist the judge of another district to dispose of the business in such district, or to hold the court in his stead.

Sec. 17. The legislative power of the territory shall be vested in the legislative assembly, which shall consist of the governor, the lieutenant-governor, the secretary, the treasurer, the attorney-general, the superintendent of public instruction, the judges of the supreme court, the judges of the probate courts, the district attorneys, the recorder, the clerk, the assessor and collector, the surveyor and corner, the constable and the justice of the peace. The legislative assembly shall be organized on the first Monday in January, 1893, and shall then assemble on the first Monday in January, 1894, and thereafter on the first Monday in January of each year, and shall continue its sessions until the end of each session thereof, to the President, and two copies of the laws, within like time, to the President of the Senate and the Speaker of the House of Representatives, for the use of Congress. He shall transmit a copy of the executive proceedings on the first day of January in each year, to the President. He shall prepare the acts passed by the legislative assembly for publication, and furnish a copy to the public printer of the territory within ten days after the passage of each act. He shall be the custodian of the territorial seal, and shall attach the same to all writs and commissions issued by the governor.

Sec. 9. The auditor shall examine and audit all public accounts connected with the territorial treasury, and shall report the same to the governor on or before the last day of November in each year, and oftener if required by the governor, and shall deliver to his successor in office all books, moneys, accounts and other property belonging to the territory so soon as his successor shall become qualified. He shall draw warrants upon the treasurer for all claims and demands payable out of the territorial treasury.

Sec. 10. The treasurer shall receive all moneys and other property belonging to the territory, and shall be responsible for the same, and shall deliver to his successor in office all books, receipts and disbursements, to whom made and on what account. The treasurer shall pay out moneys that may come into his hands by virtue of his office, upon drafts or orders countersigned by the auditor of public accounts, and shall annually report to the governor on or before the first day of December, or oftener if required by the governor, a full account of his receipts and disbursements, with the necessary vouchers for the same, and shall deliver to his successor in office all books, receipts and disbursements, to whom made and on what account.

Sec. 11. The attorney-general shall prosecute and defend all actions in the supreme court of the territory, or in any of the district courts, or in any of the probate courts, and shall have general supervision of the conduct of district attorneys under the direction of the governor to the end that the laws may be strictly enforced.

Sec. 12. The superintendent of public instruction shall possess and exercise all powers and duties now imposed by the laws of said territory upon the superintendent of schools, and also the duties imposed by Sec. 25 of the act entitled "An act to amend an act entitled 'An act to amend Sec. 5,353 of the Revised Statutes of the United States,'" which took effect March 1, 1887.

Sec. 13. The judicial power of the territory of Utah shall be vested in the supreme court, the district courts, the probate courts and in justices of the peace. The supreme court shall consist of three judges, elected as hereinafter provided, and they shall, upon the organization of the court, elect one of their number chief justice. The supreme court shall have jurisdiction to review upon appeal any decision of the district courts, or the probate courts, and the supreme court shall also have original jurisdiction to issue writs of mandamus, certiorari, prohibition and habeas corpus, and all writs necessary and proper to the complete exercise of its appellate jurisdiction. The supreme court shall also have original jurisdiction to hear claims against the territory, but its decision shall be merely recommendatory and no process in the nature of execution shall issue thereon, but the judgment shall be reported to the next session of the legislature for its action. The judges of the supreme court shall elect some suitable person clerk of said court.

Sec. 14. The territory shall be divided into seven judicial districts as follows, to-wit: The counties of Box Elder, Cache and Rich shall constitute the First district; the counties of Weber, Morgan and Davis shall constitute the Second district; the county of Salt Lake shall constitute the Third district; the counties of Tooele, Juab, Millard and Sanpete shall constitute the Fourth district; the counties of Summit, Wasatch and Uintah shall constitute the Fifth district; the counties of Utah, Emery, Grand and San Juan shall constitute the Sixth district; the counties of Kane, Washington, Beaver, Iron, Sevier, Plute and Garfield shall constitute the Seventh district, and at least one term of the district court shall be held in each county once in each year.

Sec. 15. The district courts shall have original jurisdiction in all cases both in law and in equity, and such jurisdiction upon appeals from inferior courts and tribunals as may be conferred by law; and shall also have original jurisdiction in all cases of writs of mandamus, certiorari, prohibition and habeas corpus, and all writs necessary for the full exercise of the jurisdiction hereby conferred. The county clerk shall be ex-officio clerk of the district court and the custodian of its seal. Upon the request of the judge of any district, the judge of another district may hold the whole or any part of a term in a district other than his own, and both judges may sit and try cases at one and the same time, and the acts of such judge so called in shall be of equal force as if he were duly elected in said district, and upon the order of the governor, any district judge must assist the judge of another district to dispose of the business in such district, or to hold the court in his stead.

Sec. 16. The probate courts shall be courts of record and shall have original jurisdiction in all matters of probate, settlements of estates of deceased persons, and the appointment of guardians and other like matters; also jurisdiction to hear and

become a law in like manner as if he had signed it, unless the legislative assembly by adjournment sine die prevent its return, in which case it shall not be a law.

Sec. 7. The lieutenant-governor shall be ex-officio president of the legislative council; he shall not vote upon any measure pending before it, except when the council is equally divided. He shall perform the duties of governor, in case of the disqualification, absence or death of the governor, and in case the lieutenant-governor shall from any cause be absent or disqualified, or shall be engaged in performing the duties of the governor, the president pro tempore of the legislative council shall perform the duties of the lieutenant-governor.

Sec. 8. The secretary shall record and preserve all the laws and proceedings of the legislative assembly, and all the acts and proceedings of the governor in the executive department. He shall transmit a copy of the laws and journals of the legislative assembly within thirty days after the end of each session thereof, to the President, and two copies of the laws, within like time, to the President of the Senate and the Speaker of the House of Representatives, for the use of Congress. He shall transmit a copy of the executive proceedings on the first day of January in each year, to the President. He shall prepare the acts passed by the legislative assembly for publication, and furnish a copy to the public printer of the territory within ten days after the passage of each act. He shall be the custodian of the territorial seal, and shall attach the same to all writs and commissions issued by the governor.

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Sec. 12. The superintendent of public instruction shall possess and exercise all powers and duties now imposed by the laws of said territory upon the superintendent of schools, and also the duties imposed by Sec. 25 of the act entitled "An act to amend an act entitled 'An act to amend Sec. 5,353 of the Revised Statutes of the United States,'" which took effect March 1, 1887.

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Sec. 16. The probate courts shall be courts of record and shall have original jurisdiction in all matters of probate, settlements of estates of deceased persons, and the appointment of guardians and other like matters; also jurisdiction to hear and

determine all causes arising within their counties, wherein the debt or damage claimed does not exceed \$500, exclusive of interest; and concurrent jurisdiction with justices of the peace in criminal cases. Justices of the peace shall have jurisdiction in all civil causes in which the debt or damages claimed, exclusive of interest, does not exceed \$300; but they shall not have jurisdiction in any case where the boundaries or title to any real property shall be called in question; and they shall have criminal jurisdiction of such misdemeanors as may be prescribed by the laws of the territory.

Sec. 17. The legislative power of the territory of Utah shall be vested in the legislative assembly, which shall consist of the governor, the lieutenant-governor, the secretary, the treasurer, the attorney-general, the superintendent of public instruction, the judges of the supreme court, the judges of the probate courts, the district attorneys, the recorder, the clerk, the assessor and collector, the surveyor and corner, the constable and the justice of the peace. The legislative assembly shall be organized on the first Monday in January, 1893, and shall then assemble on the first Monday in January, 1894, and thereafter on the first Monday in January of each year, and shall continue its sessions until the end of each session thereof, to the President, and two copies of the laws, within like time, to the President of the Senate and the Speaker of the House of Representatives, for the use of Congress. He shall transmit a copy of the executive proceedings on the first day of January in each year, to the President. He shall prepare the acts passed by the legislative assembly for publication, and furnish a copy to the public printer of the territory within ten days after the passage of each act. He shall be the custodian of the territorial seal, and shall attach the same to all writs and commissions issued by the governor.

Sec. 18. All causes pending in the supreme court of the territory of Utah on the first day of January, 1893, arising under the constitution and laws of the United States, but no law shall be passed interfering with the primary disposal of the soil. No taxes shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents.

Sec. 19. All causes pending in the First district court sitting at Ogden, on the first day in January, 1893, shall be heard and determined by the Second district court in Weber county, and all causes pending on the first day in January, 1893, in the First district court sitting at Provo, and arising under the territorial laws, shall be heard and determined by the Sixth district court, sitting in Utah county, and all causes pending on the first day in January, 1893, before the Second district court, and arising under the territorial laws, shall be heard and determined by the Seventh district court, sitting in Beaver county, and all causes pending on the first day in January, 1893, in the Third district court, and all causes pending in the several district courts of Utah territory on the first day of January, 1893, and arising under a constitution and laws of the United States, shall be heard and determined by a territorial district court hereinafter created.

Sec. 20. There is hereby created a territorial district court for the territory of Utah; said court shall have and exercise the same jurisdiction in all cases arising under the constitution and laws of the United States as is vested in the circuit and district courts of the United States. Said court shall hold two terms in each year, and its place of sitting shall be Salt Lake City, in the county of Salt Lake, and the term shall be held on the first day of January in each year, and shall be appointed by the President, by and with the advice and consent of the Senate, a judge of said district court, who shall hold his office for four years, and until his successor is appointed and qualified. The judge of said court shall appoint a clerk of said court. The salary of said district judge shall be \$3,500 per annum, to be paid in the same manner as the salaries of other district court judges of the United States.

Sec. 21. The board of commissioners created by section 3 of the act of Congress approved March 29, 1882, entitled "An act to amend section 5333 of the revised statutes of the United States," is hereby abolished, and the duties prescribed by said section and the acts of Congress amendatory thereof shall, until some other or different provision is made by the territorial legislature, be performed by a board consisting of the governor, attorney-general, and the three justices of the supreme court, elected as provided for in this act. This section shall not take effect until the first day in January, 1893.

Sec. 22. Section four of the act of Congress approved June 23, 1874, entitled "An act in Relation to Courts and Judicial Officers in the Territory of Utah," is hereby repealed, and until some other and different provision shall be made by the territorial legislature, it shall be the duty of the district judges, elected as provided in this act, to appoint in each county three jury commissioners, who shall meet in each county on the second Monday in January of each year and prepare a jury list, which shall contain the names of two hundred electors of the county, duly qualified to serve as jurors. From such list the probate judge and county clerk of such county shall, at least ten days prior to the beginning of any term of the district court, upon order of the district judge, draw the necessary number of names to constitute a grand or trial jury, or both, if so ordered by the district judge. No person shall be competent to serve as a juror unless he has resided in the county for six months next preceding and is an elector of the county, and can read and write the English language. If in any county there be less than two hundred qualified electors, then the jury shall be drawn from the whole number of electors in the county. This section shall not take effect until January 1, 1893.

Sec. 23. Section 1 of the act of Congress approved June 23, 1874, entitled "An Act in Relation to Courts and Judicial Officers in the Territory of Utah," is repealed. All process issued by the supreme court of the territory of Utah shall be served by the United States marshal for said territory, and he shall be paid therefor out of the territorial treasury the same fees and charges that are allowed for like services in cases arising under the constitution and laws of the United States. All process from the district courts of said territory shall be served by the sheriff of the county in which such process is to be served. Or if the sheriff be a party to any suit then process in such suit shall be served by such person as the district judge may appoint. This section shall take effect January 1, 1893.

Sec. 24. It shall be the duty of the district attorney elected as herein provided to attend upon the district courts in their respective districts and prosecute or defend therein all causes in which the territory, or the people thereof, or any county, is a party, on behalf of the territory or people of such county, as the case may be. Sections 2 and 3 of an act of Congress approved June 23, 1874, entitled "An Act in Relation to Courts and Judicial Officers in the Territory of Utah," is hereby repealed.

A ROBBER CAUGHT

McNeil, with his company went through the middle. Three revolutionists were chased by rangers, but escaped. They ran into a small camp and got six saddles and bridles, but the owners had just left.

E. S. Patterson Arrested for Riffing Letters.

Patterson was not an employee of the office, but by reason of the fact that he was possessed of a knowledge of the affairs of the post office, he had been permitted by Postmaster Evans, to assist in the work of the various departments. He first entered the place about six months ago, at which time one of the chief clerks died. He informed the postmaster that he did not want any salary, that his only object was to help out the employees whose duties had become great by reason of the vacancy caused by the death of one of the staff.

A KANSAS SHERIFF KILLED

He is Shot From Ambush—It is a Tragic Incident in the Seward County War.

Butte, Mont., Jan. 5.—[Special telegram to THE HERALD.]—Shortly after noon to-day William Watkins, deputy postoffice inspector, arrested T. L. Patterson, for riffing letters in the postoffice in this city. Patterson was not an employee of the office, but by reason of the fact that he was possessed of a knowledge of the affairs of the post office, he had been permitted by Postmaster Evans, to assist in the work of the various departments. He first entered the place about six months ago, at which time one of the chief clerks died. He informed the postmaster that he did not want any salary, that his only object was to help out the employees whose duties had become great by reason of the vacancy caused by the death of one of the staff.

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The Duke of Dural Dies of Influenza. MADRID, Jan. 5.—The Duke of Dural, a grandee of Spain and member of the royal family, died today of influenza.

A Train Plunges Into a Creek. ASHTON, N. C., Jan. 5.—On the Western North Carolina road to-day a freight train became uncontrollable on a heavy grade and dashed down the track at a fearful speed. At Dyke Ridge trestle it fell; the rails and plunging into Scott's creek, more than 100 feet below, it was killed.

Broke Through the Ice and Were Drowned. MONTREAL, Jan. 5.—A rich farmer, Deo Jardins, his daughter and a boy named Roy, aged 13 years, broke through the ice at Lasumption last evening and were drowned.

THE BOYD CASE.

Boyd is Preparing to Take the Gubernatorial Chair.

He is Confident the Decision of the Supreme Court will be in His Favor—Judge Maxwell Intervenes.

OMAHA, Neb., Dec. 5.—[Special telegram to THE HERALD.]—Though the supreme court decision was not announced as anticipated, Governor Boyd is preparing to take the gubernatorial chair, as he declares that his information on the court's decision is absolutely reliable. He does not think that the judges can discover the leak.

Judge Maxwell, the venerable member of the state supreme court who sustained the Boyd case, was seen by THE HERALD today, and he declared that he would not be so easily duped as he had been in the past.

"I will confess that I searched the records very carefully and did a great deal of work on that case. I went into it with my impressions rather against my final decision in the matter. But I examined it carefully, and as I thought thoroughly, I can only conclude that the court's decision is absolutely reliable."

Boyd is confident that the court's decision is absolutely reliable. He does not think that the judges can discover the leak. Judge Maxwell, the venerable member of the state supreme court who sustained the Boyd case, was seen by THE HERALD today, and he declared that he would not be so easily duped as he had been in the past.

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INTER-STATE COMMISSIONERS REPORT

WASHINGTON, Dec. 5.—The annual report of the inter-state commerce commission states there has been a marked improvement during the year in the disposition of carriers toward compliance with the law, but as regards the duty of establishing and publishing rates, and changes, little progress has been made. The commissioners are of the opinion that the failure of carriers to comply with the law in these particulars are pointed out.

Upon the question of "connecting lines," the most important subject treated is that of through routes and rates. The question of legislative power to compel connecting carriers to grant through facilities is discussed at length, and while difficulties are acknowledged and explained, they are shown not to be insuperable.

Attention is directed to the disapproval of the terms of various bills of lading in common use and the conflict of judicial opinion as to the rights and duties of shippers and carriers thereunder. The proposed uniform bill of lading and the objections of shipping interests thereto are discussed and some of its features, especially the provision that property taken at a carrier's risk shall be taken at the class higher than if taken at the owner's risk, are disapproved.

The commission recommends a mode of proceeding before the commission and orders to enforce the commission's orders; definite plan to compel carriers to adopt a uniform classification and that the tonnage section of the act be amended so that corporations as well as their employees and agents shall be indictable.

An Accident to Lady Hesketh. LONDON, Jan. 5.—An accident happened yesterday to Lady Hesketh, formerly Miss Florence Emily Sharon, daughter of William Sharon, of Nevada, formerly a Senator of the United States. Lady Hesketh was following the Grafton hounds near Surgrave. She slipped a brook and when her carriage landed on the far side she became entangled in a barbed wire fence. The animal plunged about wildly and it was with the greatest difficulty that Lady Hesketh was rescued from her predicament. She is a good horsewoman and kept her seat despite the frantic leaps of the horse in his efforts to rid himself of the sharp pointed fence of wire which was lacerating his flesh. Lady Hesketh escaped with a few slight cuts.

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