

THE DESERET NEWS.

TRUTH AND LIBERTY.

No. 4.

Salt Lake City, Wednesday, February 9, 1887.

Vol. XXXVI

ESTABLISHED 1850. DESERET NEWS: WEEKLY.

PUBLISHED EVERY WEDNESDAY.
One Copy, one year, with Postage, \$2 50
Six months, 1 50
Three months, .80

DESERET NEWS: SEMI-WEEKLY.

PUBLISHED EVERY TUESDAY AND SATURDAY
One Copy, one year, with Postage, \$3 00
Six months, 1 75
Three months, 1 00

EVENING NEWS:

Published every Evening, except Sunday.
One Copy, one year, with Postage, \$10 00
Six months, 5 00
Three months, 2 50

PUBLISHED BY
THE DESERET NEWS CO.,
SALT LAKE CITY, UTAH.

LOCAL NEWS.

FROM WEDNESDAY'S DAILY, FEB. 2.

The Obsequies.—The funeral service over the remains of little Beattie Burns Clawson was held at the residence of Frank D. Taylor yesterday afternoon. There was a large assemblage of relatives and sympathizing friends, and there were numerous manifestations of condolence for the bereaved. The opening prayer was offered by Apostle Heber J. Grant, an appropriate discourse was delivered by Bishop O. F. Whitney, and the closing prayer was offered by Elder Robert Patrick. The remains were followed to the cemetery by a large cortege.

Appreciation.—Our Provo cotemporary says of the visit of a number of Salt Lake's leading musicians and vocalists to that city on Saturday last:

"The musicians brought down from Salt Lake under the management of Prof. Giles, performed on Saturday night before a large house and were received with all but boisterous enthusiasm. The company consisted of Prof. Willard Weihe, Messrs. W. C. Olive, J. H. Smith, J. Keddington, H. Wenzel and A. Carlson, of the Salt Lake orchestra; also Mrs. Nellie Druce Pugsley and Mr. and Mrs. Hull. It is so seldom that Provo is favored by musical talent of the quality possessed by Mr. Weihe, Mrs. Pugsley and Mrs. Hull, that the event was looked forward to with considerable anticipation and was appreciated accordingly."

Swindlers.—Two men have been successful in swindling quite a number of merchants in various Eastern cities. The localities where they were operating became too hot for them, so they started west, and the following concerning them is sent out, so that people may be warned:

"One is a large, square built man, pleasing address, weighs about 170 lbs.; no beard except a heavy, dark, sandy mustache, and appears to be about 38 years old. He represents himself as E. D. Preston, traveling salesman for the Ohio Wall Paper Mills, Cincinnati. His companion is Al. White, a paper hanger by trade. He is 5 feet 7 inches, weighs 140 lbs., and does a good deal of talking. Both men are frauds and swindlers, and are wanted by the chief of police of Little Rock, Ark., for obtaining money under false pretences."

Hedges in Jail.—Yesterday afternoon, at four o'clock, Joseph Hedges was arraigned before Justice Pyper on the charge of assault with intent to commit rape upon Miss Gill, a 12 year old girl. He remarked that as there was so much evidence against him he thought he would plead guilty. This occasioned considerable surprise, as previously he had maintained his innocence. The court informed him that he had the right to consult an attorney and have witnesses subpoenaed in his behalf. This he refused, and entered a direct plea of guilty. In reply to the prosecutor, he said he had no statement to make. Bail was fixed at \$3,000, and as the defendant was unable to procure this amount he was committed to the custody of the Sheriff.

Shortly after he was arraigned on a second and similar charge, the assaulted party being Mary James, a 13-year old girl. Hedges also pleaded guilty to this charge, and bonds were fixed at \$3,000.

To-day another little girl was brought in, and identified the defendant as the man who made an unsuccessful assault upon her several weeks since. Upon being asked whether it was true, Hedges replied that it was, and stated that there were quite a number of other cases against him.

Inquiry as to the former conduct of the defendant elicits the fact that his

actions for some time have been such as to leave little doubt that he is insane. Now that he is under arrest he is willing to plead guilty to any charge made against him, no matter how grave it may be, and he does not seem to comprehend what he is about. It is probable that his case will be carefully investigated, and if his insanity is proved he will be cared for, as he is a dangerous character to be allowed to go at liberty.

Supreme Court.—The Territorial Supreme Court met this morning, the three Justices being present.

E. D. Hoge presented a petition from a number of residents of Juab County, asking for the appointment of John Whitbeck, of Nephi, as United States Commissioner.

In the case of the People vs. Ambrose C. Greenwell, convicted of perjury, on appeal from the First District Court, the judgment of the lower court was affirmed.

In the suit of Delsy Allen vs. John S. Barnes, the decision of the Third District Court was affirmed, each party to pay its own costs.

John Brooks vs. Eliza Warren; judgment of First District Court affirmed.

Charles Ducheneau vs. E. A. Ireland et al.; judgment of First District Court reversed and new trial ordered.

In the matter of the Bullion, Beck & Champion Mining Company vs. Eureka Hill Mining Company, in which the plaintiffs were adjudged guilty of contempt by Judge O. W. Powers and fined, the judgment of the court below was reversed, and the contempt proceedings dismissed. The Bullion-Beck company was allowed costs.

In the case of the United States vs. Robert C. Kirkwood, unlawful cohabitation, an appeal from the First District Court, the judgment of the court below was affirmed, the court holding that grand jurors could be required by the court to testify on all matters brought before them.

In the suit of George W. Lashus vs. Thomas C. Chamberlain; judgment of the lower court reversed and new trial ordered.

United States vs. Wm. E. Bassett; polygamy; on appeal from from First District Court, argued, submitted and taken under advisement.

In the matter of A. O. Smoot, Jr., to show cause why he should not be removed from office of U. S. Commissioner; the respondent makes answer and tenders resignation; taken under advisement.

Mr. Rawlins moved the admission to the bar of E. M. Allison. The Court appointed Messrs. J. L. Rawlins, W. H. Dickson and J. B. Resborough committee on the examination, which will take place tomorrow afternoon.

The case of Sam Levy vs. Salt Lake City went over for the term.

Provo Canyon Snow Slide.—The Provo Enquirer of Tuesday, Feb. 1st, has the following:

"William Wright was in on Saturday and gave the particulars of an immense snow slide that occurred in Provo Canyon last Thursday week. He had started to go down the cañon to aid a friend who was in difficulty below in making headway through the snow. As he was about to pass the South Fork, an immense slide of mud and snow came thundering from the mountain not 200 yards ahead of him. The mass was so ponderous that it piled itself in a huge embankment which extended across to the bluffs on the opposite side of the cañon, thus completely stopping the course of the river. Mr. Wright relates that the water in a very short time backed up until the whole of the flat extending into the mouth of the South Fork and Main Cañon was one unbroken sheet of water, which remained undisturbed for at least two and a half hours, when the dam finally gave way and the immense accumulation of water went sweeping in a body down the cañon."

COMMISSIONER SMOOT RESIGNS.

HE NEVER WANTED THE OFFICE—WHY HE TOOK IT.

On Monday, January 21, in the Territorial Supreme Court, District Attorney Dickson asked that A. O. Smoot, Jr., of Provo, be removed from the office of United States Commissioner, and the following notice was served on Mr. Smoot:

W. H. Dickson U.S. Attorney, states to the Court that it has been reported on good authority that A. O. Smoot, Jr., has publicly and repeatedly declared that he would not as Commissioner entertain complaints for violation of the laws forbidding polygamy or unlawful cohabitation, and moves that the appointment of said Smoot to said office of Commissioner of this Court and United States Commissioner be revoked.

Whereupon it is hereby ordered that said A. O. Smoot, Jr., show cause, before this Court, at 10 o'clock a. m., the

28th day of January instant, if any he have, why his appointment as Commissioner of this Court and United States Commissioner, should not be revoked, a copy of this order to be forthwith served on said Smoot.

TERRITORY OF UTAH,
Salt Lake County, ss.

I, Ezra T. Sprague, Clerk of the Supreme Court of said Territory of Utah, do hereby certify that the annexed and foregoing is a full, true and correct copy of an order of said Court, made and entered January 24th, A. D. 1887, and remaining of record in my office.

In testimony whereof, I have hereunto set my hand and the seal of said Court, this 24th day of January, A. D. 1887.

E. T. SPRAGUE, Clerk.
As the court held no session on Jan. 28th, the day set for the hearing, the case was called up to-day. Judge Sutherland appeared in behalf of Mr. Smoot, and presented the following for the information and consideration of the Court:

In the Supreme Court, Territory of Utah:

In the matter of the order requiring A. O. Smoot, Jr., to show cause why his appointment as Commissioner of this Court should not be revoked.

The answer of A. O. Smoot, Jr., to said order—

A. O. Smoot, Jr., the respondent, respectfully answers said order and says:

He was appointed Commissioner of this Court some time in the spring of 1882; that his appointment had not been solicited by him and he had no notice before it was made that any application therefor was contemplated by any person. He was notified of his appointment by the Clerk of the Court and P. T. Van Zile, Esq., late United States District Attorney for Utah Territory.

This respondent expressed some reluctance in accepting on account of his business, and also because as a "Mormon," he had such social and Church ties, and such opinions regarding the law of Congress against polygamy and unlawful cohabitation that he would not voluntarily accept any office which would require him to act judicially in any such cases. He was assured by Mr. Van Zile that he would never be called on to act in that class of cases by him or his assistants, and that he would explain to his successor so that respondent should not be embarrassed by calls to so act, after said Van Zile had retired from his position; that there was then deemed to exist a pressing necessity for the appointment of a Commissioner residing at Provo, in the First Judicial District, to facilitate arrests of persons in the new county of Emery, while the Denver & Rio Grande Railway was being constructed through that county. Respondent accepted the appointment for that object and upon the understanding aforesaid. He has performed the duties of the office hitherto according to his best ability and without remuneration. He has never acted in any case under the so-called Edmunds Bill, with one exception, and has not been requested to do so. This respondent has, in conversation with Mr. Dickson, United States District Attorney for this Territory, with Mr. Varian and Mr. David Evans and perhaps some others, expressed his disinclination to act as Commissioner in cases arising under said Edmunds Bill, and has done so with such repetition and publicity as holding such conversation implies, and not otherwise.

Benjamin Bachman, acting clerk of the First District Court, and, as respondent thinks, Hon. P. H. Emerson, late Judge of this court, were present and witnesses of the conversation when respondent consented to accept said office.

Respondent has no desire to hold said office for any purpose beyond that for which he accepted it, and as that qualified service in the office is no longer deemed to suffice, and the necessity therefore has ceased, he now respectfully resigns the office.

A. O. SMOOT, JR.

TERRITORY OF UTAH,
Utah County.

A. O. Smoot, Jr., being duly sworn, says: I have read and signed the foregoing answer and I know its contents. Said answer is true of my own knowledge except as to the matters which are therein stated on information and belief, and as to such matters I believe it to be true.

A. O. SMOOT, JR.
Subscribed and sworn to before me this 31st day of January, 1887.

WARREN N. DUSENBERY,
Probate Judge.

The following letters were also attached and made part of the answer:

Provo City,
January 28th, 1887.

J. G. Sutherland, Esq., Attorney at Law:
Dear Judge:—A. O. Smoot, Jr., requested me to state to you how it happened that he was appointed U. S. Commissioner. The facts are these:

At the time of his appointment we had a great many cases from Emery County and there were no justices of the peace there at the time. Myself, A. G. Sutherland and P. H. Emerson thought that A. O. Smoot would make a good Commissioner, and that is the way he got his appointment.

Respectfully yours,
BENJ. BACHMAN.

OGDEN, Jan. 27, 1887.

Hon. J. G. Sutherland, Salt Lake Utah:

My dear Judge: Yours of this date with proposed answer of A. O. Smoot, Jr., to the citation served upon him is at hand. Mr. Smoot was appointed after my removal from Provo to Salt Lake. I do not recollect of hearing any such conversation as he mentions before or at the time of his appointment. I recollect that he was appointed upon the recommendation of Van Zile, Ben. Bachman, A. G. Sutherland and other "Gentiles" of Provo. Some time after his appointment, and at different times, I have heard him state in substance what is stated in his answer, and if I am not much mistaken, I have heard him state his determination to resign on more than one occasion. I have no objection to his reference to me in his answer, only I have no recollection of that particular conversation. It seems to me the better way would have been to have asked his resignation.

Yours, etc.,
P. H. EMERSON.

Mr. Varian stated that he would say officially that he never had any conversation with Mr. Smoot on the subject, or heard him say anything about it.

Judge Sutherland remarked that Mr. Smoot did not say he had any official knowledge of the facts, but gave his name as one with whom he believed had conversed.

Mr. Dickson said that he had not heard any conversation of Mr. Smoot's, and opposed the acceptance of his resignation. He wanted his answer stricken from the file of the court, as it was not responsive, and the agreement with Van Zile was illegal. He moved that Mr. Smoot's commission be revoked.

Judge Sutherland said that Mr. Smoot's answer was responsive. It was proper and respectful, and went direct to the charge against him, and was therefore pertinent. He had fulfilled the duties of his office as it was agreed he should do, and resigned, as he had a perfect right to. He had admitted that he had repeatedly and publicly expressed his disinclination to hear certain cases, and as the court did not want him, resigned.

Mr. Dickson insisted that the Court should refuse to accept the resignation, and should revoke the Commission.

The matter was taken under advisement until 10 a. m. to-morrow.

ANOTHER COHABITATION CASE.

DEPUTY M'LELLAN SHOTS AT A MAN CHARGED WITH A MISDEMEANOR.

Special to the DESERET NEWS.]

BIGHAM CITY, Feb. 2nd.

Deputies Steele, Cuddehe and McLellan arrested Allen Hunsaker at his ranch, on the Malad River, yesterday. He was trying to get away, but the deputies had provided themselves with a fleet horse for the occasion and caught him. He was shot at twice by McLellan during the chase. Hunsaker has been wanted for some time on the unlawful cohabitation charge, and his place has been visited repeatedly, but the raids have heretofore been unsuccessful. A desperate effort was again made to capture President J. D. Burt.

FROM THURSDAY'S DAILY FEB. 3.

New Commissioner.—To-day the Territorial Supreme Court appointed John Elmer Hills as United States Commissioner at Provo. The appointment is in accord with a request made in the Provo Loyal League's petition.

The Bonds Cases.—The two cases of The United States vs. Francis Armstrong and H. S. Eldredge, in a suit on two bonds for \$10,000 each, was argued in the Territorial Supreme Court to-day, and taken under advisement. Le Grand Young appeared for the defendants and C. S. Varian for the plaintiff.

"Woman's Exponent."—The current number of this periodical is before us, and as much of a perusal through its columns as the time at command will permit discloses the fact that it is not only an entertaining but a valuable number. Justly indignant at the proposed disfranchisement of the sex it represents, the reading space here and there shows that the cudgel is in hand and being wielded in such a way as only a woman is capable of. There are, besides, the usual choice bits of information, correspondence, poetry, editorial comments, etc., all going to make up a readable and racy sheet.

High Priests' Meeting.—For the benefit of those members of the High Priests' Quorum of this Stake who are unable to attend the meeting held in the day time, a meeting will be held on the evening of the first Thursday of each month (Fast Day), commencing at 7:30 o'clock, at the usual place.

Resignation Accepted.—In the Territorial Supreme Court this morning, Judge Zane announced the decision in the matter of the citation of A. O. Smoot, Jr., of Provo, to show cause why his appointment as U. S. Commissioner should not be revoked. The Judge stated that the Court had concluded to accept Mr. Smoot's resignation, and an order to that effect was entered.

Failed.—About 5 o'clock yesterday afternoon a sign, "S. Brisacher, proprietor," over John A. Fitchette's (Coffee John's) place of business indicated that an assignment had been made by the former proprietor. The liabilities of the business are about \$3,000. Mr. Fitchette has recently erected an expensive dwelling on N Street, which has probably caused a greater strain than his business could sustain.

Flouring Mill Wanted.—Eagle Rock, Idaho, wants a flouring mill and promises excellent support for it when built. The Register understands that parties in Ogden are ready to put \$7,000 into one when the remainder to make a sufficient amount to put up a first class mill can be secured. There is not a place in Idaho, it says, where a first-class mill would be a more profitable investment than in Eagle Rock. If it was an assured fact that a mill would be put up this summer, a sufficient amount of grain would be raised within thirty miles of Eagle Rock, the present season, to keep it running for nearly an entire year, and after the first season would have all it could do. This seems a promising enough chance for an investment.

Richfield Central School.—We have just received a comprehensive report of the condition and standing of the Richfield Central School for the third term, from the principal, W. W. Rasmussen. The report shows the school to be in a most thrifty and prosperous condition in every respect. The teachers officiating in the several departments are, Miss Belle Harris, Miss Addie Harris, Miss Addie Morrisson and Miss Eva M. Borgquist, besides the principal already named. There are three separate departments with an enrolled membership as follows: Grammar Department, 103; Intermediate Department, 80; Primary Department, 69; making a total of 252 enrolled. The average attendance as estimated by the principal is 217; which is 61 greater than the attendance last year.—Provo Enquirer, Feb. 1.

Another Case.—Deputy Scott is trying to improve. If the business were laudable, this would be a commendable thing. On Tuesday afternoon he brought in James Woods and part of his family from Tooele, charged with living with Fannie and Charlotte Woods during three years last past. A number of witnesses were placed on the stand, the burden of all the evidence being that Woods with one of his wives went to Tooele to live some seven years ago, leaving his other wife here, and that this family arrangement has not been disturbed by either of the parties to it since; notwithstanding, he was held in \$1500, the bonds being promptly furnished.

The Comet.—There has been so much said about the comet claimed to have been seen with the naked eye some three months ago, and so few hereabout have seen anything of it, that we yield once more to a desire to keep the reader posted as to what is going on in the upper deep. It is now announced that the comet (Barnard's) is visible in the northwestern sky from about 4 a. m. until daylight. It presents the appearance of a vapory, nebulous mass with a bright center, which will increase in intensity and brilliancy as it approaches the earth. It will come very near both the earth and the sun, and will be observed with interest by astronomers, within the range of whose telescopes it has been for four months. It is supposed by some to be the comet of 1855, but this has not been determined with certainty. This is not the comet whose discovery was announced as having been made in Australia a short time since; the latter occupies another and very remote field.

The manager of the Fort Wayne, Ind., Gazette, Mr. B. M. Holman, says he has often read of the wonderful cures effected by St. Jacobs Oil. Recently he sprained his ankle, and invested in a can and a bottle of St. Jacobs Oil. The latter proved the better investment, as it entirely cured his ankle.

Col. Wm. Louis Schley, Grand Secretary F. M. Grand Lodge, Maryland, foundered Star Cough Cure a perfect and certain remedy. Price, twenty-five cents bottle.