

# EVENING NEWS.

Saturday, Oct. 16, 1886

## APPOINTMENTS FOR QUARTERLY CONFERENCES UNTIL APRIL, 1887.

Weber and Juab Stakes, October 10th and 17th, 1886, and January 22nd and 23rd, 1887.  
 Box Elder, Tooele, and Onelia Stakes, October 23rd and 24th, 1886, and January 22nd and 23rd, 1887.  
 Cache and Wasatch Stakes, October 30th and 31st, 1886, and February 24th and 25th, 1887.  
 Bear Lake, Emery, Uintah and Summit Stakes, November 6th and 7th, 1886, and February 13th and 14th, 1887.  
 San Pete, San Luis, Morgan and Hancock Stakes, November 13th and 14th, 1886, and February 19th and 20th, 1887.  
 Millard, San Juan and Sevier Stakes, November 20th and 21st, 1886, and February 26th and 27th, 1887.  
 Utah, Panguitch and Little Colorado Stakes, November 27th and 28th, 1886, and March 5th and 6th, 1887.  
 Davis, Kanab, and Eastern Arizona Stakes, December 4th and 5th, 1886, and March 12th and 13th, 1887.  
 St. George and St. Joseph Stakes, December 11th and 12th, 1886, and March 19th and 20th, 1887.  
 Parowan, Beaver and Maricopa Stakes, December 18th and 19th, 1886, and March 26th and 27th, 1887.

JOSEPH F. SMITH,  
FRANKLIN D. RICHARDS.

## FRAGMENTS.

A BLACKSMITH wanted. See advt.  
 JUDGE BOERMAN returned to Beaver to-day.  
 ARTHUR PRATT now poses as a deputy marshal.  
 HOME missionaries will visit the city to-morrow.  
 RANDOLPH SMITH, Esq., of Ogden, is in town on legal business.  
 The remains of J. D. Farmer were brought to this city to-day.  
 The Duff Company close their engagement at the Theatre this evening, with "A Trip to Africa."  
 SKINKERS in the Hawaiian language will be held at 8 a. m. to-morrow, at the house of Kauchamoku, 10th Ward.  
 W. W. MACKINTOSH, of this city, has passed a successful examination in the American School of Opera, at New York.  
 PRESLEY DENNY, Esq., returned here from Beaver, where he has been at work in the District Court, yesterday.  
 JOSEPH ASHTON was arrested late last night, to answer to the charges of drunkenness, profanity and disorderly conduct.  
 JAMES ARBUCKLE is secretary of the Twenty-first Ward M. I. A., and W. S. Owen assistant. These names were omitted in our list of Thursday last.  
 THE matinee performance by the Opera Company at the Theatre this afternoon, was well attended. They appear this evening for the last time, in "A Trip to Africa."

On the appeal of Emma De Mar and the inmates of her house, from the judgment in the police court yesterday afternoon, Albert Uebel and E. J. Page became sureties for the defendants.

PRINCE LOUIS NAPOLEON, grand nephew of Napoleon Bonaparte, and a younger brother of the claimant to the throne of France, arrived in this city from the west yesterday, and left for the east to-day.

C. P. SAVAGE, Esq., went east this morning, taking with him a large quantity of fine views of western scenery. The photographs which he secured on his recent trip to the Yosemite are gems of art.

MR. HENRY LYNNON, who was in this city with the Alice Oates company, will be here in about a week as the advance agent of the "Famous Golden Bell Comedy Company," which he has secured as the liveliest company on the road.

This morning Hiram Ingram went into the Elk saloon, and after filling himself with liquor, began to create a general disturbance. He wound up by threatening to shoot Captain Douris, and was lodged in the city jail for his misdeeds.

RELIGIOUS services of the Church of Jesus Christ of Latter-day Saints will be held in the Tabernacle to-morrow afternoon, commencing at 2 o'clock. At 10 a. m. services in German will be conducted in the City Hall, and in Scandinavian in the Social Hall.

A FEW days ago Messrs. Dennis and Hollister, internal revenue collectors, seized a quantity of cigars in the possession of G. F. Culmer & Bro., in this city, alleging as a reason therefore that the cigar boxes had not the revenue stamps on. Last evening, however, the collectors discovered that they had made a blunder, and released the property.

SAM. NEWTON, the blacksmith who figured in the swimming race when Thomas Jackson was drowned a short time since, was arrested this afternoon on a charge of battery. The complainant is an old man named George Moore, who claims that Newton met him in the street last night, and knocked him down without any provocation.

In the District Court this morning, in the case of W. E. Lannon vs. J. C. Conklin et al., for damages resulting from the arm of a child of the former being lost, the jury returned a verdict for the plaintiff in the sum of \$1,000. The sum was made so much smaller than what was claimed because of no gross negligence on the part of the defendants appearing.

## LOCAL NEWS.

THE Last Company.—A dispatch received in this morning, from Elder James H. Hunt, of the Mormon party of "Mormon" emigrants, numbering 210, left Liverpool on October 12th. The company is on board the American Steamship Company's vessel, the British King, which will land the emigrants at Baltimore.

OMISSION.—We have received from Perron City, Emery County, a death notice in which the name of the deceased does not appear. To print it, therefore, would be manifestly absurd. When the News receives a proper communication from any source it is invariably the fault of the writer, as in this instance.

POSTPONED till Monday.—The preliminary examination in the case of the United States vs. Wm. E. Bassett, accused of unlawful collection, was called in Commissioner McKay's court to-day. Mr. Varian, for the prosecution, stated that he was not ready to proceed, and by agreement the matter went over until 2 p. m. on Monday.

# AN OLD CASE.

THE CITY VS. ORDNER & JONES TRIED ON APPEAL.

## AN ASTONISHING VERDICT.

On the 4th of August, 1886, Ordner & Jones, then occupying a saloon opposite the Walker Opera House, were arrested on the charge of permitting music and disorderly conduct in their house. They were tried in the police court and convicted; an appeal was taken to the District Court and the case has been standing there ever since until to-day, when it was tried before a jury. Jones is in Paris unknown, and Ordner is in jail for both. The city was represented by F. S. Richards and J. H. Moyle, and the defendant by Frank Hoffman.

After the jury was impaneled, the prosecution offered the ordinance in evidence, after which Officer Hilton was sworn. He testified that on the day named he was on duty on the streets with Officer Sharp, heard music and dancing in the saloon; could hear it from Main Street; went to the saloon and told them that the noise was a violation of the ordinance, Jones said he paid a license, and was not going to notice as G—d—s— of it; I applied to Ordner who gave me the same reply. An Italian with an accordion produced the music, and the others were singing and dancing, etc.; we left and went back in about 20 minutes. Officers Malin and Pickett were there when we went back, and we heard Jones say to them, "G—d— you, get out of here!" Ordner put his hand behind him as if to draw a pistol, and Ordner pushed Malin, who drew his club and stopped him; they were then placed under arrest; the same was done with the other people in the saloon; some of them were drunk, the proprietors and musician included.

On cross-examination witness testified that he arrested the musician next morning; did not arrest him in the morning, nor any of the others, because the ordinance was not in force; responsible; he tried to induce them to stop the noise before arresting anybody; the Italian staggered against Malin, and the latter pushed him off; did not see him bleed.

Officer Sharp took the stand. His testimony was substantially the same as that of the preceding witness. A discussion ensued between the witness and defendant's attorney as to the manner of making arrests, which showed more to the contrary on the part of the officers than they are obliged to extend.

Officer Pickett testified to the same effect, and the prosecution rested. J. W. Campbell was sworn for the defense. He knew Ordner's place of business in 1884; was there frequently. Being asked as to the reputation of the house, the prosecution objected; and the objection was sustained.

Defendant Ordner took the stand. He was at his place the night in question; there was a loud show across the street, where the Italian played. He came over afterward; took some beer, and by request played a tune; the officers came in and ordered it stopped; the Italian asked why, when Malin struck him in the mouth; the police raised the row; the people were orderly enough; was arrested next day at 4 p. m.; and was kept in jail till 7; the police did not try to stop the noise, but I stopped it when they said to; the noise was not loud enough to be heard on Main Street.

In rebuttal, Officer Malin testified that they requested Ordner to stop the noise, but it got worse and the proprietors made no effort to stop it; he did not strike the Italian.

The jury, after being sent out, did not stay long. They surprised the Court, the bar and the spectators by returning the astounding verdict of not guilty, in the face of proof most conclusive as to guilt. Judge Zane's face seemed to glow for a moment, as his record of anti-familialness was handed in, and he said:

"Gentlemen of the Jury—there is one thing I want to say to you. Never allow yourselves to sit upon a jury unless you are prepared to determine the case according to the evidence, and not otherwise. You are discharged from this case."

The panel then filed out of the box, some of them looking a trifle crestfallen, and the defendants went on their way rejoicing.

A Close Legal Point.—To-day a peculiar case was tried before Judge Zane, in the Third District Court. John H. Rice, son-in-law of C. V. Spencer, of this city, died intestate. He had been a member of the A. O. U. W., and some years before his death had taken out a policy on his life for \$2,000, payable to his wife, Mrs. Susie Spencer Rice. Mrs. Rice, however, died before her husband, leaving two minor children, one by a former marriage, at Mr. Rice's death, John Sharp, Jr., was appointed guardian for the elder child, Frankie Spencer Rice, and D. S. Spencer for the younger, Judith Rice. The A. O. U. W. refused to pay \$1,000 to each of the children, but was willing to give the whole amount for the benefit of Judith. Rice's child, as Frankie was not Mr. Rice's child, she was not entitled to any part of the money. D. S. Spencer was called as a witness and testified that the deceased had several times expressed it as his desire that the money should be equally divided between the children. It was also argued by counsel for the guardians that as the policy was payable to Mrs. Rice, her children were equal heirs. Judge Zane took the matter under advisement.

The Theatre.—The second performance of "Iolanthe" drew only a fair audience to the Theatre last night; the parquette was comfortably filled, but the circles were a lonesome sort of aspect. The performance has been long and favorably mentioned in these columns already, and we have nothing to add to what was previously said, except it be an endorsement.

To-night, for the last appearance of the company, "A Trip to Africa" will be re-produced. The piece drew the largest audience of the season, and as it was a success the attendance will doubtless be large. After the performance the company leave by special train for the East.

The Orphans' Home.—The monthly report of this institution, from September 12th to October 11th, 1886, shows the number of children in the Home to be 11; cash on hand September 12th, \$136.10; received on subscriptions, \$8.50; received on board, \$43.75; donations from Mr. Bemis, \$2.50; total, \$200.85; disbursements, \$28.30; cash on hand October 11th, \$222.55. Special gifts from a number of ladies and gentlemen are reported, aggregating a neat sum. The society is making an effort to secure a permanent Home before many months.

After Dark.—This sensational melodrama, for which there is so much billing about town, will be given on Monday and Tuesday evening, Oct. 16th and 20th, by the Home Dramatic Club, who will make their re-appearance after an extended absence from the boards. The play is of the World, Lights of London, Roman Rye order, and the club are having two new scenes painted by Alfred Lamborn for the production.

# WANTS OFFICE BADLY.

P. L. WILLIAMS' PLAN TO BE RECOGNIZED AS A TERRITORIAL OFFICER.

Yesterday afternoon the following order by the Third District Court was served on Wm. M. Stewart, Superintendent of District Schools in Salt Lake County. It was issued at the instance of P. L. Williams, who was appointed Territorial Superintendent of District Schools by ex-Governor Murray. The law requires County Superintendents to make their reports during the first week in October, and on these is based the \$20,000 school fund. Mr. Stewart, like the other county superintendents, has made his report to L. John Nuttall, elected by the people to the office of Territorial Superintendent. The document reads as follows:

In the District Court of the Third Judicial District of Utah Territory, County of Salt Lake.

P. L. WILLIAMS, Territorial Superintendent of District Schools for Utah Territory, Plaintiff.

Wm. M. STEWART, Superintendent of District Schools for Salt Lake County, Utah Territory, Defendant.

The People of the Territory of Utah, to William M. Stewart, Superintendent of District Schools for Salt Lake County, Utah Territory, Greeting:

Whereas, it manifestly appears to us by the affidavits of P. L. Williams, above named plaintiff and the party beneficially interested herein, that the said plaintiff is the Territorial Superintendent of District Schools in and for said Territory, having been appointed and qualified as such officer the month of March, 1886; that you the said William M. Stewart, ever since said date have been and are now the Superintendent in and for Salt Lake County, in said Territory; that it is your duty as such County Superintendent to transmit to the plaintiff in or before the first Monday in October, A. D. 1886, the statement and statistical statements or reports specified in the act of the Legislature of Utah, approved February 20, 1885, entitled "An act providing for the establishment and support of District Schools, and for the duties of the County Superintendent; acts of said Legislature, amendments thereto."

That you have been requested by the plaintiff to make and furnish him the said statements or reports, but you have failed, neglected and refused, and do still neglect and refuse to furnish the same; and that during and after the said neglect and refusal, you have either of them, or any statement or report of the matters required by law to be so transmitted to the plaintiff.

The reason why you fail to make such statements is that you pretend and claim that L. John Nuttall is the Territorial Superintendent of District Schools, and that such statement should be transmitted to him, but that said Nuttall is not such superintendent.

That all the facts relative to the connection of said Nuttall with said office are that in the year 1881, he was elected to said office at the general election held in August of that year, and thereafter he proceeded to act in said office, and under said office of said election, and not otherwise, and not at any time since been appointed, or re-elected, or been invested with any authority whatever to obtain said office.

That said election of said Nuttall to said office was null and void, and conferred no authority whatever upon him to exercise the duties of said office, and in doing so he usurped and intruded into the same. That prior to and during the said election, 1881, the said L. John Nuttall was, ever since has been, and is still a polygamist; that during said year he had and has now living and undivorced two wives, viz.: Elizabeth "Jackson" Nuttall, first and lawful wife, and Taylor (whose full name is unknown to plaintiff) as his polygamous wife; and that he has, to wit, one year prior to the date of plaintiff's appointment to said office, said L. John Nuttall either secretly departed from said Territory or concealed himself therein, and ever since that time has and still is residing and secretly without said Territory, or concealed within it, and that in consequence of such concealment and departure from said Territory or concealment thereof, plaintiff's appointment to said office is null and void, and there is not a plain, speedy and adequate remedy in the ordinary course of law.

Therefore, we do command you that immediately after the receipt of this writ you transmit to said plaintiff all the statements and reports required by the aforesaid act of the Legislature of Utah, and that you do so before the said Nuttall either secretly departed from said Territory or concealed himself therein, and ever since that time has and still is residing and secretly without said Territory, or concealed within it, and that in consequence of such concealment and departure from said Territory or concealment thereof, plaintiff's appointment to said office is null and void, and there is not a plain, speedy and adequate remedy in the ordinary course of law.

Witness the Hon. C. S. Zane, Judge of said District Court, and the seal thereof, this 14th day of October, A. D. 1886.

J. M. ZANE, Clerk.  
 By H. G. McMillan,  
 Deputy Clerk.

CAPTURED.  
 A DESPERATE CHARACTER IN LIMBO.  
 Our readers will remember that some time ago an account was given of an attempted brutal outrage upon two young ladies by Jim Pett, near Corinne, Box Elder County, in the accomplishment of which, however, the villain was foiled. He managed to escape to the time. The following special dispatch tells of his arrest:

BRIGHAM CITY, Oct. 15, 12:15 p. m.  
 Jim Pett, the would-be ravisher and assailant of the two girls Ruit and Keller, who were captured at Park City and brought in this morning by Sheriff Jensen. The officers here have been aided greatly in the apprehension of Pett by Deputy Sheriff Newell, of Evanston, Wyoming.

Under Bonds.—This afternoon Fred Newell, who was accused of larceny in having stolen a bag containing \$50 from the Elk saloon, was held before Justice Pyper. He waived examination and was placed under \$1,000 bonds to await the action of the grand jury.

Henry Yinger, who threatened to shoot Captain Douris, was required to furnish \$1,000 security that he would keep the peace in future. He was also fined \$5 for being drunk.

Our Regular Visitor.—The following is the interesting table of contents presented by the Juvenile Instructor in its issue for Oct. 15th:  
 Beavers at Work, (Illustrated); After the Battle of Vicksburg; Our Little Folks—Manners at Home—Not by Halves—Blossoms of the Desert; A Question of Right; A Question of Duty; A Question of Honor; A Question of Love; A Question of Faith; A Question of Hope; A Question of Charity; A Question of Wisdom; A Question of Power; A Question of Glory; A Question of Life; A Question of Death; A Question of Judgment; A Question of Mercy; A Question of Grace; A Question of Peace; A Question of Joy; A Question of Love; A Question of Faith; A Question of Hope; A Question of Charity; A Question of Wisdom; A Question of Power; A Question of Glory; A Question of Life; A Question of Death; A Question of Judgment; A Question of Mercy; A Question of Grace; A Question of Peace; A Question of Joy; A Question of Love; A Question of Faith; A Question of Hope; A Question of Charity; A Question of Wisdom; A Question of Power; A Question of Glory; A Question of Life; A Question of Death; A Question of Judgment; 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