

contrary;" or to a judge to immortalize himself with the legal profession by confirming to the use of the bar that which has served it so well, and which has so often proved an effective and unanswerable argument.

In a late case for breach of promise carried before the supreme court of Tennessee, it was alleged as error by the defendant "that counsel for plaintiff, in his closing argument, in the midst of a very eloquent and impassioned appeal to the jury, shed tears, and thereby unduly excited the sympathies of the jury in favor of the plaintiff, and greatly prejudiced them against the defendant." The court in passing upon this assignment, said: "The conduct of counsel in presenting their cases to juries is a matter which must be left largely to the ethics of the profession and the discretion of the trial judge. No cast-iron rule should or can be laid down. Tears have always been considered legitimate arguments before a jury, and while the question has never arisen out of any such behavior in this court, we know of no rule or jurisdiction in the court below to check them. It would appear to be one of the natural rights of counsel which no court or constitution could take away. It is certainly, if no more, a matter of the highest personal privilege. Indeed if counsel has them at command, it may be seriously questioned whether it is not his professional duty to shed them whenever proper occasion arises. In this case the trial judge was not asked to check the tears, and it was, we think, an eminently proper occasion for their use, and we cannot reverse for this."

C. S. HILLS.

FROM THURSDAY'S DAILY, SEPTEMBER 9.

The death of Horace D. Jones, the well known foreman of the Winnamuck mine, occurred at Bingham on Tuesday. Mr. Jones was one of the most prominent mining men in the State having grown up with the district of Bingham, Tintic and other camps. He was a man beloved by his associates and his friends among the mining fraternity were legion. Mr. Jones was a member of West Mountain Lodge No. 4 A. O. U. W. and pre-

The parents of the following are anxious to hear from them:

James L. Moyer and Marinda A. Moyer, daughter of Sarah D. Green. Mrs. Moyer joined the Church some thirteen years ago. Mr. Moyer was not a member of the Church of Jesus Christ of Latter-day Saints, but left Potter county, Pa., thirteen years ago, and went to Utah.

Any information of their whereabouts will be gladly received by the mother of Mrs. Moyer. Her address is: Mrs. Sarah D. Green, Allegica, Allegany county, N. Y.

The big barn of the John Rumel estate, corner of North Temple and Sixteenth West streets was, with a large amount of farming implement machinery, sixty tons of hay, three head of horses, a large flock of chickens and other valuable things, burned to the ground at 2:30 this morning. The loss will reach at least \$3,000; no insurance.

Tramps are supposed to have caused the blaze, one of the gentry having slept there last night. The West Side Fire department responded to the call for aid but the great distance that had to be traversed together with the limited facilities for extinguishing fires at that point made the work extremely difficult and largely ineffective. For a time the residence was threatened but heroic efforts confined the conflagration to the yard.

Scofield, Sept. 6, 1897.

Sister Catherine D. Evans, wife of Brother Hector Evans, died at Win-

ter Quarters Sunday morning at 8 o'clock, after intense suffering for four days. She was 22 years of age. A baby was born to her on Friday, which is also dead. She was an active worker in the Relief Society and the Primary association, and was a faithful Latter-day Saint, beloved by all who knew her. Brother Evans is our ward clerk and is one of our best citizens. He has the sympathy of the entire community.

Mr. Henry Wilson's son, Tommy, about 8 years old, got his arm broken on Saturday by falling off a fence while playing.

Attorney Warf of Carbon county, entered a complaint in Justice Thomas's court at Winter Quarters last week, against three peddlers from Sanpete, for peddling without a license. They were fined \$7.50 each, which they paid. They then took out a county license.

Mr. Frank Merriweather, a butcher of this place, has gone to Utah county to bring in a bunch of beeves. H.

The Supreme court handed down an opinion today in the case of Blythe & Fargo company vs E. A. Swenson et al, reversing the decision of the court below. The decision is written by Chief Justice Zane, Justice Barch concurring, and Justice Miner dissenting.

Plaintiff in this case brought action against E. A. Swenson, J. B. Swenson and S. J. Stookey doing business as Swenson Bros. & Stookey to recover judgment upon two notes made at Evanston, Wyoming. Judgment was entered against the three defendants, when Stookey asked to have the judgment set aside on the ground that he had not been served with any summons or process. This the court below refused to do because he hadn't taken an appeal within one year after the judgment had been entered. It appears from the record in the case that Stookey was not made aware of the judgment until eight months after it had been rendered. The court now decides that the fact that the summons was not served upon Stookey made the judgment void and illegal. On the other point the court holds that the judgment should have been set aside.

Riverton, Sept. 7, 1897.

Some time ago two young men from Riverton named Robert Ferguson and Heber Thorne were driving on the State road in a cart near Murray when they were run into by a runaway team belonging to Peter Gordon. Both were hurt quite badly, Robert Ferguson being injured, it is thought, internally. He was bedfast for about a week and then started to work for a few days, but had to go back to bed again. It is thought a doctor will have to be consulted in the matter, and a heavy damage suit is liable to follow. The cart was smashed into kindling wood and it is a miracle that the men escaped with their lives. It is said that witnesses can be produced to testify that the runaway team was left entirely without a guard or even tied to a hitching post.

A fire in South Jordan on the 6th inst. destroyed Alma Beckstead's barn, haystacks and farming implements, as well as cremating one pig and a dog. The cause of the fire is unknown, but it is thought that children and matches had a hand in the calamity. Mr. Beckstead is a poor man, and being such the loss is keenly felt. This is the second calamity of the kind in a short time, as Mr. Andrew Amundsen's broom factory shared a similar fate but recently, when everything was destroyed, the stock, machinery, and all. The people feel to sympathize with them in their loss.

Our Sunday school gave an entertainment a few days ago, which was

a grand success. The program was well rendered, and all who attended felt highly repaid for their turning out. The little folks had a dance in the afternoon, which was well attended. The entertainment in the evening was the most pleasing of all, and gave credit both to the committee on arrangements and to the Home Dramatic association of Riverton ward, most of whom belong to the Sunday school. Two farces were played, one entitled Klondike, which was written by the members, and the other named Who Owns the Baby?

N. J. C.

Miss Edith Weller, one of the most popular and widely known young ladies of Salt Lake, gave up the struggle of life at 5:30 o'clock last evening, sinking peacefully and quietly into the sleep that knows no earthly awakening, after two years of sickness and suffering.

It had been known for a considerable time that her case was beyond human aid; that the heavy hand of death would be laid upon her while yet in the bloom of lovely young womanhood. Yet this knowledge seemed only to make the grief of her family more poignant, the sorrow of her friends more crushing. For months they had watched with heavy hearts and tear-dimmed eyes the gradual approach of the Grim Reaper; for months they had hoped and prayed that he might be induced to pass his fair young victim by. But in this they were sadly disappointed. No one knew this better than Miss Weller herself. Yet she seldom complained. She resigned herself to the inevitable and bravely besought her relatives and friends to do likewise. Throughout her painful and consuming affliction her conduct was that of the true heroine. From her presence and example came the real cheer and sunshine of life. Now that she has departed from mortality and her spirit has gone into the Great Beyond her real worth will be more keenly felt.

The deceased was born in this city and was in the twenty-fifth year of her age. She was the daughter of Joseph and Mary A. Weller, and the granddaughter of Jacob Weller, a Utah Pioneer. Until stricken down with the affliction that robbed her of her life, Miss Weller took an active part in the leading social and charitable affairs of the city. Her personal charms and rare accomplishments made her a favorite wherever she went. She became best known, however, through her efficient clerical work with the Utah World's Fair commission both in Salt Lake and Chicago, and as assistant secretary of the Chamber of Commerce, which position she held until the commencement of her fatal illness.

FROM FRIDAY'S DAILY, SEPTEMBER 10.

A Wardner, Idaho, special to the Boise States man, under date of the 8th inst., says: Claire, the 14-year-old daughter of William Falconer, before noon yesterday, accompanied by two schoolmates, was passing along the street in the lower part of town when Mrs. Brown invited them to come in. The girl noticed a 22-caliber rifle hanging on the wall. She took it down and began examining it. Mrs. Brown took the rifle to show the girls how it worked and she attempted to open it. The gun was discharged, the ball striking Claire just above the right eye, killing her instantly.

In getting up the history of the Austrasian and other missions of the Pacific islands, as the Hawaiian, the Society, the Samoan and other groups, in order to insure accuracy of the dates and facts, I desire the Elders who have presided over missions,