

In the first battle he again made himself conspicuous by bravery. At the battle of Cedar Creek his conduct attracted so much attention that General Crook stopped him on the field of battle and made him a brigadier general. In 1865 he was made major general. At the close of the war General Hayes returned to civil life and took a seat in Congress. He was re-elected in 1866. In 1867 he was nominated for the governorship of Ohio by the Republicans, having for opponent Judge Allen G. Thurman. He was elected and renominated, and re-elected in 1869. In 1872 he was again nominated for Congress in spite of personal protests, but was defeated. He declined the office of United States assistant treasurer under Grant. In 1875 he again accepted the candidacy for governor and after the most memorable campaign in the history of the state was elected. In March, 1876, the Republican state convention of Ohio resolved to present his name to the national Republican convention which was to meet in Cincinnati on June 4th following, as state candidate for the Presidency. Hayes had as his principal opponents James G. Blaine and Roscoe Conkling. Samuel J. Tilden of New York was the Democratic nominee. The story of the election that followed and the decision rendered by an electoral commission appointed by Congress, is well known. As a President he was wise and conservative, and did much toward healing the differences between the North and the South.

Since his retirement from office in 1880, Mr. Hayes has lived quietly at his home at Fremont, Ohio.

### THE "NEWS" LIBEL SUIT.

Wednesday, Jan. 18, the demurrer to complaint in the libel suit brought by Judge Orlando Powers against the Deseret News Company (the predecessor of the present Deseret News Publishing Company) was called up and argued by Hon. F. S. Richards on behalf of the defendants, and by Attorneys W. H. Dickson and Ogden Hiles on behalf of the plaintiff.

The suit was brought by the plaintiff on the strength of an editorial which appeared in the NEWS on July 2nd, 1892.

Attorney Richards contended that the complaint did not contain facts sufficient to constitute a cause of action, there being no libelous matter in it, and hence no ground for damages. On the other hand, Attorney Dickson insisted that the article was a direct reflection upon his client.

Chief Justice Zane, after listening to the arguments and making a careful perusal of all the papers, said the question which now arose was did the language used in the article authorize the construction or inference that the writer intended to convey to those who read the publication the idea that the plaintiff had acted dishonestly and corruptly in his official capacity as judge of the First district in the trial and determination of a cause which came before him. His honor read from the article. Of course, he said, there were suspicious minds which put a bad meaning upon almost everything, while some were disposed otherwise. Some

inferred wicked intentions and some good ones from the same language. The constitution of the United States had guaranteed to the American people—whether editors or otherwise—freedom of speech, and all the newspapers of this country were allowed greater latitude of language than was the case in other countries. Kings and aristocrats, where they had the power, were somewhat illiberal; but in the United States, where the government rested upon the will of the people, and where the officer was the mere servant or agent of that people, he must bear criticism. "I have had some experience myself in that line," said his Honor in a modulated tone of voice, amid the laughter of the members of the bar, "and it will not do for every little slip an editor makes to regard it as an intention—a wicked intention—to rob the man whom he criticises of his reputation. There must be some liberty allowed. The constitution of the United States, as I before said, guarantees it to public speakers and newspapers in their language, and the editorial sometimes furnishes a lash which keeps a great many people within the traces; it keeps them straight. It is quite as influential with a great many as their conscience—probably a little more."

In the ordinary reception of the language of this particular article his honor did not himself draw the inference that the editor intended to charge Judge Powers with having been bribed—because that was what corruption would mean. In order that a newspaper might become subjected to a suit for damages for charging dishonesty, corruption, wicked conduct, it seemed to him that stronger language must be used than appeared here. The question, apart from the suspicions of some people, was what would a fair-minded man understand from this? Some men might have understood it as the plaintiff had done, but he did not think any fair-minded person would; at least he himself did not. The demurrer would be sustained.

Attorney Dickson—In order to determine whether we will amend our complaint I would ask, is your honor of opinion that it was intended to charge Judge Powers with official misconduct in the trial of that case?

Judge Zane—Well, I do not know that I would say that. The question is what do you mean by misconduct? If you mean mistakes, we all make mistakes sometimes. The best judges commit errors which they would be glad to recall.

Attorney Dickson—I do not mean that, but wilful, official misconduct.

Judge Zane—I should hardly think it would bear that construction. Certainly there is no language here charging, that that I see.

Attorney Dickson—Well, we will take ten days to determine whether to amend or not.

IN SOME places the Salvation Army has instituted the custom of passing the contribution box around at weddings. If this is intended to take the place of the wedding present which each invited guest is expected to bring, the innovation cannot be too heartily endorsed.

### DEATH OF ARMELA BERRY.

KANNARRA, Jan. 17, 1893.

The remains of Armela Shanks Berry, widow of Jesse W. Berry, were brought here for burial from Richfield where she departed this life on the 10th inst., at 8 a. m. The funeral services were conducted by Bishop Wm. Ford of Kannarra. Remarks kind and complimentary to the deceased and consoling to the children and relatives who were present were made by a number of speakers.

Sister Armela Shanks Berry was born January 24th, 1804, in Lebanon, Wilson county, Tenn. She was the daughter of William and Armela Shanks, was married February 8th, 1820, to Jesse W. Berry; joined the Church of Jesus Christ of Latter-day Saints in 1840 or 1841, and moved to Nauvoo in 1844 where her husband died August 3rd of the same year. She was the mother of eleven children—one dead and two married at the death of her husband, leaving her to care for the eight remaining children, in a very destitute condition. By the hard labor of herself and children she was permitted to emigrate to Utah in the summer of 1849. With the help of God she was successful in rearing her children to be faithful Latter-day Saints. Two of her sons, Robert M. and Joseph Berry, also the former's wife, were killed by the savage Indians April 2, 1866, while helping to settle the southern part of Utah. W. S. Berry, another of her sons was killed by a mob in Tennessee while on a mission. J. W. Berry her eldest son was shot and crippled for life by the Indians in 1853; he lived until April 12th, 1890, when he departed this life, he being the only son that escaped a violent death. Sister Berry has only three daughters that survive her. She is the mother of 11 children, 85 grandchildren, 188 great-grandchildren and 5 great-great-grandchildren, a total of 289, of which number 88 are dead.

She bore up under the many trials she was called to pass through remarkably well, was a great counselor and advisor among all whom she associated with. She lived and died a faithful Latter-day Saint and bore a faithful testimony of the truthfulness of the Gospel in her last hours. She resided in the town of Kannarra the greater part of the time since 1862 until the last four years, which have been spent with her daughter Thurza in Richfield, Utah. It was her request to be brought home after her demise to be laid by the side of her two sons John and William. Much respect was shown at the services. Relatives and friends from the neighboring settlements came to pay their last respects to the departed one.

JNO. M. BERRY.

### WEATHER BUREAU.

ATMOSPHERIC PRESSURE—The barometer remained high throughout a greater part of the month. On the last days of the month the pressure was especially high. The highest pressure at Salt Lake City was, reduced to sea-level, 30.645 inches. It occurred on the 30th. The lowest pressure was 29.790 inches on the 1st.

TEMPERATURE—The month was