

FROM WEDNESDAY'S DAILY, FEB. 1.

**Three Arrests.**

On Saturday night deputy marshals raided Hyrum City, and arrested Julius Sorensen, Hans P. Hansen and John Wilson, on the charge of unlawful cohabitation. They were placed under bonds to await the preliminary investigation.

**Death of an Excellent Man.**

A friend who resides in Cache County sends us the following, which we can fully endorse, Elder Lewis being a worthy and exemplary man: "Beason Lewis, an aged resident of Richmond, Cache Co., recently died at his home in that place. The deceased had lived in Cache Valley many years, and was highly esteemed by all who knew him. He left a large number of relatives, to mourn his departure. He was afflicted with paralysis during six years previous to his death, and suffered much pain, with heroic endurance." Brother Lewis' death occurred on Jan. 22nd.

**John H. Butler Arrested.**

Mr. John H. Butler, of Spring Lake, was arraigned here yesterday before Commissioner Hills, on the charge of unlawful cohabitation. He pleaded not guilty. Assistant District Attorney David Evans conducted the prosecution, and Judge Dusenberry defended. After evidence in the case was given by his alleged wives, the Commissioner bound the defendant over to the sum of \$1,000, the witnesses giving sureties in the sum of \$200 to appear in the case before the next grand jury. —*Provo Enquirer, Jan. 31.*

**The Church Suits.**

In the matter of the application of Receiver Dyer, for an order requiring Bishop John R. Winder to turn over to him the personal property of the Presiding Bishop's office, in the Territorial Supreme Court today, District Attorney Peters stated that Mr. Williams, the receiver's attorney, could not be present in court, and asked that the hearing of the application be postponed to the next sitting of the court. The request was granted.

Le Grand Young asked that the defendants in the same matter be allowed ten days' time to file an answer to the petition made by the receiver. Granted.

**Watts Bound Over.**

George C. Watts, of South Cottonwood, was before Commissioner Norrell today on the charge of unlawful cohabitation. It will be remembered that on Dec. 1, 1886, Watts pleaded guilty of unlawful cohabitation, and promised to obey the law. The complaint in the present case alleged the offense to have been committed between Nov. 24, 1886, and Jan. 1, 1888. Both wives testified that from Nov. 24, 1886, the defendant lived with both of them. Under this testimony the commissioner held the defendant in \$1,000 bonds to await the grand jury's action. The plural wife was also required to give bail—\$200 being the amount asked.

**The Writ of Prohibition.**

In the Territorial Supreme Court today O. W. Powers, attorney for U. S. Commissioner J. B. Carrington, of Brigham City, requested that the hearing of the case of Eli H. Peirce vs. J. B. Carrington be set at some future date. In the matter Mr. Peirce was arrested on a charge of contempt, in writing certain communications published in the Salt Lake Herald, regarding the commissioner's method of procedure. J. L. Rawlins, Mr. Peirce's attorney, obtained an order from the Supreme Court, requiring the commissioner to appear today and show cause why the court should not issue an order prohibiting him from proceeding further in the case, on the ground that he had no jurisdiction. The court ordered that the hearing be had at the next session.

**Accidentally Shot.**

This afternoon a lamentable accident occurred in the Eleventh Ward—the instrument being a sparrow gun in the hands of a boy. From what could be learned, a son of C. H. Banks, of the Eleventh Ward of this city, was shooting sparrows. His cousin, Willie Foster, of Tooele, was riding along on a horse just as the other fired, and the bullet took effect in young Foster's temple. He was bleeding profusely, but the full extent of the injury could not be ascertained.

LATER.—At 4 o'clock this afternoon the wounded boy was in a very critical condition. The surgeons in attendance had decided that the only hope of saving his life was in performing a surgical operation immediately—and then the chances for his recovery were very slight.

**Territorial Supreme Court.**

Proceedings before the three judges today:

Max Gruenberg et al., respondents, vs. Henry Buhning, appellant; from Third District; judgment of court below confirmed.

John J. Kelley et al., respondents, vs. Andrew J. Kershaw, et al., appellants; from First District; judgment of court below affirmed.

The United States of America, plaintiff, vs. the late Corporation of the Church of Jesus Christ of Latter-day Saints et al.; on application of Le Grand

Young, the defendants were granted ten days in which to make answer, in the matter of the turning over to the Receiver certain personal property. The hearing of this matter was set for the next session of the court after the ten days has elapsed.

Wm. Farrell, respondent, vs. James Plingree, appellant; from First District Court; this matter involves the right to the office of treasurer of Weber County, and was argued, submitted and taken under advisement.

United States vs. Frank Treseder; from Third District; argued, submitted and taken under advisement.

**First District Court.**

On Saturday a session of the District Court was held at Ogden. During the morning a number of motions were argued, and in one of the cases against C. H. Blandin, bail was reduced to \$500.

Alvin Crockett, of Logan, was arraigned on the charge of unlawful cohabitation. He pleaded guilty, and Feb. 15th was the time set for passing sentence.

Ira Allen, of Hyrum, was arraigned on the charge of unlawful cohabitation. The defendant entered a plea of guilty, and will be sentenced February 13th.

**Arrested for Forgery.**

Yesterday afternoon a man named James Peterson went to Nathan's clothing store, and presented a check on the Deseret National Bank, purporting to be drawn by M. M. Kaighn. It was after banking hours, and Peterson asked Mr. Nathan to let him have a suit of clothes, valued at \$23.75, and \$10 in cash, saying that he would call around in the morning for the balance. The storekeeper took the check without suspecting that anything was wrong, but after Peterson was gone thought he would investigate. He learned that Mr. Kaighn had no account with the Deseret Bank, and being convinced that the check was a forgery, notified the police. On returning to his store he was surprised to see Peterson walk in and ask for another \$5, and endeavored to detain him, but was unable to do so. The culprit was arrested by the police afterward, near the Walker House, and taken to the city jail. He made no explanation of his conduct, and declined to talk of the transaction. This afternoon an attorney was in consultation with him for a short time.

Later, Peterson was taken before Justice Pyper clad in the suit of clothes he had obtained, pleaded not guilty, and waived examination. The case was sent to the grand jury, bail being fixed at \$1,500. The penalty for the offense is not less than one year nor more than ten years in the penitentiary. It is not likely that the defendant can get securities for the amount required.

Peterson's wife was in the court room during the proceedings, and appeared to be deeply affected by the position in which her husband was placed.

**THE LEGISLATURE.****COUNCIL.**

Jan. 31, 1888.

Pending consideration of the appropriation bill in the Council yesterday, we went to press.

Marshall thought the item of \$1,000 to pay attorneys fees was for the prosecution of legitimate claims due the Territory.

Young again opposed the item and requested an explanation.

The auditor being present and called upon for a statement said that, as authorized by statutes, he had employed attorneys by the year at a salary of \$500 per annum. The objection was not pressed.

Woolley moved that the rules be suspended and the bill be put upon its third reading. Carried.

Marshall moved the suspension of the rules and that the bill be put upon its passage. The bill was passed.

C. F. 11, a bill providing for, and defining the fourth judicial district of the Territory of Utah, was called up for second reading.

Bryan moved that the court in the new district be held at Nephi for the convenience of the people, instead of Provo as provided in the bill and made remarks supporting his motion.

Smoot moved that the words "City of Provo" be stricken out and to insert in lieu thereof, "at such place as may be designated by the Governor," as that was his prerogative and not that of the Legislature.

Bryan quoted the compiled laws, going to show that the Governor could designate the times but not the places of holding courts. To obviate any doubt on this subject he proposed this amendment.

Tuttle favored the amendment as it would be an advantage to the people of Sanpete and a saving to the Territory.

Bryan said most of the people of the district had to pass through Nephi in order to reach Provo.

The amendment was lost, and the words "and at Nephi" were added.

The rules were suspended and C. F. 11 was read the third time.

Smoot moved that the bill pass under suspension of the rules. Carried and the bill passed.

C. F. 13, a bill to amend sections 1167, 1168 and 1173 of an act revising the code of civil procedure of Utah Territory was read the second time.

Smoot moved a suspension of the rules and passing to third reading.

Carlisle objected that it had just come in and needed further considera-

tion, whereupon Smoot withdrew his motion.

H. F. 13, Clark's bill was read the third time under a suspension of the rules, and so passed. Yeas 2, Marshall and Young.

H. M. Wells reported that the memorials for the fourth judge and asking the amending of the alien law, had been crossed and forwarded to Hon. John T. Caine.

Council adjourned.

February 1, 1888.

A communication was received from the House notifying the Council of concurrence in all the Council amendments to C. F. 31 (appropriation) excepting items 5 and 8 which struck out the words "or so much thereof as may be necessary."

A motion was at once made that the Council adhere to its amendments.

Smoot moved that as he deemed it merely a technical point, it be waived.

Carlisle expressed himself similarly.

Marshall thought it a matter of considerable importance. He deemed the amount of \$2,250 for the expenses of the executive during two years far from excessive; thought that amount had been spent by him and he was not in favor of making him give a detailed list of what the items were for which it was expended, as this clause would call for; therefore he favored adhering to the amendment of the Council.

Carlisle thought the gentleman (Marshall) misunderstood the question as viewed by the committee. He did not wish to curtail the amount but to save time in getting the bill through.

Bryan spoke in the same strain as Marshall and was firmly in favor of sustaining the amendment of the Council.

Woolley presumed the amount appropriated for the governor had been used. He thought the intention was that the whole amount should be used, and was not in favor of asking the governor to give the details. He favored adherence to the amendments made by the Council.

Olsen, as one of the committee before which this question would come up declared that for one he would blush to ask his Excellency what he had done with the appropriation.

The Council determined to adhere to the amendments.

On motion of Smoot a conference committee was called for and the president appointed Smoot, Marshall and Shurtliff, such committee to meet a like committee from the House.

Bryan presented C. F. 17, to provide for the incorporation of cities, which was read the first time and referred to the committee on municipal corporations and towns.

A communication from the House forwarding H. F. 15, in relation to procuring estimates for reform school lands and providing a committee to consist of two from the House and one from the Council was about to be read, but on motion of Carlisle in consequence of Mr. Shurtliff's absence was deferred.

C. F. 15, a bill amending sections 1167, 1168 and 1173 of "An Act Revising the Code of Civil Procedure of Utah Territory," was called for third reading, and was subsequently passed and the House notified.

Marshall reported that he had discovered what seemed to him discrepancies in the reports of the auditor of public accounts and treasurer, amounting in one case to \$17,000, and in another to \$100,000.

The Council then took a recess of 10 minutes pending the report from the conference committee.

**HOUSE.**

Feb. 1st, 1888.

Roll call, etc.

A communication from the President of the University of Deseret, was read, inviting the members to visit that institution.

Heyborne moved acceptance, and reference to committee on education to fix the time for the visit. Carried.

Messages from the Council announced the passage of the fourth district bill, and of Clark's bill.

A communication from the Territorial Librarian, accompanied by his report, was referred to the joint committee on Territorial Library.

Spencer introduced a petition from J. H. Brinton and two or three others asking pay as jurors. Claims committee.

Rouche introduced a petition from Samuel Francis and 74 other citizens of Morgan County, asking an appropriation of \$1,000 to aid in constructing a bridge across Weber River. Committee on highways.

King, chairman of the committee on municipal corporations, reported on the petition from Fillmore, asking the disincorporation of that city, recommending that said petition be tabled for the reason that the law of Congress prohibited the granting of it. The report states that the committee will introduce a general provision for disincorporating cities. Adopted.

The claims committee reported adversely on the claim of Cyrus H. Gold for jury service, and favorably on the claim of the Tribune Company for records for the Third District Court. Adopted.

Thurman introduced a bill concerning county recorders, and defining their duties, and asked its reference to the judiciary committee. So ordered.

Jones, from the committee on private corporations, offered a substitute for H. F. 23, in relation to railroad corporations. He was requested by the chair to write his report.

Thurman moved postponement till to-morrow of the reform school bill.

Hoge offered a concurrent resolution providing for a committee of two members of the House and one of the Council, to investigate the probable cost of reform school buildings, etc.

Thurman withdrew his motion to allow consideration of Hoge's resolution.

The chair suggested the disposal of amendments offered by the committee before deferring the bill.

Hoge's resolution required the committee to report on or before the 20th inst., and by implication delay in final action on the reform school bill till then. It was agreed to.

The bill was then taken up for the purpose of disposing of the rest of the amendments offered by the committee which were not reached yesterday.

The Council insisted on its amendments to items 5 and 8 of the appropriation bill, and asked a conference committee.

The chair appointed Hoge, Lund and Rouche.

The subject of fixing the amount of the appropriation for the reform school was under discussion yesterday at adjournment.

Hoge moved to postpone action on that section of the bill. Carried.

The absence of Mr. Lund on a conference committee, caused the temporary postponement of the reform school bill.

A communication from the auditor was read in reference to appropriations for the payment of witnesses as jurors, and unpaid civil certificates. Committee on claims and public accounts.

Allan offered a resolution instructing the judiciary committee to draft a bill for bonding the Territory to raise funds for necessary public institutions, and made an argument in its support. Adopted.

A communication was read from the Ogden Chamber of Commerce, tendering copies of *Ogden Illustrated* to members. No action was required.

Judge Eldridge, of Summit County, thanked the House, in a note, for its courtesy.

H. F. 20, Richards' bill prohibiting the sale of liquor on election days, was brought up on its second reading.

King moved to postpone its consideration, as the committee on elections had a similar bill in hand. No second.

Thurman moved to refer to the committee on elections. Carried.

The bill in reference to barb wire fences was called up on its second reading. The committee offered amendments which amounted to a substitute bill, which were adopted and the bill ordered printed for third reading.

On motion of Thurman the House adjourned at 3.15.

FROM THURSDAY'S DAILY, FEB. 2

**Burglary.**

Some time last night the dental room of Dr. J. Thomas was burglarized. The would be thief searched thoroughly the three rooms, breaking open cases, scattering the instruments about the floor, and playing havoc generally. Finding no money, he appropriated a few small articles and departed by the way he had come—through the window and out over the roof of an adjoining store.

**Ward Reunion.**

The members of the Fifteenth Ward held a re-union in the meeting house last evening, which was a highly enjoyable affair throughout. Over 500 people listened to a programme of songs, recitations, speeches, etc., and when it was finished refreshments were served to all present. These disposed of, each of the congregation as desired to dance retired to the ball room in the school house. Others, at the invitation of Bishop Pollard, inspected the newly completed addition to the meeting house, containing the vestry, baptismal font, etc. The occasion was in honor of the completion of the building, which, for all the purposes of worship in a ward, is one of the very best in the Territory, now that this addition to it is completed.

Bishop Pollard has labored assiduously to accomplish this work, and is justly proud of it, now that it is finished. He and the brethren who have labored with and sustained him, are entitled to great credit.

**Young Man Injured.**

Yesterday morning a young man named John Wheelwright, who lives on Fourth Street, in the eastern part of town, met with a severe accident. He is a son of M. B. Wheelwright. While cutting wood a piece flew up and struck him square across the temple with great force. A strip of flesh, some inches long, was chipped off the bone of his head as cleanly as if it had been done with a knife, and one of the large arteries in that region was severed. The wound began to pour forth a stream of blood immediately, and the young man started at once for Dr. Allen's office, about five blocks distant. A track of blood marked his path the entire distance, and while waiting outside the Doctor's office, a deluge of blood flowed from the gash. The Doctor dressed the wound and made the young man as comfortable as possible.

When the injury was dressed, however, the young man was scarcely able to stand. The great loss of blood had rendered him as weak as a new-born lamb. It was necessary to send him home in a carriage, which was done.

The doctor is of the opinion that he will be sick for a few days, from the injury he sustained as well as from the

loss of the fluid of life. He was resting quite easy at last accounts.—*Ogden Standard, Feb. 2.*

**MARSHALL'S MARE'S NEST.**

The Absurd and Malicious Charge, Against the Auditor.

Auditor Clayton was seen today in reference to a paper read in the Legislative Council yesterday by Mr. Marshall, charging that discrepancies to the amount of over \$117,000 had been discovered in the accounts of the Territorial Auditor of Public Accounts. A comparison of the reports of the Auditor and Treasurer showed that the charges were false, and had evidently been made with malicious intent. For a full explanation of the matter, however, a News representative asked Mr. Clayton, "What have you to say about the statement presented yesterday by Mr. Marshall? Can you explain its cause?"

Auditor Clayton replied—in reference to the report presented in the Council yesterday it starts out erroneously and continues so all through. The report says: "There is a marked discrepancy between the amounts stated by the auditor as received from the counties, and the amounts so stated by the treasurer." The auditor's report does not show any amount received from counties or any other source, but merely gives the total valuation of property assessed in the various counties of the Territory for the years 1886-7, and the revenue arising thereon at the rate of three-fifths of one per cent. And as experience has taught that the whole amount of the tax is never collected, the auditor suggests a reduction of 8 per cent. to cover amounts that may be remitted by county courts (who have this authority to remit in certain cases at any time, and as a matter of fact do so remit) together with losses through failure to collect, etc. This per cent. has proven not excessive in the past, and in fact has hardly covered the amount of losses, etc. The Treasurer's report shows the whole amount received during the years 1886-7, from every source, and without reference to years. It may go back ten years, or more. Hence his report has no reference nor bearing upon the report of the Auditor. As a matter of fact, the revenue for 1887 is not delinquent until Jan. 31st, 1888, and a large portion of this amount is still uncollected, as shown in the report of the Auditor of December 31, 1887.

Reporter—What about the reference to school funds, and the assertion that two appropriations were made for 1887? Is not this another blunder?

Auditor—It certainly is. The auditor is required to report to the Territorial Superintendent of Schools the amount of school tax assessed in the several counties of the Territory, upon which statement the Superintendent makes his allotment, without reference to whether the tax is collected or not. The school fund of 1878 was allotted in 1879, and that of 1879 in 1880, and so on up to 1886. At the latter end of 1886 the Territorial School Superintendent requested the Auditor to submit a statement of the amount of school tax arising from three mills on the dollar, for school purposes, for the said year, and made his allotment accordingly, which allotment was paid by the issuance of auditor's warrants, as was the custom. This made two allotments in the year 1886, one being for 1885, the other for the current year. The allotment for 1887 was made in 1887 and paid out as usual, without regard to whether the tax was collected or not; thus the school fund, at the end of Dec. 31, 1887, was largely overdrawn. These are matters over which the Auditor has no control, as he is required to report to the Superintendent of Schools the amount of school tax arising from 3 mills on the dollar, and the Superintendent allots, without regard to its collection. As to there being two credits for 1885, there is no such thing. The report made in 1886 gave the credits to the school fund for 1886 and 1887, as the allotments were one year behind. This year they come to date and are so reported.

This afternoon Mr. Marshall claimed that the paper he read in the Council was sent to him with a request that he present it to the Legislature, and he declines to assume any responsibility for the glaring falsehoods made therein; in fact, he said that he took no stock in the assertions himself.

**THE LEGISLATURE.****COUNCIL.**

Feb. 1, 1888.

Yesterday afternoon, after the recess, Smoot presented a report from the conference committee on the Council amendments on items, and stating in effect that the matter was compromised by retaining the objectionable words in one instance and eliminating them in the other.

The report of the committee was adopted.

The House concurrent resolution providing for a committee on reform school estimates, consisting of one from the Council and two from the House, was so amended as to read "two from the Council and three from the House." The President appointed Woolley and Young on the part of the Council.

The House resolution providing for estimates for the reform school, called