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TRUTH AND LIBERTY.

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FROM MONDAY'S DAILY, OCTOBER 10.

New Jail.

Utah County is to have a new jail. The contract was made yesterday. The Pauly Jail Company and a committee of the Utah County Court, being parties to the contract.

A Costly Crow.

Hank Garlitz, a rancher living about 20 miles below Snake River bridge, shot a crow sitting on his hay stack a few days ago and the burning paper wad from his gun set fire to his hay, and he soon saw himself the loser of 35 tons of hay, a corral, some harness, farming implements, etc.

Moral—Listen patiently to the song of that bird but never shoot him on a haystack.—Idaho News.

The Silver City Killing.

The examination of Bert Eather, who shot Mike Flaherty at Silver City, Juab County, on Friday night, was set for this afternoon before the United States Commissioner at Provo. Mr. Dickson has been engaged as attorney for the defense. Later intelligence confirms the statement of facts in our special dispatch on Saturday to be the correct version. Mike Flaherty was the murdered man, and Donahue was only powder-burned, and dangerously wounded, as has since been claimed. Eather's statement that he had also killed Dan Coffey was owing to the fact that he mistook Flaherty for Coffey, and died at him. The evidence at the coroner's inquest does not justify Eather in the shooting. Further developments may be made at the preliminary hearing today.

Third District Court.

Proceedings before Judge Zane today:

In the matter of the application of Matilda Openshaw; Matilda Openshaw was appointed guardian ad litem of Wm. S. Openshaw.

The Herald Company vs. Jared C. Parker; fifteen days to answer.

The United States vs. David B. Bybee, unlawful cohabitation; defendant arraigned and pleaded guilty; sentence set for October 25th.

Thos. Gibbons vs. Young & Carter; demurrer filed in justice's court confessed, and complaint dismissed.

The United States vs. George Morris; unlawful cohabitation; defendant arraigned and pleaded not guilty.

John Peter Johnson, of Sannete County, was admitted to citizenship.

Court adjourned to 10 a.m. tomorrow.

Items From Randolph.

"Buckeye" writes from Randolph, Rich County, under date of the 4th inst., as follows:

The good people of this town are constructing a large canal, tapping Bear River near Woodruff. Much of the work is already done. This ditch when completed will irrigate a very large tract of land. The inhabitants of Randolph are very desirous to have a grist and saw mill built here, and will lend their aid in the erection of the same. There is a good opening here for some one that is acquainted with the mill business, who has funds to invest in such improvements. This is a growing country, with a cash market for all kinds of produce at Almy and Evanston.

The farming community had a SERIOUS DRAWBACK

here this season. A storm, accompanied with hail destroyed a great part of the oat crop. The wheat was not damaged so much, and there is plenty of the latter for home consumption. The potato yield was good. The people feel quite encouraged despite these drawbacks. The climate is somewhat modified of late years, encouraging the hope that farming can be successfully carried on in this valley. Stock raising has been the chief occupation in the past.

A great amount of produce is being hauled per team from Bear Lake to Almy and Evanston, where the granger finds a good market and their teams load back with coal which they purchase at a nominal figure.

Bishop Ira P. Nebeker of Laketown passed through here to-day en route for Pennsylvania to fill a mission. He will be accompanied from Woodruff by Elder Auson C. Call.

Stock men in this country are making a general "round up" this week. The price of cattle is very much lower than for several years past.

THIEVES CAUGHT.

Sheriff Allison and His Deputy do Some Good Work.

Sheriff Allison arrived in town this morning, having in his custody Joseph Fisher and Charles Smith, on the charge of grand larceny. On Tuesday last, the 5th inst., Fisher and Smith each hired a saddle horse, one from J. E. Foote's livery stable, and one from Thos McCoy's, with the ostensible purpose of going to the Warm Springs. Not returning in the evening, the officers were notified. On Friday Sheriff E. H. Allison, of Summit County, and his deputy, William Allison, rounded up Smith at Coalville in good style and secured the horse he rode, which he had sold for \$20. The next day, Saturday, the officers overtook Fisher at Evanston, Wyoming. He was in the act of disposing of the stolen animal, which he was receiving \$40 for, when the sheriff stepped up and remarked that he would take him and the horse too. Fisher saw he was fairly caught, and when he and Smith were brought together they admitted their guilt, and stated that they had stolen the animals with the intention of getting out of the country.

They were brought before Commissioner Norrell this afternoon on the charge of grand larceny and on pleading guilty were held to await the action of the grand jury.

Smith and Fisher were formerly soldiers at Fort Douglas, and this afternoon an officer was telephoned for to come and identify them, so it is likely that in addition to having to pay the penalty for grand larceny, they will be required to answer for the crime of desertion. In default of sureties they were committed to the custody of the United States Marshal.

A DENIAL.

The Young Woman Says She did not Shoot Gavin Johnson.

On the 1st inst. the News gave an account of the unexplained disappearance of a young man named Gavin Johnson. Two days later we published a statement to the effect that a man, exactly answering his description had been shot in the arm by a young woman who served in Dudley's saloon in Parley's Cañon, while trying to enter her room through the window at night. This latter account came to us through the young woman's brother.

In reply to it we have received the following communication, signed by Mrs. Sue McCarty, evidently the person who is alleged to have fired at Johnson:

"I see in a clipping sent to me that I am accused of shooting at Gavin Johnson about the 16th of September. Mr. Gavin Johnson came here about dusk and I was here alone, except having a little boy with me, twelve years old. Johnson

WANTED TO STAY

all night. I told him I had no accommodations of any kind. Then he asked for supper and I told him we had had supper, but I could get him a lunch. So he said "All right; I will take a bottle of soda water and some crackers. While he was eating he asked me if I had some cartridges for his pistol. Not liking the way he acted I made him believe I had some, but I wanted them for my own pistol. But I never had a pistol at all. He then asked if he could feed his mule some lucern. I told him, 'Yes.' He stayed around quite a while after that. All he said was at that time and was: 'Do you stay here all alone?' I told him that I did not think that was any of his business.

"I did not like the way he acted and thought I would not go to bed, so

I STAYED UP ALL NIGHT.

I watched until nearly morning when

I heard him trying my window. I walked up to the window and told him if he did not go away I would blow his brains out. When I told him that he ran down the cañon, and that is the last I have seen of him. I never saw him before and I have never seen him since."

FROM TUESDAY'S DAILY, OCTOBER 11.

In a Dying Condition.

Andrew W. Cooley, of Brighton Ward, Salt Lake County, is in a dying condition at his home. President Angus M. Cannon and another friend of the family visited him this forenoon, but before they reached his bedside Brother Cooley had lapsed into a comatose condition, and his demise seemed to be but a matter of a few hours. He served two terms in the penitentiary for unlawful cohabitation.

The second term seemed to be particularly hard upon him and during the whole of the latter part of it he was quite ill, and never fully recovered. He was in town yesterday, and seemed to undergo a sudden collapse after reaching his home over Jordan in the afternoon. He has a large family, most of the members of which surround what seems, to all earthly appearances, to be his death bed.

Williams Promises.

Miles L. Williams, of North Point, was called in the Third District Court to-day, for sentence on a conviction of unlawful cohabitation. In reply to the Court he said, "I propose to obey the law."

Court—You will not enter into polygamy with any one in the future?

Williams—No, sir.

Court—And you will not cohabit with but one woman?

Williams—No, sir.

Court—Notwithstanding any revelation, counsel or advice you may receive to the contrary, from any source whatever?

Williams—No, sir.

Court—You will obey the law?

Williams—Yes, sir.

Court—You are now living with your lawful wife?

Williams—No, sir; I am living alone; she is an invalid. I will keep "back" in the future.

Court—Well, you will be fined \$50 and costs.

First District Court.

Yesterday, before Judge Henderson, at Provo, in the case of The People vs. G. W. Vandundy, the defendant was, on motion of the district attorney, discharged, the jury having brought in a verdict of not guilty in the case of Wilgins implicated with him on a charge of burglary.

George T. Axtell, who killed Bowen at Park City, was arraigned on a charge of murder in the first degree, and pleaded not guilty.

Martin Brotherson applied for citizenship and was admitted.

The case of The People vs. Maurice McGrath, charged with the stealing of the reporter's notes in the famous Beck-Bullion-Eureka mining case, was in progress. The evidence went to show that A. H. Wlan, the reporter, carelessly left a satchel containing the notes, on the train. A satchel like that one was soon after found by the railroad track, cut open, and contents gone. McGrath appears to have been a witness to the taking of the notes, and to know of three others, but he would not give their names. There is evidence of a reward having been offered by the Eureka for getting away with the notes.

A CHINAWOMAN MURDERED.

The Perpetrator of the Crime Eludes Capture.

Last night, at Alta, Little Cottonwood, a Chinawoman was found dead, having a fatal wound in the right breast. A Chinaman known as Charley Lung disappeared last night, and it is believed that he is the murderer. Efforts to find him in the Cottonwoods failed and it was believed he had come to Salt Lake and was secreted somewhere in the Chinese quarters. Word was sent to Marshal Dyer, and with a number of officers search was made in Chinatown, but no trace could be found of the heathen accused of the crime. A Chinaman was arrested, but it was learned that he was not Charley Lung.

SAD FATALITY.

Dudley N. Crismon Accidentally Killed.

The Crismon Farm, southeast of this city, was the scene of a sad accident yesterday afternoon, resulting in the death of Dudley F., the thirteen year old son of George Crismon. In the morning the unfortunate boy, with a brother about seven years of age, had ridden into the field to herd the horses. In the afternoon the younger boy returned and

stated that his brother had gone off into another field after the cows, and that sometime after his horse had returned without him. Other parties also saw the riderless horse, saddled and bridled, among the band of loose horses.

Mr. Crismon was in this city yesterday, and returned to the farm about sundown. Learning of his son's absence, and the circumstances, he immediately concluded there was something wrong and instituted a search for the missing child. Shortly after dark the lifeless body was found about half a mile from the house, and was taken to the grief-stricken family. There was a slight bruise on the right jaw, and blood had been pouring out of the right ear. From all the circumstances it would seem that the unfortunate boy had been thrown from his horse—probably through the latter's stumbling—and had fallen head foremost and been instantly killed by having his neck broken.

Dudley N. Crismon was the fourth son of George and Mary Crismon, and was 13 years old on the 20th of May last. He was a bright lad, of kind and amiable disposition, and gave promise of useful manhood. His death is a terrible blow to the bereaved family, who have the heartfelt sympathy of the community in their sorrow. The funeral services will be held at the Crismon farm to-morrow (Wednesday) afternoon at 2 o'clock.

"MORMONS" TO PRISON.

Judge Zane Gets ON an Old Time Lecture.

Three "Mormons" were called for sentence in the Third District Court this afternoon, for living with their wives. They were John Gerber, of Taylorville, James C. Watson, of the Sixth Ward, and Charles Burgess, of the Fifteenth Ward, this city.

JOHN GERBER

was the first called. Judge Zane asked him as to his intention to obey the Edmunds law, and he replied "I cannot say what I will do in the future." After some further questioning as to his financial condition, the Court imposed a sentence of six months' imprisonment and a fine of \$100 and costs.

Mr. Gerber stated to the Court that he desired a few days' time owing to the illness of his son, who is afflicted with typhoid fever. The Court replied, "O, I suppose there is somebody there to take care of him."

JAMES C. WATSON

came next. The Court asked, "What have you to say as to your future conduct?"

Mr. Watson—I have no promise to make, your honor.

Court (severely)—The Court, then, is not assured that you will not continue to violate the law as you have done. You must understand that the law must be obeyed. You cannot expect any leniency. You have served one term in the penitentiary, and plead guilty the second time. Now you give the Court to understand that you will still continue to violate the law. You stand in an awkward light before the Court. You will be sentenced to imprisonment in the penitentiary for the term of six months, and pay a fine of \$300 and costs of the prosecution, and stand committed till the fine and costs are paid.

It is two years to-morrow (Oct. 12) since Brother Watson emerged from the "pen." at the close of his first term.

CHARLES BURGESS

was the third to receive the judgment of the Court. The Judge said: "You are not able to say you will obey the law in the future?" and Mr. Burgess replied: "I don't know what I will do; I cannot say." He was sentenced to a six months' term and fined \$25 and costs.

The three brethren were transferred to the bastille this afternoon.

WAS IT MURDER?

Bert Eather's Examination Before the Commissioner at Provo.

Bert Eather, the slayer of Mike Flaherty, was before the commissioner at Provo, yesterday, for preliminary examination. He entered a plea of not guilty to the charge of murder. W. H. Dickson defended.

The first witness was John Leech, who testified—I live in Mammoth Hollow, Juab; was there last Wednesday; occupied a cabin with Mr. Dillon; was acquainted with Donahue, and slightly acquainted with Flaherty; saw Mike Flaherty on Friday last; know Bert Eather; was sleeping with Dillon in the three-roomed cabin; Flaherty and Donahue were there; Donahue said he was going to work that night; was sorry that he did not have something to treat his brother with that was there from Bingham; gave Eather \$20 to go and get a bottle of something; Eather came back in twenty minutes

with the liquor from the saloon; Flaherty was on the bed, Donahue at the head, and witness was between them. When Eather came in, I said: "Take a drink," and passed it around. Every thing was quiet; Flaherty drank and passed it to Donahue; Donahue said as he passed the liquor: "Shut up you—of a b—; what can you say about your shooting?" Eather then left and went to his room, returning with

A PISTOL IN EACH HAND,

saying to Donahue: "Here you s— of a b— defend yourself," handing a pistol to him. Leech grabbed the pistol, examined it and said: "You s— of a b—, what do you want to band him an empty pistol for?" Eather immediately grabbed the pistol and fired over Leech's head with the other at Donahue. The light went out and the shot was repeated. Witness lit a match and tried to find a candle, but could not. Did not see who fired the second shot. Heard a voice outside saying: "For God's sake, Leech, come out and save us!" Eather then went into the room, and when witness entered the cabin, he saw Flaherty a murdered man, lying on the lounge with Eather stroking him down, and crying. Witness said: "O'Donahue has killed this man." Witness then left. Blood was oozing from Flaherty's mouth; did not see Eather again that night; Eather said something as he was stroking him, expressing sorrow. I did not examine the dead man; left him just as he fell. Flaherty did not move after he was shot; did not know whether Eather and Flaherty had had any conversation or not; they did not in the cabin anyway; all the talk was what Donahue told Eather: "Hush up and don't talk about your shooting."

Cross examined—Knew a number of the men connected with the lynching at Tintic last year, who were convicted of lynching Fisher; had heard several persons say that Bert Eather had perjured himself in his evidence in this case. Eather also told Dillon he had got letters notifying him to leave camp; Dillon did not tell who wrote the letters.

WE HAD WHISKY,

and were pretty full at the cabin Thursday night; laid off Friday night; drank with Eather and several others Friday morning, at the saloon; did not hear Eather and Flaherty speak with each other prior to the shooting. We went to the cabin about six o'clock that evening; Donahue was cursing and talking to himself all the time; called Eather a G—d— coward, and Eather called him the same, and then went to his room; at the time Donahue called Eather the name, Eather was talking to Flaherty; could not state the conversation. There was considerable talking going on while Eather was going after the whisky; witness said he must have been so drunk he could not remember what was said. A man came there; thought it was Johnson; something was said about courage to kill Eather that night. Had never heard Donahue talk about killing Eather; had told Bert's father to get him away from there or he would be killed.

Since the above was in type we have received news of some sensational developments in the Commissioner's court at Provo last evening. It was made to appear that a plot had been entered into between Leach, Donahue and Flaherty to kill Eather. It was agreed to draw him into a fight by insulting him, and thus to dispatch him. Leach and Donahue are in jail at Provo, charged with conspiracy to murder Eather.

Fire in Plain City.

By a special telephone message last evening it was learned that a fire broke out at about 9 o'clock in the residence of Mr. Harry Bramwell, at Plain City. The fire started from a stovepipe which pierced the shingle roof. The friends of Mr. Bramwell turned out in full force, and the fire was subdued in about an hour. Most of the furniture was saved; the greater portion of the building was only slightly damaged.—Ogden Herald, Oct. 13th.

Hopelessly Blind.

We have often seen justice represented as a blindfolded female, but the damsel who had charge of the scales at Boise should consult an ophthalmist at once. The quality of her mercy is not very well strained, and droppeth like the gentle ten-ton meteor upon the victim beneath. Last week, at Boise, Peter Waldo, charged with the larceny of \$10 from a teamster, got eight years at a hard labor in the territorial penitentiary; and Thos. Morrow, who attempted to murder his wife by shooting at her, got twenty days in the county jail and \$100 fine. Subtract the wife from ten dollars, then divide twenty days by eight years and we give it up.—Shoshone Journal.

A MEETING was held last Saturday night to organize a printing and publishing company at Provo.