## EVENING NEWS. they passed," and we were saved as BY FUBLISHED DAILY, SUNDAYS EXCEPTED, FOUR O'CLOCK. PRINTED AND PUBLISHED BY THE DESERET NEWS COMPANY. CHARLES W. PENROSE, EDITOR.

WAS IT MURDER!

pers, locusts, canker worms and cod-Saturday, - . Nov. 12, 1881 enemy with which our pomologists have tried to cope.

Soms inquiry has arisen coucerning Various have been the sugges the degree of guilt to be attached in tions and efforts made for .their des law to the captured robbers who truction but all seem unavailing, killed young Joel Hinckley. It is and the multitude of their armies is thought by some persons that as the constantly increasing and encroach homicide was in all probability uning, and year by year, they are enintentional, the prisoners cannot trenching themselves in our fairest penalty. Others think that fruit, in the very heart of that be punished with the capital choice product popularly supposed to taking all the circumstances into be the forbidden fruit of the first consideration, the culprits committed murder and ought to suffer garden, until it may be said of most of our orchards "The trail of the ser death. We will briefly examine

the case, not with any intent to pre- pent is over all." As evidence of the magnitude of judge the guilt or innocence of the this evil, it is estimated that the desaccused, or to state beforehand what truction in one large orchard alone i should or should not be done with this vicinity amounts to the sum of them, but to exhibit the affair in its twenty-five thousand dollars. When true light.

this is multiplied by the number of The two men went to the place similar losses throughout the Terri where the offense was committed for tory it will readily be seen that an the purpose of burglary or robbery. annual loss from this source alone Theywent with a loaded weapon pre pared to take life, if necessary, to the accomplishment of their purpose. They may not have intended to kill, but had the implement in

readiness to kill. Their intent was felonious if not homicidal. We pre succe no one will dispute that i loaded pistol pointed at young Hinckley, while they were thus productive fruit trees, as some bave feloniously engaged, by one of the already done, or can we overcome robbers went off, and killed Hinckthe foe and banish him from our ley on the spot. Was this murder? borders? We are firmly convinced If so in what degree? If it was that the evil can be overcome. Of not murder, what is the class of the course the disease has now run so offence? And, how may it be punished?

will consequently require heroic Murder is defined in our statutes treatment. If taken at first it might to be the unlawful killing of a human being with malice aforethought," But the malice may be expressor implied, "It is implied when no considerable provocation appears or when the circumstan as attonding the killing show an abandoned or malignant heart." Homicide is excusable when committed by accident "in doing a lawful act by accident "in doing a lawful act by lawful means." Manslaughter is the unlawful killing of a human being without malice. But it

TELEGRAPH. PER WISTERS UNION THE NILAPE LINE. the white-robed visitants seemed beautiful as angels, and that their voices were musical as the harp of AMERICAN. LATEST DISPATCHES. David? Or that laws can still be found on our statute books for the Wheat. protection of our first defenders? NEWYORK, 12 .- The Commercial

Since this most remarkable interpo-sition of Providence, our crops have California wheat, which have been been attacked, in turn, by grasshop-much attention at the Produce Expers, locusts, canker worms and cod-dling moths, the latter being the wheat dealer that the increase is most determined and destructive due, in part, to the fact that, while

due, in part, to the fact that, while
Eastern speculators have been hold-ing wheat at high prices, the Cali-fornians have been quietly dispens-ing of their wheat, and while expor-tation in the Atlantic is very dull. At San Francisco, vessels are crowd-ing for freights, and yet berth room is in demand. Said a prominent ship owner: "Salling vessels, find-ing no grain charters here, and few ing no grain charters here, and few at other Atlantic parts, and unwil-ling to change into oil carriers, have

at other Atlantic parts, have been turning their attention to San Francisco business."
 The Yacht Atlanta, recently beaten by the Mitchief will winter here and still confident of ultimate succes, will challenge again for the club treasurer yesterday said: This American Cup next spring. The club treasurer yesterday said: This American Cup is worse than a hund red shares of Comstock; this season alone it has cost the club and members, in actual cash, just \$20,000.
 Failing Elevators.

### Falling Elevators.

The recent hotel elevator accident here creates a general feeling of un easiness. It is estimated that three will reach into the millions, to say hundred thousand people ride daily, nothing of the discouragement of Sundays excepted, in our elevators. our planters and the consequental damages in prospective. This has been an increasing course ever since the advant of the

fell to the bottom.

\$11,000,000 in Confederate Coin. The Tribune says: The history is published of an attempt by our gov-erament to get possession of the assets belonging to the Confederate long that it has become chronic, and government abroad. These assets are the same as those on which the recent speculation in Confederate bonds was based. Various contracts have been more easily handled; it will now cost something to effect a radical cure. But it can be done, and it ought to be done. We are not rich enough to afford such a drain upon our resources year after year. We owe it to ourselves and the government has only thus far amounted to \$5,000, the "fund" ap-plicable to the payment of the bonds can hardly be a very large to our successors to see that this one. The recovery of \$5,000 even evil, which has crept in during our required a gigantic effort, a 50 per



WOODSTOCK, N. B., 11.—A great part of Woodstock is on fire. This time incendiarism without a sha-dow of a doubt caused the dieaster. About midnight the Mechanic's Institute was discovered to be on fire. A heavy northwest wind was blowing, and in a few minutes the building was enveloped in flames. An engine was soon at work but the fire spread to W. F. Debbe's and Benjamin Smith's new residences,

were wrapped in flames. Consterna-tion was now on every face. The work of destruction was of short duration. The engine company having stopp d the flames at the In-stitute, a section came across the bridge to battle with the greater and newer danger. Men were driven down Main Street, house by house, till at last, on the street passing the new hotel, they finally stayed the devouring element. The fire swept Main Street from Hugh Hayes' scourge ever since the advent of the Pacific Railway. The questions are, must we yield to the enemy and cut down one of the fairest and most productive fruit trees, as some have

persons were injured.

#### Spanish.

MADRID, 11 .- There was an im-MADRID, 11.—There was an im-posing sitting in Congress to-day. The galleries were crowded with di-plomats, senators and deputies, fill-ing the floor of the house, while the cabinet was present to hear the chief of the democrats, Senor Merat, who declared in the name of his friends, that they believed that the present that they believed that the present monarchy and dynasty was compa-tible with democracy and public li-berties. He gave his uncoaditional support to the policy of Senor Sagas-ta, and severely attacked the con-servatives. In the course of his re-



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WM. JENNINGS, Superintendent.

NEW GOODS

ARRIVING DAILY AT

STOCK

is voluntary or involuntary. Voluntary when done in the heat of passion, in voluntary when in the performance of a lawful act or of an un lawful act not amounting to a felony. It will be seen from this that the shooting in question comes under the head of murder. Now as to the degree. Our penal code provides:

"Every murder \* \* com mitted in the perpetration of or at-tempt to perpetrate any arson, rape, burghary or robbery, \* or per-crity follow him into his strongholds petrated by any act greatly danger. ous to the lives of others, and evidencing a depraved mind, regardless of human life is murder in the first degree." (Sec 89.) to the wall, and then the sharp-

The penalty for murder in the shooters will pick off in detail every first degree is death, or the convict straggler that dares to show hi may, on recommendation of the head, and drag him forth from every leaf and limb of the uttermost jury, be imprisoned for life.

If the killing of a human being bough, and the won't need a ladder while the slayer is committing an nor a rope, nor a light on the subject unlawful act, is to be regarded in for it is his "regular business." And the light of a mere accident, one of after he has utterly destroyed and the strongest safeguards erected by wasted the enemy, he will sit down, like Alexander the Great, and sigh the law will be broken down. Our

statutes are in accordance with well for other armies to conquer. Under Providence, our first aid in known and long established overcoming our insect enemies legal principles. A person attempts an unlawful came from the birds of the air, and act and proceeds further than he it is our firm conviction that in the intended is responsible for all his present instance our succor may intended is responsible for all his present instance our succor may and mineral region of North Wis-doings and their results. Confession of guilt, turning States' evi. long since something was done in ago, discovered a vein of mineral in dence or other palliative proceed-ings may have weight with a jury this city, but either the har-bigs may have weight with a jury this city, but either the har-Shore and Western Railway, and the court, and materially affect vest was large and the laborers which assays 60 per cent. lead and the sentence. But it cannot, we few, or they were not of the right 15 ounces of silver to the ton. He the sentence. But it cannot, we lew, or they wate not of the high and his associates, embracing pro think, be successfully disputed that such a homicide as occurred at Franklin was murder and that it was examining some of their orops du-Franklin was murder and that it was examining some of their orops dua capital offence. It was a terrible ring the summer. At all events, a capital offence. It was a terrible affair, and while no one desires that the murderers shall be punished be-yond their deserts, yet justice abould have its own, and the laws enacted for the preservation of hu-man life should be fully vindicated. HOW TO SAVE A FEW MIL-

HOW TO SAVE A FEW MIL-LIONS.

WHEN the people of Utah first settled these vallies they had enemies to contend against, and this has been the case more or less over since. As we overcome one enemy and drive it from the field another upon insects, snails, etc. assails us from a different quarter, and we seem to be kept continually on the qui vive. Who will ever forget the first attack upon us by those innumerable and insatiable hordes that first threatened our destruction, as they descended in myriads, from the surrounding mountains and canyons; and poured out over our fields as a devouring scourge, utterly desolating our fields and sweeping away, as with a besom of destruction, every vestige of the tender blades that were our sole dependonce for our daily bread? These were the big, black, regulaive looking crickets, clad in complete mail troying three thousand worms

agencies to bear that will do the work, and that too, effectually. The From this they were obliged to de-army that we need stands ready to duct \$95,000 for expenses of the colarmy that we need stands ready to enter upon the conflict, and the soldiers of this legion will not need rags or clap-boards, nor coal oil, nor ladders, nor help or encouragement of any kind after they reach the outworks of the enemy."

entitled to be paid, so that it is the early yet to feel sure how govern-ment is going to come out in the end. An inventory of the assets shows that there are \$29,000,000 in Europe and \$11,000,000 in the Unit cd States, or \$40,000,000 in all. Or this \$11,000,000 in good hard money is deposited to the cr dit of the re-bal government in Vienna, Berlin. But each individual warrior will come prepared to pitch into the enc bel government in Vienna, Berlin, Frankfort-on-the-Main, Amsterdam, and hunt him out of his hiding-Paris and London, but cannot be places and from his dens and caves reached. in the orchard fruits, and drive him

Southern Railway Blocked With Snow.

KANSAS CITY, 12. - Santa Fe trains were delayed by a snow storm for nearly thirty-six hours. It has been snowing hard in Western Ka. sas, Colorado and New Mexico. From Laken west to Pue' lo there are from six to eight inches of snow while from Lajunta west there are from 18 to 20 inches. The cuts are full and a strong wind drifting it badly. This is the heaviest snow storm in New Mexico and Colorado that the Santa Fe road has ever en-

countered.

200 Acres of Lead and Silver. CHICAGO, 12 .- Nell G'les, of Stilwater, Minnesota, an explorer who purchased two adjoining forties at

Hung.

the kinds of food that are eaten by ed at \$100,000. various birds, whereins he exposed

some fallacies in regard to popular FAYETTEVILLE, W. Va., 11.-Henry Jenkins was hanged at 1 theories on this subject, one of which o'clock to-day, for the murder of Winfield Saunders at Nuttallsburg, is that certain birds that have been deemed exclusively gramniverous on New River, May 16th last, his supposed motive being robbery. In their appetites are, on the contrary, found to feed almost exclusively Both were miners and worked together. A large crowd was in town all night to witness the execution, the gallows being located to give a good view to 20,000 spectators. The Hawks Nest Rifles were brought out, but no disturbance occurred. He declares that a flock of about thirty Cedar Birds (Ampelis cedro rum), sometimes called the "Cherry Bird," had apparently taken up The prisener was baptized and made their residence in an orchard. The a partial confession. He was comfood record of the seven which were killed is very brief-Canker Worms out a struggle. 100 per cent, expresses it all. The Configration.

number of Canker Worms in each SAN FRANCISCO, 11.—At Modesto a fire, this afternoon, destroyed the Modesto Hotel and a number of stores and manufacturing establishe stomach, determined by actual count, ranged from seventy to one hundred and one; and was usually ments. The loss will aggregate about \$50,000. The remains of A. nearly a hundred. Assuming that these constituted a whole day's food, the thirty birds were de-troying three thousand worms a day; and that canker worms comfood, the thirty birds were de-

ples of justice, and mostly a repubwhich brought in \$100,000. 10x12 and 12x14 lican people, could accept Queen Victoria's wreath of flowers laid on loctions and a rival contractor is said to claim that this recovery was made on evidence for which he is part of the house and galleries, saluto his duty. Loud cheers from every part of the house and galleries, salu-ted these remarks. The speech 14 by 16. entitled to be paid, so that it is too caused much sensation on account of the blow dealt to republicanism, already much divided. WALL TENTS. Cholers Increasing at Mecca

ALEXANDRIA, 12.—A telegram dated Djiddab, Nov. 6th, announc-ces that the cholera at Mecca has increased. The mortality on the 3rd, 4th and 5th was 55, 215 and att connectingly. Caravana com 614 respectively. Caravans com prising 5,000 pilgrims left Mecca on the 6th inst. It is feared that Egyp-tian troops stationed at Elwadj will with Poles and Pins.

Barbadoes.

The government of Russia will I AM THE ONLY AGEN

The Irish National convention alled a meeting at Chicago, Nov. 30th, for a three days' session.

Mrs. Densmore, former wife of Guiteau, now residing in Leadville, has been summoned to appear at the trial of the assassin.

A respite will be asked for Lefroy on the grounds that his father and grandfather were insane, and he-himself was insane when he murlered Gould.

Whittle and McGarahan, who nave conducted a successful series of revival meetings at Omaha for a month, close to-morrow and leave for Salt Lake.

The Hammonton House at Ham-

#### DIED.

At East Bountifel, Davis County, Cetober Plows, Wagons, 18, 1881, of dropsy, BLIZABETH, wife of John Kirkham, born Nov. 27, 1804, at Spalding, Lincolnshire, England. Deceased was the mother of 14 children, 20 hildren and ten great grandoh She died in full faith of the gospel. Mill Stor, please copy.

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