

THE DESERET NEWS

TRUTH AND LIBERTY.

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TERMS IN ADVANCE.

OFFICE—Corner South and East Temple Sts.

LOCAL NEWS.

FROM TUESDAY'S DAILY, JAN. 29.

Bill to Foreclose.—The bill to foreclose the first mortgage, to secure 230 bonds of \$1,000 each of the Utah Eastern Railroad, was to-day filed in the office of the clerk of the Third District Court. John E. Dooley and Chas. W. Bennett are plaintiffs as trustees. Joseph F. Smith and Moses Kirkpatrick are made parties in the defense.

False Report.—It was rumored on the street last evening that the daughter of John Heil, ice man, had shot herself. We are credibly informed this morning that there was not the slightest foundation for such a report, which must have been started by malice, mischief or stupidity. The young lady is alive and well, and we are very happy to record the fact.

Collar Bone Fractured.—Last week a little four-year-old daughter of Brother H. C. Barrell, of the Thirteenth Ward, met with a painful accident. She fell accidentally against a mantel-piece and fractured her right collar bone. It was bent inward, and the operation of putting it in proper shape was attended to by Dr. Benedict. The little one is doing pretty well.

For the Southern States.—Elder B. H. Roberts, of Centerville, and Elder Harvey H. Perkins, of Bountiful Davis County, left for the Southern States at 10 o'clock this morning. The former, who has been home on a visit for a short time, returns to resume his labors as assistant to President Morgan in that mission. Brother Perkins will labor in Tennessee, one of his objects being to obtain his family genealogy.

Diphtheria.—Diphtheria has not abated in Pleasant Grove. Several families are still afflicted, one child died on Saturday night, and others are very low with the same malady. A little son of Henson Walker has been in a very critical condition for several days, so low that preparations were being made for the funeral, it being advisable to inter as soon as possible after the demise. But to the joy of the household the little fellow took a radical change for the better and is now considered out of danger.

Henson Walker, Jr., has another little girl, the third one, who is not expected to live, while the father is in Arizona out of reach of mail or telegraph communication. What makes matters more sad, neighbors cannot lend that aid they desire to in visiting and administering to the afflicted families. One family in Provo, Second Ward, was placed under quarantine on Saturday; cause, diphtheria. Every precaution is being brought to bear to prevent the spread of the terrible scourge.

Elder Roberts' Lecture.—The lecture entitled "The Divine Mission of Joseph Smith," by Elder B. H. Roberts, of Centerville, was delivered in the Fourteenth Ward Meeting-house, last evening, to a large and appreciative audience. Presidents George Q. Cannon and Joseph F. Smith, with other prominent Elders, were on the stand with the lecturer.

The speaker has a fluent delivery, rapid but distinct, and by reason of this put his lecture into a much shorter period than is common in such cases, and this too without marring its effect or detracting from its interest in the least. It could not have lasted more than forty minutes, yet that time seemed ample for the treatment of the particular phase of the subject which the speaker had selected.

He dwelt mainly upon the prophecies of Joseph Smith, particularly those which had already been fulfilled, and in dilating upon the war between the North and the South, gave some very interesting descriptions of the battle-fields of Shiloh, Chickamauga and The Wilderness. The speaker had the closest attention of his hearers, and all went away satisfied.

Supreme Court.—Proceedings in the Supreme Court of Utah Territory, on Monday, Jan. 28th, 1884:

The case of Alvin D. Bowers, respondent vs. the Union Pacific R. Co., appellant; on appeal from the First District, was argued by Arthur Brown for the respondent and Mr. Young for appellant; submitted and taken under advisement.

This is the case in which the respondent recovered \$10,000 in the lower court for damages sustained in a coal mine belonging to appellant.

The case of James Ewing, respondent, vs. Edgar Merkley, appellant; on appeal from the First District; came up regularly for hearing, and was argued by J. N. Kimball, for appellant, and Ransford Smith for respondent. Submitted and taken under advisement.

The case of Bedell Smith, appellant, vs. E. A. Ireland, respondent; on appeal from First District; came on regularly for hearing, and was argued by J. N. Kimball for respondent, and submitted on brief by appellant. Taken under advisement.

Tuesday 29th.

John Nickles, respondent, vs. Daniel H. Wells et al. appellants from Third District Court; verdict and judgment of lower court set aside, and case remanded for a new trial. Appellants recover costs.

William Roach, appellant vs. John T. Gilmer et al. respondents, from third District Court; argued by Arthur Brown for appellant and by R. Harkness for respondent. Submitted and taken under advisement.

FROM WEDNESDAY'S DAILY, JAN. 30.

To Be Built.—The Brigham Young Academy will be rebuilt by subscription. President John Taylor, as Trustee-in-Trust, has headed the list with \$5,000, and President George Q. Cannon has put his name down for \$500. Presidents Smoot and Cluff are now in the city on business connected with the Academy.

Latest From Sandy.—Diphtheria is not spreading at Sandy. Rumor has it that Mrs. H. Olsen was confined to her bed on Saturday. Sunday night or Monday morning she lost a fine little girl by diphtheria or some other disease. A fine boy died during Monday night. The funeral of the little girl took place yesterday. Quite a gloom is thrown over the place owing to so much sickness among the children. Mr. Astill's only remaining child is very sick.

Dangerous.—This afternoon Thos. J. Donkin, who lives in the east part of the 11th Ward, on the "Bench," showed us a quantity of concrete, which was thrown up by a blast made by the workmen who are constructing the bed for the gravel railroad. The mass was thrown high into the air, struck the roof of Mr. Donkin's house and passed clear through into the room below. Luckily no one was hurt. Had the lump struck anybody the result would doubtless have been very serious. People in the vicinity complain that the blasts shake their houses. The incident occurred during the absence of Mr. Livingston.

The Kidnapping Case.—The case of the kidnapping of Willie Tufts came up again before U. S. Commissioner McKay, yesterday, on the examination of Charles Irish and Mrs. Gudgell, of Ogden, who had been arrested for complicity in the child's abduction. The evidence went to show that the woman, Mrs. Gudgell, took the child from Salt Lake to Ogden, at the request of Mrs. Morton, and on an order from the latter, presented there by Sam Hitch, delivered over the child to him. Also that the child was in the temporary keeping of Mr. Irish, in Ogden, before it was taken away by Hitch. The Commissioner discharged Irish, while Mrs. Gudgell, waiving further examination, was bound over in \$1,000 to await the action of the grand jury.

Sunday School Music Book.—Sabbath School Superintendents and choir leaders should send in their orders at once for the new Music Book published by the Deseret Sunday School Union. This little volume, just issued at the Juvenile Instructor office, contains eighty-eight pieces, mostly the productions of our home composers and authors. The pieces present many varieties of style and treatment and are variously adapted to the capacity of Sunday School scholars of all ages.

It is not expected that the present little book will supply every need experienced by the officers and choir leaders of the Sunday Schools, yet it will undoubtedly aid in the direction sought and be the precursor of many yet more valuable works to aid in the musical development of the youth of Israel. Now is the time to send in your orders for it.

From Texas.—Elder Victor D. Cram, of Kanab, returned on the 19th inst., from Texas, where he has been laboring as a missionary since last May. He left here on the 15th of that month and went direct to that State. He was in Smith, Cherokee and Rusk Counties most of the time. He joined Elder Alma Harding, the only missionary in the State besides himself, at

Brother Turnbow's, in Smith County, the only family of Latter-day Saints in Texas. They baptized two others and ordained Brother Turnbow a Priest. Brother Harding, returning home last October, our informant was joined by Elder Sidney Teepley whom he left in the field when he came away.

Elder Cram's mission was shortened by ill health, he having suffered with chills and fever since last August. The spirit of inquiry was not prevalent among the people, who seemed satisfied with what religion they had without caring to investigate "Mormonism." Still, some few were manifesting interest. He traveled 700 miles, held 32 meetings, and would have held more but was refused halls. It is a mistake to suppose, our informant says, that the people of Texas are mostly rough, half civilized and irreligious. They are, as a rule, poor, hard-working people, but very hospitable, though rather bigoted, and indifferent to any innovation of religion.

BEAVER CANYON.

SOMETHING ABOUT THE SAW MILLS IN OPERATION THERE.

Mr. W. N. Thomas, foreman of the timber department of the Union Pacific Railway, is down from Beaver Cañon, Idaho, on business. The winter, thus far, has been very mild in that region. The two saw mills belonging to Mr. Thomas started up for the season two weeks ago, and are busily supplying timber for the Oregon Short Line. Since the fall of 1879, about 15,000,000 feet of lumber has been shipped from there, most of it for the building of the Utah & Northern and the O. S. L.

There have been as many as eight mills in the cañon, but some of them are entirely closed out since the completion of the Utah and Northern. Those now running are located near the Montana divide, seventy miles north of Eagle Rock and 144 miles from Butte City. Teams haul the lumber from the mills to the railway track, a distance of from three to seven miles. The timber of that region is principally red pine, of good quality, which sells at \$16 per thousand.

The Oregon Short Line is now the principal lumber market. Mr. Thomas keeps a general store in the cañon. There were about 200 men there last season, but at present there are only about 40, employees of Mr. Thomas and another mill owner named Hall.

Only three accidents have taken place since the mills first commenced running. Last Spring a man slipped and fell on a circular saw and had his arm taken off; another, a year ago last August, had his leg broken by a log which rolled off a wagon upon him, and still another, by some mischance, got his head between two logs and was so badly injured that death ensued two weeks afterwards. Mr. Thomas returns north the last of the week.

THE COUNTERFEITERS.

THE PLAN LAID FOR THEIR CAPTURE.

Last evening's News had a brief item to the effect that two men had been arrested in the Postoffice, by Deputy U. S. Marshals Sprague and Greenman, for passing counterfeit money. As the arrests were made just about the time this paper went to press no particulars could appear last evening.

The principal of the two counterfeiters is a young man named James Stewart, of Franklin, Idaho, who, it is said, went to school formerly in Logan. He has been here for some little time and it seems has been sending circulars to some of his old friends up north, offering to furnish them, for a certain sum of money, certain larger amounts of counterfeit currency.

These circulars were variously signed, some with the name of Charles Browning, others with James Starr, and still others with different names. Certain persons in receipt of them sent word to the U. S. Marshal in this city, and a plan was laid for the capture of these "shovers of the queer" in this wise.

The co-operation of the Postoffice clerks was secured and they were informed of the names furnished to the Marshal by the receivers of the counterfeiters' circulars. Two decoy letters, one addressed to Browning and another to Starr, were then sent to the Postoffice, and yesterday afternoon Stewart, entering there with his supposed "pal," inquired for a letter for Charles Browning. The decoy letter, supposed by Stewart to be an answer to his circular, was handed to him, and being a registered letter, he was asked to sign for it. This he did. The post office clerk then incidentally remarked that there was also a registered letter for James Starr. Stewart said: "I'll take that, too." The clerk permitted him to do so, after getting his signature in behalf of Starr. Thus armed with signatures which corresponded to those subscribed to the circulars in possession of the Marshal, Deputies Sprague and Greenman, who were lying in wait nearby, were informed, and immediately arrested Stewart and his companion. No

counterfeit money was found on them, but Stewart had cheap jewelry on considerable quantities on his person.

The case came up at half past two o'clock this afternoon before U. S. Commissioner McKay. The complaint was made by Marshal Ireland, on information received from A. Stalker, of Franklin, who, it appears, received one of the circulars offering him counterfeit money for the consideration of \$30. After the complaint had been read Stewart pleaded guilty and was held in \$2,500 to await the action of the Grand Jury. His companion, who gives the name of Augustus W. Devore, pleaded not guilty and will have a hearing at 10 o'clock to-morrow.

FROM THURSDAY'S DAILY, JAN. 31.

Actively Laboring.—We have received from Brother Joseph Irwin, of Lake Town, Rich Co., a letter addressed to him by Elder N. M. Hodges, now laboring in the Bristol (England) Conference. It gives a detailed account of his operations in that part of Great Britain, and shows that the brethren have been very active in their labors. Quite a commotion in relation to the Saints has been the result. The communication is too lengthy and ranges a little too far back in date for publication in full. Otherwise it is quite interesting.

Supreme Court.—Proceedings in the Supreme Court of Utah on Wednesday afternoon, Jan. 30, 1884:

The case of F. Auerbach et al., respondents, vs. Robert Mulhall, appellant, on appeal from the Third District, came up for a re-hearing, pursuant to leave heretofore granted, and was argued by F. Hoffman, Esq., for appellant, and M. M. Kaign, Esq., for respondent. Submitted and taken under advisement.

The case of Benites vs. Hampton came up for a re-hearing and was argued by Arthur Brown, Esq., for Benites, the appellant; Thos. Marshall, Esq., appeared for the respondent.

Pleasant Valley Mines.—Superintendent Wm. G. Sharp returned a few days ago from Scofield, Pleasant Valley. The Utah Central mine is still burning, but not so extensively as hitherto. Another attempt was made last week to put out the fire and recover the bodies of the McLeans, but it only resulted in taking out some of the burning material. Another effort will be made shortly. Mrs. McLean, widow of one of the dead miners, is feeling better and has moved down to Provo.

The Pugsley mine, about half a mile from the other claim, is now being worked, and coal shipping is going on at the rate of 100 tons per day. This mine was purchased by the Utah Central Company of Phillip Pugsley, hence its name. It had not been worked to any extent prior to the burning of the other mine, which has rendered its development necessary.

President Gates' Condition.—The many friends of Brother Jacob Gates will be pleased to learn that he is slowly improving. He is very weak, but says hopefully that he expects to be able to walk across the room in a week's time. He is exceedingly reduced in flesh and in strength, and has had a very severe time. To one of his hardy temperament this long illness has been a heavy trial, for he has never been confined to his bed one day in his life until now.

He is cheerful and full of anxiety to be up and laboring among the people once more. He is sure that nothing but the blessing of God could have thus far restored him from his long and severe siege. We hope in a month or two to see him out and around with his usual briskness and energy.

Exciting Runaway and Collision.—This afternoon a team attached to a heavy wagon dashed out of the alley next to the Wasatch Meat Market and ran westward along First South St. They had traversed but a short distance when they collided with a buggy in which were Mrs. Joseph Jennings and Miss Emma Jennings. The top and seat of the buggy were broken, and one of the wheels denuded of several spokes, while the ladies were thrown to the ground.

A spectator of the exciting incident stated that the wagon passed over the ladies, but fortunately the wheels did not strike them. They got upon their feet without aid, and were assisted into Mr. H. Dinwoodey's furniture establishment, where they remained a short time. We are pleased to learn that neither of the ladies sustained very serious injuries, but their escape was marvelous. They must have sustained a severe shock.

The Bar Association.—The articles of incorporation adopted yesterday by the committee of the Salt Lake Bar Association, provide that the purposes for which the corporation is formed are the procurement and maintenance of a law library and maintaining the honor and dignity of the profession of the law, for cultivating social relations among its members and increasing its usefulness in promoting the due administration of justice. The principal place of business of the corporation

shall be Salt Lake City and the term of its existence is fixed at fifty years.

The board of trustees consists of thirteen stockholders and the names of those who were appointed for the first year are as follows, to wit: Thomas Marshall, Joseph B. Rosborough, Parley L. Williams, Jacob S. Boreman, Wm. H. Dickson, Benjamin Sheeks, Charles K. Gilchrist, Jabez G. Sutherland, Robert N. Baskin, Wm. W. Woods, Moses Kirkpatrick, Enos D. Hoge and Arthur Brown. The officers appointed to serve the first year are Judge J. G. Sutherland, President; Parley L. Williams, Treasurer, and Henry G. McMillan, Secretary.

The capital stock of the corporation is to be \$1,000, divided into 200 shares of the par value of \$5 each.

The Academy Fire.—"Homespun" writes from Provo, that in the Academy fire Brothers Doane and Coombs, the janitors of the school, lost all their books and clothing. Their sleeping room was immediately under the room where the fire began. They were at Springville spending the night. Their combined loss was \$300.

Tuesday morning the Academy opened its third term in the upper story of the Bank and in the basement of the Tabernacle. They are very comfortably fixed, and feel very grateful to Pres. Smoot and the Bank Directors for their kindness. Also to the school trustees who moved the district school in the Bank building, to the 4th Ward Meeting-house.

One could scarcely believe, to look around at the many departments, seated, and busily at work in their new quarters, everything apparently smoothly running, with no excitement or fuss, that the B. Y. Academy (building) was the lonely desolate-looking pile of bricks which it now is, and only one day lost by the school.

THE COUNTERFEIT CASE.

PROCEEDINGS AGAINST AUGUSTUS W. DEVORE.

The case of the People vs. Augustus W. Devore, who is charged with using the U. S. Mails for the purpose of fraud, came up this morning at 10 o'clock before Commissioner McKay. Mr. Denney, attorney for the defendant, moved that the case be dismissed on the grounds that there is no provision in the statutes which provides for the offense as stated in the complaint.

Mr. Snow, the prosecuting attorney, claiming such provision to have existence, combatted the motion vigorously, whereupon, his honor, continued the case until 1 o'clock, in order to have sufficient time to look over the statutes before rendering an opinion.

At the opening of the case at 1:30 o'clock, Mr. Denney claimed that as the defendant was arrested under the United States law, while the warrant was issued in the name of the People of the Territory, and there being no law for such a proceeding, he requested that the case be dismissed and the prisoner discharged.

The prosecuting attorney, Mr. Snow, held that as he would be prosecuted by the authority of the Territory, yet it would be a United States case, and that the alleged defect in the warrant did not vitiate it.

Commissioner McKay decided, without passing upon all the points brought forward by the attorneys, that he himself made a mistake in issuing the warrant, which ran in the name of the People of Utah, instead of the People of the United States. He therefore ordered that the defendant be discharged, which was accordingly done.

The Commissioner expressed the opinion that the defendant could still be held if the Marshal cared to make out another complaint, but did not believe there was any case against the defendant, and it would eventuate sooner or later in his discharge. Some present seemed disposed to take issue with the Commissioner on his action, but he firmly held that the point he had taken was a good one, as the matter of sovereignty was all that made a warrant of any virtue or effect in law.

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