MORE "TUSCARORA" FUN.

Judge Lochrie Wants Some Money From the "Deseret News."

HE SAYS HE IS LIBELLED,

But He Did Not Hold His Court in Boss Powers' Office.

The following suit was filed in the office of the Third District Court about 2 o'clock yesterday afternoon:

Peter Lochrie vs. the DESERET NEWS Company, a corporation, defendant.

The plaintiff above named complains of the defendant and alleges:

1st—That the plaintiff is now and was at all the times hereinafter mentioned an attorney at law and a justice of the peace duly elected and qualified in and for the City of Salt Lake, in the County of Salt Lake, and Territory of Utah, and has always demeaned himself with honesty and fidelity as an attorney and counselor at law and in the office as justice of the peace aforesaid, and never been impeached of dishonesty or disloyalty in his official capacity or in his said office as aforesaid, and is so held and in every respect has always demeaned himself in such a way as to secure the esteem and respect of members of his self profession and of the community in which he has lived.

2nd—That the defendant, the Deseret News Company is now and was at the time of the commission of the wrongs hereinafter complained of a corporation organized and existing under and by virtue of the laws of the Territory of Utah, and is, and was the publisher and proprietor of the DESERET EVENING NEWS, a newspaper published in Salt Lake City, Utah Territory, being a newspaper of large circulation in Utah Territory and in other Territories and States of the Union.

3rd—That the defendant well knowing the premises did, on the 11th day of May, 1892, knowingly and maliciously and with the intent to wrong and injure the plaintiff in the premises, compose and publish in said newspaper of and concerning the plaintiff and of and concerning the premises and of and concerning the plaintiff in his capacity as a justice of the peace aforesaid, the words, alone and disjunctively, of the issue following, to wit:

"THE END OF THE 'TUSCARORA.'

"The decision of Justice Lochrie in the case of the 'Tuscarora' who want to be recognized as the Democratic party of Utah is, it is said, rather amusing. It will be found in another part of this paper. The defendants, it will be remembered, filed a demurrer to the complaint and submitted it upon that statement. The justice appears to think this was a submission of the case. For he not only overrules the demurrer, which is what he expected he would do, but he proceeds to decide the case on the merits before any trial has taken place.

"We say it was expected he would overrule the demurrer. Certainly, his association with the complainants in holding his court in Boss Powers' office, the whole manner of the proceedings, all go to that anticipation. We suppose the defendants will take proper steps to have this matter righted by a higher court. Although the whole thing is looked upon as a farce, the purpose and intent of it are such that it cannot be treated with the contempt that it has been not subverted by the fellow set in it everywhere awakes."

3rd—That by said words the said defendant did convey and intend to convey that the plaintiff as a lawyer is lowest of the principles of the law and unfit to practice his said profession as an attorney at law, and unfit, through ignorance, to hold and exercise the power and authority of his said office as a Justice of the Peace as aforesaid. And thereby the said defendant did charge the plaintiff with corruptly in his office as a Justice of the Peace as aforesaid then and there by saying that plaintiff holds or holds court in the law office of one O. N. Powers, an attorney of Salt Lake City, and thereby meaning that the said O. N. Powers had corruptly influences plaintiff to render a certain decision in a certain case pending in plaintiff's court, known and designated as Henry T. Lake, plaintiff, against Elias A. Smith and A. G. Nuttall, defendants, and thereby conveying the meaning that plaintiff is corrupt, ignorant and unworthy to hold his said office as aforesaid.

4th—That said words were, and at the time of their publication as aforesaid were, well known by defendant to be false and were so as aforesaid published with express malice, and by reason of the publication of the same so aforesaid plaintiff has been greatly injured and damaged, to wit, in the sum of five thousand dollars.

Wherefore plaintiff prays judgment against the said defendant for the sum of five thousand dollars and the costs of this action.

COAN & COAN,
Attorneys for Plaintiff.

TERRITORY OF UTAH,
County of Salt Lake. } ss.

I, Henry G. McMillan, clerk of the Third Judicial District Court of Utah Territory, do hereby certify that the foregoing is a full, true and correct copy of the original compound in the action therein entitled, filed in my office.

Witness my hand and the seal of said court, at Salt Lake City, this 12th day of May, A. D. 1892.

HENRY G. MCMILLAN, Clerk.
By GEO. D. LOGANS, Deputy Clerk.

THE WAR OF 1812.

Henry Clay, the Apostle of American Patriotism and Public spirit.

Henry Clay was a leader in the development of American public spirit during the main feature of Dr. Grady's lecture last evening. In the opening years of the present century, he reached by a distinguished traveler at the time, there was no American sentiment worth mentioning. A great portion of the people sympathized with France, another section with England, and only a few were really Americans. France and England were at deadly enmity. The great Napoleon had the whole of Europe at his feet except Britain. He was working for her subjugation, but his repeated efforts to effect a landing on her shores baffled him. The channel, or as he called it, the ditch never fed. He saw that her strength lay in her commerce, and he directed all his energies to the destruction of that commerce.

West Florida caused at this time a misunderstanding between Spain and the United States. The latter claimed it under the terms of the Louisiana purchase of 1803, and the former maintained that it was never included in that territory. However, the Americans proceeded to occupy it. Spain retaliated by destroying American ships and killing loads and outrages in other ways. By the intervention of Napoleon a settlement was effected. But France and England still continued to insult and outrage the United States. There seemed no sentiment of an American character. The bulk of the people were either French or English in sympathy. Napoleon entreated Portugal to close her ports against English ships. England retaliated if Americans shipping as the right to sail the seas. Finally the embargo closing the ports of the United States to all foreign vessels went into effect, and it caused a good deal of hardship in Boston.

It was Jefferson's belief that by adopting this course his country could escape being embroiled in European quarrels. But the effects of the embargo were not what he desired either. England continued to overhaul American ships and impress into her service all English-speaking persons on the ground that they were British subjects. Even certificates in the office that such persons were either American born or naturalized citizens did not always save them from impressment. About this time a new generation of Americans appeared on the scene, among whom were Henry Clay, John C. Calhoun, and a number of other equally fervent and brilliant young men. America was their country, and to uphold, sustain and guard her from insult were their mission. With tongue and pen they awakened an American spirit, and in due time the crisis came.

Henry Clay became Speaker of the House of Representatives in 1811. Using the vast influence which that office commands in shaping legislation, he entered all his committees so that a war spirit predominated. A declaration of war against England soon followed. In relation to this war the school text books are all wrong. They give the impression that we whipped Britain on every hand, and the American eagle is made to scream from river to river. This is not so. We whipped, or at least held our own against England on sea, but she whipped us on land, except on one or two occasions. But Americans gloried a greater victory than if they had whipped England, they conquered themselves. After the war came was a funeral, and the corpse was the old Federal party. This fact alone that had been for years opposing progress and liberty, threatened secession during the war. Their doughfaced, putty headed counsel rendered them as salons that the very word Federal became a sense of shame even to themselves. Then set in the era of the real American sentiment, which a few years later culminated in the Monroe doctrine.

Ever since that war the United States has been respected by all European nations. Before that, even the marauding half savage province of Algiers insulted us, and as she thought with impunity. On reading the history of these times, the American of today does not ask why his fathers went to war in 1812, but he asks why in thunder they did not go to war in 1808, or 1809, or even in 1805. The answer simply is, because there was no American spirit, patriotism or sentiment. Jefferson was a man of peace. He believed the golden era to be in the future, and peace should be prince of that era. The people believed with Jefferson that peace was best, and that it was better to lose much than rush precipitately into war, that the crisis came in 1809, when Gallatin said that either we must fight or permit our commerce and even our federal trade to be destroyed, and our country reduced to a satrapy of European courts or kingdoms.

Dwelling great considerably upon the interpretation put on the Constitution by States' sovereignty men and by nationalists. According to the former there was no such body as the American people. This country was composed of Delaware, New Yorkers, Rhode Islanders and so on, just as so many tribes of aboriginal savages. According to nationalists, the very act that an American Constitution existed demonstrated that there was or ought to be an American people behind it.

In touching on the Missouri compromise of 1820, the lecturer said that many were of opinion that the North should have gone to war sooner than admit a compromise on slavery. On this very point the superior wisdom and far seeing sagacity of Henry Clay was seen. In 1820 the South could whip the North. If this is doubted, we have only to see what happened forty years later, when the North was vastly stronger. The civil war resulted in triumph for the North, but Dr. Grady then said that if Lincoln had been in place of Jefferson Davis it would not have been so. Davis demanded the South by his personal influence to motion that did not concern him, by his arbitrary conduct and his petty jealousy.

To all the subject of Henry Clay will be continued, and his part in the Missouri compromise and other events will be elaborated more fully.

In the afternoon at 4 o'clock the doctor will speak on phraseology at St. Mark's school on First South, opposite City Hall, to the school teachers, students and others who may desire to hear him.

Doctor Grady, though not an orator in the popular sense, has a special faculty for treating historical matter. His presentation of a subject is clear, concise and easily comprehensible. He is connected with an educational institution at Athens, Ohio.

Gold Made Common That Honest.

Herodotus tells of a king who loaded his prisoners with golden chains, that substituted being more common than brass. Copper was even worn for ornament in preference to gold. The treasures brought by the queen of Sheba to Solomon's temple must have been of enormous value.—Washington Star.

THE FRUIT DISPLAY.

The Various Counties of the Territory Asked to Assist in Making an Exhibit.

Secretary McDaniel, of the World's Fair commission for Utah, has received the rules and regulations governing exhibits in the departments of electricity, transportation and mines and mining of the World's Fair. Parties interested in any of these departments can be supplied with rules on application.

The chief of the art department has written to the secretary requesting that nothing be done in regard to the art displays in this Territory until certain circulars and instructions now being sent to be forwarded for the general information of artists. Notice and regulations governing the distribution of the department will be sent and until the printed matter referred to reaches the secretary.

The secretary has written to the various officials of the several counties for general information in regard to the resources of the county. It is the intention to have every county participate in the Utah exhibit at the World's Fair, and all the information possible is needed.

A communication embodying some very valuable information and suggestions in regard to the display in the agricultural department has been received from a gentleman who is authority on the subject. The suggestions which it contains will be of great value to the commission, and they will be followed as far as possible. It is suggested that some of the finest specimens of fruits should be collected and preserved in alcohol this season. Fruit growers should make a note of this and if they have anything of a specially fine variety this season, well selected samples should be carefully preserved for the exhibit. It is suggested that an exhibit of some of the finest fleeces of wool produced in the Territory should be exhibited in glass cases, holding a fleece each. Wool-growers are requested to prepare such samples for the wool exhibit. These special exhibits will be shown in the Utah building, and only the very finest specimens of each exhibit will be accepted.

Articles of Incorporation.

With the county clerk has been filed the articles of incorporation of the Silver City Gold and Silver Mining Co., which is incorporated for fifty years, unless sooner dissolved, and the business is to locate, purchase, lease and operate mining property, to smelt and do other work in order for the production of ore. The general office of the company for the transaction of financial business is to be in this city. The amount of capital stock of the company is fixed at $300,000, divided into 300,000 shares of the par value of $2 each.

The name of the incorporators with the number of shares taken by each are: C. R. Hancock, 25,000; I. J. Randall, 17,000; R. H. Wheeler, 17,000; J. H. Chaney, 17,000; A. S. Peck, 17,000; W. H. Peck, 17,000; F. Behrman, 10,000; H. J. Jarvis, 14,000; C. J. Irvine, 5000; J. L. Perkins, $500. Working capital stock 200,000.

The officers are: C. R. Hancock, president; F. Behrman, secretary; H. J. Osborne, treasurer; J. L. Perkins, vice-president, and these together with R. H. Walker, J. H. Chaney, A. S. Peck and W. H. Peck form the board of directors.

Wasatch Stake Conference.

The quarterly conference of the Wasatch Stake of Zion convened in the Stake House, Heber, on May 7th and 8th. Present on the stand: President Joseph F. Smith, Apostle Lyman, President Hatch and Counselors, members of the High Council, Bishops of the various wards and Counselors, Patriarch Hicken and others.

On Saturday, at 10:30 a.m., conference was called to order by President Hatch. After singing and prayer by Patriarch Thomas Hicken, President Hatch spoke highly of the Saints in Wasatch Stake as to their faith and good works, and their readiness to help to build up the Church of Christ.

The bishops reported the condition of their respective wards, which was very satisfactory. Health, peace and prosperity prevailed, and the various organizations and institutions were generally prosperous.

President Joseph F. Smith said he was pleased to hear the bishops' reports. He made some pertinent remarks on the subject of tithing, the habit of cleanliness and the necessity of the Saints keeping up all good works. These were no standing still; we must be either increasing or decreasing. He adverted to the subject of the Word of Wisdom and the blessings that had been given in various places. He hoped we would not be seldom towards the Lord, for all the blessings we have had belong to him.

2 p. m.—After the usual exercises, Patriarch Hicken gave a report of his travels in Europe.

Elder Hyrum Smith (son of President J. F. Smith) made a few remarks and bore testimony to the truth of the gospel latter-day work.

President J. M. Murdock spoke in reference to the High Priests quorum and of his travels in the interest of the work.

Apostle Lyman said he was pleased to see so many present and gratified to hear the bishops' reports. He referred to the use and abuse of riches, and the necessity of devoting themselves to the work of God, the duties of Bishops and others holding the Priesthood, and the necessity of all the Saints attending the Sabbath school. Whatever we are called upon to do we should do with all our might.

Pres. Smith explained the reason why "it was hard for a rich man to enter the kingdom of heaven." He showed how riches proved a curse if improperly applied.

On Sunday morning, after singing and prayer by Elder A. Wolfin, the 41 seventy and Stake authorities were presented and unanimously sustained.

Pres. Joseph F. Smith delivered a discourse which will long be remembered. The subjects treated upon were the duty of leaving men to pot within the bounds of all in their jurisdiction the way to obtain a knowledge of the Gospel, and labor with all their might for the good of all mankind, the necessity of showing by example as well as precept that we have faith in God, and are honest in our belief, the practice of morality in its broadest sense, and the keeping of the ten commandments. He strongly advised the people to abstain from the use of intoxicants and other things forbidden in the Word of Wisdom.

Apostle Lyman occupied the remainder of the afternoon in admonishing the Saints to acts of goodness.

At 6 p.m. after the Sacrament had been administered, Apostle Lyman gave some excellent counsel to the Saints, advising them to live lives of purity.

President Joseph F. Smith occupied the remainder of the afternoon in speaking on the duties of the teachers, and urging the brethren to treat their wives and children kindly.

Although the weather was very cold, we had the largest congregations ever assembled in conference in this Stake on both days. On Sunday 1500 persons were present. The singers and the Heber Brass Band discoursed some capital music. Altogether we had a reviving time and one that will long be remembered.

Benediction by Apostle Lyman.

HENRY CLINE, Clerk.

Personal.

Governor Thomas left for the East today.

J. W. Stone, of Los Angeles, Cal., is at the White House.

F. E. Gallagher, a southern Pacific railroad man, is at the Walker House.

Mrs. John T. Dorsey and little daughter have returned from Denver.

M. B. Whitney, of Springfield, Ohio, is visiting this city.

E. T. Williams, of Portland, Oregon, is at the Kimball.

Samuel J. Pepe, of Chicago, is among the late arrivals at the Templeton.

The family of Policeman Tanner have gone to Milford to spend the summer.

James M. Mackey, of Deadwood, Dakota, is at the Kimball.

Charles A. Cox, of Omaha, is in the city on the interest of his hotel and other business.

Among the Presbyterians who will report this city tomorrow are Colonel Elliott F. Shepard and W. H. Worrell, of the New York *Mail and Express*; Rev. J. R. Dawson, of the *Tribune*; Rev. Dr. Hall, of the *Evangelist*, of the *Presbyterian Review* and the; Robert M. Patterson, of the *Journal*; Rev. F. C. Stephen, of the *Herald and Presbyter*.

Sunday School Union.

The officers and teachers of the Sunday schools of this Stake will hold their regular meeting on Monday evening next, May 16, 1892, at 7:30 o'clock. All Sunday school workers are cordially invited to attend.

The following excellent programme has been prepared:

1. Address. "The duties now left to Sunday School workers." Suggestions from a Visitor. 2. Conference report. Lessons of Women chief Sunday ward primary, conducted by Elder Leo J. Muir. 3. Address. "Why I love to be a Sunday ward primary class." 4. Song by the Sunday ward primary class.

The musical exercises for the evening will be furnished by the Eleventh ward Sunday school choir.

J. H. PARRY, Secretary.

NOODLES MADE A MISTAKE.

He Offered a Dollar to a Uniformed Stranger, and Naturally He Took It.

"I had a most extraordinary adventure the other day," said Noodles at the Platypus club. "I had taken passage on a Delaware steamboat. I saw a large man in blue clothes, whom I took to be the captain, standing on the deck I approached him.

"'What is the fare?' I asked.

"'One dollar,' he replied, looking me coolly in the eye.

"'Here is the money,' I said, handing him a dollar bill.

"Then I went and sat down in the cabin. After awhile I saw person wearing a uniform with brass buttons accosted me. He said:

"'One dollar, please?'

"'What for?' I asked.

"'Your fare,' he said the man.

"'I paid it half an hour ago,' I protested.

"'You are mistaken,' he said.

"'I assure you that I am not.' I insisted. 'I paid it just after I got aboard.'

"'To whom did you pay it?' he inquired.

"'Why, to a big man in blue clothes' I explained. 'I have he is now, talking to those ladies.'

"'Why did you pay it to him?' asked the man.

"'Because I supposed he was the captain,' I answered.

"'Well, he isn't,' was the reply. 'I never saw him before I walked on board.'

"'Do you mean that he is only a passenger?' I asked.

"'Certainly,' said the man. 'One dollar, please?'

"I felt real angry. After paying over the dollar I went over to the big man in the blue clothes and touched him on the shoulder. He looked around and frowned gravely, as much as to say that he would be glad to know what I wished of him.

"'I gave you a dollar half an hour ago,' I said, smothering my indignation with difficulty.

"'That is true,' he replied.

"'Will you kindly explain?' I demanded.

"'Explain what?' he inquired.

"'Why did you pretend that you were an officer of the boat?' I said, growing angrier.

"'I never said anything of the kind,' he answered.

"'But you received my fare,' I insisted.

"'I think you are laboring under a misapprehension,' he said very politely. 'You asked me who the fare was and I told you that it was one dollar. You thereupon handed me a dollar and I put it in my pocket. I never refuse money.'

"'But,' I protested, 'you permitted me to suppose that you were the captain.'

"'My dear sir,' said the big man, 'I always permit every one to think what he likes. It is not my business to forbid anybody to suppose anything. Without information from myself you gave me a dollar. Do I understand that you wish it returned?'

"'Yes, I do,' I responded, not knowing exactly what to make of the situation.

"'Here it is then,' he said.

"I took the money. There did not seem to be anything to say under the circumstances, and so I refrained from further remarks. I must confess that the incident jarred upon my feelings, but not being able to think of anything better to do I simply frowned and strode away in disgust. Later on I observed that the big man in blue clothes appeared to be very much amused about something or other and that the ladies with him were likewise convulsed with merriment, though I cannot for the life of me imagine what they were laughing about."—Washington Star.

He's Not Taken.

Mrs. Gushleigh—Has your husband called on those new neighbors yet?

Boy—No, as she wasn't neither. He says they wouldn't be returned your call if they knew anybody worth knowing.—Good News.

Judging a Man.

It is safer to judge a man by his walk and conversation woven together, rather than by the warp of his walk or the woof of his conversation alone.—Good Housekeeping.

AMUSEMENTS.

SALT LAKE THEATRE
CHAS. S. BURTON, MANAGER.

TONIGHT, AT 8:15,
ALSO TOMORROW, SATURDAY NIGHT,
Matinee Tomorrow Saturday, at 2.

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"Queen of Comedies."

Preceded of such performances by the New York Herald's one act farce play, "CHUMS."

Direction of Charles Frohman.

THE COMPANY—Miss Johnston Bennett, Messrs. Fred Arthur, R. F. Cosgrove, M. C. Daly, Kathrine Grey, Mrs. M. H. Fisher, Carrie Reynolds, Louise Lebarron, Minnie Kowalski, Herbert Lomas, Nellie Tellis.

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