

THE DESERET NEWS.

TRUTH AND LIBERTY.

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DESERET NEWS:

WEEKLY.
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DESERET NEWS:

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EVENING NEWS:

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TERMS—IN ADVANCE.

OFFICE—Corner South and East Temple Sts.

LOCAL NEWS.

FROM TUESDAY'S DAILY, MAY 19.

Dismissed.—This afternoon, on motion of District Attorney Dickson, the case of the People vs. Geo. Hilton, charged with assault with deadly weapon on Joseph Samuels, the negro murderer who was lynched, was dismissed, there not being sufficient evidence to warrant conviction.

Information Wanted.—A lady by the name of Ingrid Liffsted, who arrived in this city from Malmö, Sweden, with the last company of emigrants, wishes to learn where her son is living who immigrated to this Territory two years since. His name is Edlef Nelson. Anyone having the desired information will confer a favor by communicating with the anxious mother, in care of the Tithing Office in this city.

District Court Proceedings.—In the matter of the estate of Horace Gibbs, deceased, Judge Snow, in behalf of the administrator, moved that the case be remitted to the Probate Court, a report therein the costs and expenses of sale therein. Motion was granted.

Verdict in the Fotheringham Case.—We learn that the jury in the case of Wm. Fotheringham, whose trial was charged with unlawful cohabitation, returned a verdict on Saturday night. There was no evidence that he had actually cohabited (according to the usual acceptance of that term) with more than one wife for some years past, but according to the modern construction, he had "held them out."

Fired at by Deputy Marshals.—According to a statement published in the Utah Journal of the arrest of Samuel Humphries, charged with having broken the Edmunds law, which has been mentioned before, it seems that the deputies, three in number, surprised him at the Paris Co-op. dairy, 20 miles from Paris, while engaged in milking a cow. On seeing them approach he attempted to get out of their way, and was fired at twice. A boy who was at the dairy was also shot at. Mr. Humphries, after being arrested, was taken to Montpelier, without being allowed time to even change his clothes, and there locked up in a box car without any supper.

The Caterpillars.—It may be encouraging to some of our citizens who are alarmed over the presence of the caterpillars in their orchards and gardens to learn that in some districts of this county where they have been very destructive heretofore there are now, having migrated or been exterminated by some natural means. A gentleman living on Cottonwood says that the caterpillars were so numerous and voracious about his place year before last that an extensive cottonwood grove there was completely stripped of them within a few days, and though efforts were made to get rid of them, there is not one to be found there now. Because such has been the case in some instances, though, we do not think for a moment that people should be justified in ceasing their efforts to destroy the pest; for we see no reason why the vermin should not continue indefinitely and grow more numerous yearly, unless some effort is made at extermination. The method of killing the worms which is recommended by a correspondent in this issue, is worth trying. If it prove efficacious as represented, it is certainly the best that can be adopted.

FROM WEDNESDAY'S DAILY, MAY 20.

The New Paper.—The company who are about to start the publication of the *Swedish Herald* have fitted up a room at 108 W. South Temple Street, where they have compositors at work preparing the matter for the first issue. It is expected that No. 1 of this periodical will make its appearance about next Wednesday.

District Court Proceedings.—The case of Elias Morris vs. the Mammoth Mining Company is still in progress. Samuel and Wm. McIntyre, James A. Cunningham and Edward Austin were examined as witnesses today.

August H. F. Wilcken, a native of Germany, was admitted to citizenship.

Employment Wanted.—Brother Peter Madsen, of Mount Pleasant, Sanpete County, an old and faithful member of the Church, who lately emigrated from Scandinavia, is a practical gardener, having been employed in that line nearly all his life. Finding little to do where he is now living, he would like to get a situation as gardener in this city, and is willing to work for moderate wages. He speaks English imperfectly. Anyone desiring to employ him should apply to Bishop Preston, at the Tithing office.

Annual Primary Meeting.—An unusually interesting annual meeting of the Nineteenth Ward Primary Association was held yesterday in the meeting house of that ward, commencing at 2 p.m. Miss Ella Nebeker, counselor to the president of the association, presided in a most dignified and able manner, and the exercises throughout reflected great credit upon the whole association and especially upon its officers. A special feature was the manuscript paper, gotten up by the members, and in which considerable talent was displayed. It was read by Miss Dora Bowman. Miss Olive Derbridge, a girl of perhaps 13 years of age, also read an original poem, composed by herself, on the subject of persecution, which was very creditable. Remarks were made at the close of the exercises by Sisters Ellen C. Clawson, E. B. Wells, Rachel Whipple, Ann Payer and C. C. Raleigh and also by Brother E. Beesley.

To the First District.—Governor Murray has issued the following proclamation, assigning Judge O. W. Powers to the First Judicial District, to hold court at Ogden and Provo:

Know all men by these presents: That, whereas, the President has recently appointed the Hon. Orlando W. Powers Associate Justice of the Supreme Court of the Territory of Utah, and he having duly qualified as such, Now, therefore, I, Eli H. Murray, Governor of the said Territory, by virtue of the authority in me vested, do hereby assign the Hon. Orlando W. Powers to the First Judicial District of the Territory, to hold court therein. In testimony whereof I have hereunto set my hand and caused the Great Seal of the Territory to be affixed. Done at Salt Lake City, this 18th day of May A. D. 1885.

ELI H. MURRAY, Governor.
By the Governor:
ARTHUR L. THOMAS,
Secretary of Utah Territory.

ARRESTED.

ON A TELEGRAM FROM THE IDAHO MARSHAL.

Yesterday afternoon, as Mr. Joseph M. Phelps, of Montpelier, Bear Lake County, Idaho, was transacting some business with Studebaker Brothers' house in this city, a deputy marshal served upon him a warrant of arrest, in pursuance of a telegram received from Marshal Dubois, of Idaho, to Marshal Ireland. Mr. Phelps was taken before U. S. Commissioner McKay, who, though he understood the charge to be one of unlawful cohabitation, was not positive, and therefore would not fix the amount of bail. The question was referred to Judge Zane, who decided that bail might be accepted. Mr. Phelps was released to appear before the Commissioner this morning, and last evening a bench warrant arrived, defining the offense to be as above stated, and the accused gave bonds for his appearance before the Idaho court in \$2,000, Isaac Hunter and Wm. J. Stevenson being his sureties.

A WITNESS IMPRISONED.

LUCY DEVEREUX REFUSES TO ANSWER QUESTIONS BEFORE THE GRAND JURY.

Yesterday afternoon the grand jury of the Third District came into court, with a witness, Lucy Devereux, who is alleged to be the plural wife of W. D. Newsom, and presented to Judge Zane the following:

To the Honorable, the Third District Court of Utah.

The Grand jury of said court, em-

paneled and sworn for the April term thereof, respectfully report that the case of the United States vs. Wm. D. Newsom, wherein the said Newsom is charged with polygamy and unlawful cohabitation, is now under investigation by the said grand jury. That testimony has been introduced tending to show that the said Wm. D. Newsom, prior to the month of November, 1883, was married to one Katherine Doe, who surname is unknown to said grand jurors; that the said Katherine is his lawful wife, and is still living, and that the said Newsom during the past two years has been living and cohabiting with his said lawful wife, at the County of Salt Lake, in said Territory; testimony has also been introduced to show that since the month of November, 1883, one Lucy Devereux has been living in a house with said Newsom, in the same enclosure in which his lawful wife has lived during the whole of the same period, and that the said Lucy Devereux has a child about eight months old; that after the foregoing testimony had been introduced the said Lucy Devereux was called and sworn as a witness before said grand jury to testify in said case, and having testified that she had lived in the house with said Newsom, and that she had a child eight months old, the following questions were propounded to her:

- 1—Is not your little girl's name Muizeta Maud Newsom?
- 2—Who is the father of your little girl?
- 3—Is not Wm. D. Newsom the father of your little girl?
- 4—After you went to live at Newsom's house did you not occupy the same bed with him?

But to answer the same questions or either of them the witness declined and refused, and still declines and refuses to do so.

Wherefore the Grand Jury aforesaid requests this honorable Court to advise and instruct the said witness, whom they now produce here in court, whether she is in duty bound to answer the said questions.

C. E. MITCHENER,
Foreman Grand Jury.

Judge Harkness conferred with the witness and advised her to answer the first, third and fourth questions, and objected to the second.

Prosecuting Attorney Dickson stated that he would not press the query objected to if the others were answered; the jury then retired to their room.

In a very short time however, the inquisitorial procession again entered the Court room, when Mr. Dickson announced that the witness still refused to answer the questions propounded to her, and referred the matter to the Court.

Judge Zane then informed the witness that the questions were proper, (though what relation they have to the "holding out" position of the learned judge does not appear,) and asked if she persisted in her refusal to answer, to which Miss Devereux replied in the affirmative. His Honor then ordered that she be remanded to the custody of the marshal until such time as she should decide to answer, and last evening she was taken to the Penitentiary.

FROM THURSDAY'S DAILY, MAY 21.

Information Wanted.—Francis Cleburn, 51 Skipton Street, Belfast, Ireland, is desirous of obtaining information of his son, John Cleburn, who, at the age of 13 years, emigrated to Utah in October, 1878. When last heard from he was living in Midway, Wasatch County, Utah.

Coming Home.—We learn from the *Millennial Star* that Elder Lawrence H. Young, who, for some months past has been laboring as a missionary in England, has, on account of ill health, been released to return home with the company that sailed from Liverpool on the 16th inst.

Solution of the Water Question.—Solutions of the vexed question of water supply for the dry bench have been sought for long and vainly by the residents of the upper portion of the city, and no small degree of acrimony has been indulged in by some people over the subject. While others have been examining different plans with their eyes and making a good deal of noise about them with their mouths, C. Y. Taggart, the piano-tuner, though unfortunately deprived of the use of his visual organs, has devised a plan for solving the question so far as he is personally concerned. He had a well dug to the depth of 200 feet, at which point a good supply of water was found, and then a windmill constructed to lift the aqueous fluid to the surface. The result is that he has a stream running almost continuously, ample to irrigate his garden and supply his own family and all his immediate neighbors with all they require for culinary use. A man by the name of Wells did the work.

An Ancient Coin.—Brother Henry E. Taylor showed us to-day an ancient looking coin which he recently dug up in his garden in the 7th Ward. It is about the size of a two-and-a-half dol-

lar gold piece, except that it is not so thick, and is probably made from copper. There are three columns of strange looking hieroglyphics impressed upon it, which are quite plain, especially when viewed with a microscope, and it has a hole in it, near the edge, as if for the purpose of putting a string through it. A comparison between it and the specimens of coin in the Deseret Museum collection and also with the illustrations of ancient coin as given in a very elaborate work on numismatics fails to afford any clue to its origin, for it is altogether unlike any of them. It is, however, believed by some to be of ancient Nephite origin, from the fact that it resembles some other relics of the ancient inhabitants of this continent which have been discovered in various parts of the country.

[By Deseret Telegraph.]

WILLIAM FOTHERINGHAM SENTENCED.

THE COURT DOES NOT INSULT HIM BY REQUESTING HIM TO TAKE THE PLEDGE.

BEAVER, Utah, May 21st, 1885.

Editor Deseret News:

It was understood that Elder Fotheringham would receive his sentence yesterday at four p. m. and all the available space in the Court House was occupied principally by his friends. The defendant was called upon to stand up and receive sentence. The Court stated that the charge set forth in the indictment had been tried by a jury and he had been found guilty as charged. The Judge asked if he had anything to say why sentence should not be given. He did not follow Judge Zane's course, not requiring any pledge for the future as to the course of the prisoner. This being the case the defendant had nothing further to say, and he was sentenced to three months in the Utah Penitentiary and to pay a fine of three hundred dollars.

The sentence surprised everybody as the full penalty of the law was expected. Defendant is now in custody of a United States deputy Marshal and will arrive at the Salt Lake depot on Saturday evening enroute to the penitentiary, in company with six grand larceny convicts, in custody of Capt. Greenman.

The trial jury will be discharged this evening. There will be no further criminal business this term.

MOONSHER.

THE MORRIS-MAMMOTH SUIT.

A RESUME OF THIS INTERESTING CASE.

The suit of Elias Morris vs. The Mammoth Mining Company, which has been on trial in the District Court for six days, was to go to the jury about 5 o'clock this afternoon.

The case is one of great interest, not only on account of the amount in controversy (about \$12,000), but because of the nature of the questions involved. The contention is briefly this: Elias Morris, in November, 1882, was engaged by Mr. Jas. A. Cunningham, who was president of the Mammoth Mining Company, to erect six smelting furnaces at Tintic. Mr. Cunningham stating to Mr. Morris at the time, that a fund had been sent from England for that purpose to Mr. Austin, but as Austin could not go in person to Tintic, he (Cunningham) had agreed to do so. Mr. Morris went on with the work, and very shortly Mr. H. A. Munroe Butler Johnstone came from England and took charge of it. Mr. Morris continued his work until he had erected 10 smelting furnaces, and also had boarded the company's large force of men. At one time shortly after his arrival, Johnstone borrowed from Morris \$5,000. Mr. Morris stated all this was done on the credit of the Mammoth Mining Company, and without knowledge of any responsibility on the part of any one else.

Evidence was introduced showing that from January, 1882, until Johnstone arrived here, W. H. Bowers had been in charge of the Mammoth mine and works, using the company's blanks for pay-rolls, orders, etc., and signing himself manager, and, after his arrival, Johnstone did the same.

The defendants introduced in evidence a series of contracts made by Mr. Cunningham and the McIntyre Bros. to W. H. Bowers, for the sale of stock of the Mammoth Mining Co. upon certain payments to be made monthly, and certain structures to be erected on the company's property, including the smelters and refinery constructed by Morris. Johnstone acquired a half interest in the contract with Bowers. After a few months administration, money failing to come, Johnstone left suddenly, went back to England, and shortly after the McIntyres' and Cunningham declared the contract forfeited.

The latter gentlemen also testify that always, when they knew of Bowers or Johnstone using the name on the printed blanks of the company, they

forbade it, and warned parties who were dealing with them that they had no right to use the name of the company.

The plaintiffs' counsel contend that the contracts referred to were between stockholders of the company; the company was not a party to it, and if the company and the officers of the company turned its property and operations over to Bowers and Johnstone, and allowed them to use the company's name and blanks, then any contract existing between individual holders of stock would not relieve the company from responsibility.

The defendant's counsel claim that Morris had notice of the contracts with Bowers, and that what he did was done on the credit of Butler Johnstone and the Englishmen associated with him in the purchase of the stock.

What Is It?

Chemists have succeeded in analysing almost everything. But when certain of them attempted to discover, by analysis, the subtle element that gives to Compound Oxygen its marvelous vitalizing and healing quality, they failed utterly. And so have they failed in every attempt to discover by analysis the morbid element in small-pox or vaccine virus; in the poison of the snake or mad dog; or the peculiar taint, or nidus, in which typhoid fever, scarletina, diphtheria, or malaria originate. They failed because the active and beneficent substances called Compound Oxygen, like the evil substances we have mentioned, belong to a region of natural forces that lies above the grosser elements in nature which respond to chemical tests. The answer given by the analyst to the question, "What is it?" when inquired of in regard to Compound Oxygen, has uniformly been, that he can find nothing in it of any curative value.

And yet, through the use of what is pronounced valueless as a healer of diseases, thousands of sick and suffering people, whose physicians were unable to cure, have been restored to health during the last fourteen years. In attestation of its singular potency, prominent citizens in every walk of life—some of them widely known to the public—have not hesitated to testify openly, and under their signature, to the fact that Compound Oxygen has cured them of ailments from which they had long been miserable sufferers, and from which death only had promised relief. As the secret of Compound Oxygen cannot be discovered through any analysis of its containing medium, the chemist and the unscrupulous imitator, might as well give up the fruitless effort.

All desired information in regard to this wonderful Treatment will be sent free. Address DRs. STARKEY & PALM, 1109 and 1111 Girard St., Philadelphia. Orders for the Compound Oxygen Home Treatment will be filled by F. E. Mathews, 606 Montgomery Street, San Francisco.



This powder never varies. A marvel of purity, strength and wholesomeness. More economical than the ordinary kinds, and cannot be sold in competition with the multiples of low test, short weight, alum or soda-bake powders.
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