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TRUTH AND LIBERTY.

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FROM TUESDAY'S DAILY, MAY 24.

Annual Special Taxes.—We are asked, by Deputy U. S. Internal Revenue Collector, Hollister, to state that the annual special taxes on dealers in liquors, in tobacco, or in oleomargarine, fall due May 1st, and are by law increased 50 per cent if not paid before June 1st.

New Track.—Mr. George Calder states that he has nearly completed his new track for bicycles. It is twenty feet wide, nearly level, and much larger than that on Washington Square. It is highly probable that members of the club will run down and take a look at it to-morrow afternoon.

Arraignments.—Yesterday, in the first District Court at Ogden, Jens Franson, Albert G. Slater, J. P. C. Winter, Lars Nielsen and Ralph Douglas were arraigned on indictments charging them with unlawful cohabitation, and pleaded guilty. Mr. Douglas will be sentenced May 23rd, and the others on June 21st.

Sentenced.—In the first District Court on Saturday afternoon Allen Hunsacker was sentenced to six months' imprisonment and to pay a fine of \$200 for unlawful cohabitation.

James Burton, of Marriott, was also sentenced to imprisonment for six months' and to pay a fine of \$100 and costs for a similar offense.—Ogden Herald, May 23.

Searching Manti Temple.—A special telegram from Manti, Sanpete County, to the News, dated and received this forenoon, says:

"Deputies Dykes, Clawson and Ether came here this morning and searched Bishop Reid's houses, after which they went to the Temple, about 5 o'clock, claiming he was there. L. T. Tuttle went in with Dykes and Clawson, but they found nobody."

Court Notes.—Proceedings in the Third District Court to-day: Edward Austin vs. The Tribune Publishing Company; libel suit; verdict for defendant; 40 days' stay allowed to file motion for new trial.

Bergen DeMott vs. Salt Lake Foundry and Machine Company; dismissed at plaintiff's cost.

Walter Wilcox vs. Jas. M. Kennelly; dismissed at defendant's cost.

Wm. Richardson and Charles J. Mullett were admitted to citizenship.

The People vs. J. H. Gibbons and W. F. Allen; grand larceny; trial in progress.

Frightful Death.—A three-year old child of Thomas Lindsay met its death in a sad way at Dingle Dell one day last week. It appears the child has been sick and the mother has been in the habit of administering medicine to it. During the absence of the mother a sister of the child, five years old, undertook to administer medicine to the little one, and having by mistake procured a bottle of carbolic acid, the baby was made the victim of its sister's childish attention. The administration of the acid proved fatal, and the little one was buried on Sunday last.—Southern Idaho Independent, May 21.

Found Dead.—A communication to the Dulon (Montana) Tribune, dated Twin Bridges, May 18th, 1887, says:

A dead body was found last week, seven miles below Melrose, 100 yards from the railroad track and 200 yards from the Big Hole River; it had evidently

been lying there at least four months. He might have been frozen, but there was no evidence of his having felt cold. He was lying on his back, straight as though he had lain down to sleep. A fire had run through the thick underbrush and briars ten days ago, and had burned the face so as to destroy the features. One hand was also burned. Had two upper front teeth, not very wide but rather long, but the teeth on each side were gone; whiskers were red, streaked with gray; coat, vests and pants alike, of dark brown cloth; red woolen underclothes and brown woolen overshirt, all nearly new; miners' hobnail shoes.

Died on the Desert.—Another unfortunate, unaccustomed to the perils of the Desert, has perished on the sandy waste. April 23rd a party of four men, one old lady and daughter and child, left Muddy Valley for Coyote Springs, a distance of 35 miles from the Muddy, and on the road to Pahranagat Valley. Mistaking the road they took a wood road, missed the spring and were for two days out in a burning sun without water. Confused and bewildered they wandered until Arnold came back with in two miles of the Muddy River and then turned around and went back a few miles and, evidently exhausted, lay down and died. In the meantime another of the party reached the Muddy and obtained aid. Wm. Sprouse went out and found that another of the men had reached Coyote Springs and was packing water eight miles to his companions. As the old lady of the party was missing Sprouse went in search of her and, with difficulty, found her quite a distance away, just as he was about to abandon the search for her. After having supplied the party with water enough to save their lives, Sprouse assisted them to move their teams up to Coyote Springs and returned to the Muddy, reporting that all would recover. On Sunday, May 1st, the only victim, Dr. Arnold, was buried by Jas. Harris and William Sproule. He had with him a complete dental outfit, a silver watch and \$13 in money. The party was traveling from Arizona to California and as soon as they recovered, they will move on. At present they are camped at Coyote Springs. It is only by the merest accident that the entire party did not perish, as the man who found the spring was lame and it was with the greatest difficulty that he managed to pack water enough to sustain life until aid reached them.—Pioche Record.

His Trip East.—A recent number of the *Chautauqua Commercial*, of Sinclairville, N. Y., has the following to say concerning a Salt Lake and his business in the East:

"H. J. Faust, of the firm of H. J. Faust & Son, Salt Lake City, Utah, has lately visited the Sinclairville Stock Farm, and from its renowned herd of Holsteins, purchased twenty-five head, which were immediately shipped to Utah, in charge of John Reed. The Messrs. Lord have also sold several head more to different parties, within a few days, which combined with their previous sales, has kept them busy; supplying the increasing demand for these popular dairy cattle. The dairy interests of this broad land are centering in these beautiful black and white cattle, and Mr. Faust reads aright the signs of the times when he looks over the best representatives of the race. He displayed keen judgment and a fine appreciation of the purity of breeding, combined with individual excellence in selecting stock from such sires as Barrington, 2103 H. H. B., Neptune Jr., 1916 H. H. B., Alhambra, 3624 H. H. B., and Prince of Renwerd, 1531 H. H. B.—all noted prize winners. These cattle will honor Utah, as they do every state in the Union."

HELD FOR ASSAULT.

THE COMMISSIONER DON'T LIKE THAT
L. L. DECISION.

Yesterday afternoon James Williams, of North Point, Salt Lake County, was brought before Commissioner McKay on a charge of assault on James W. Thomas. Both the parties are sheepmen, and from the testimony given it appeared that last Saturday afternoon quite a flock of sheep belonging to Williams broke through on to Thomas' farm. The latter was proceeding to drive them out when Williams rode up. Thomas began to tell how far in the sheep had gone, when Williams called him a liar. Thomas replied in similar unbecoming language, when Williams dismounted and started in to whip his opponent. While he was getting through the fence Thomas came up, and the two engaged in a fight, in which Thomas was badly handled. Each accused the other of striking the first blow, and as the statements were contradictory, the Commissioner took the matter under advisement until to-day, when he gave his decision. Williams was held to await the grand jury's action on the charge of assault, the Commissioner ruling that his act in getting through

the fence to punish Thomas was sufficient to make him the aggressor. The bad decision made by Judges Boreman and Powers, of the Supreme Court, was commented on by the Commissioner, who remarked that, had the defendant in this case been represented by counsel so it could have been carried to the higher court, a fine would have been inflicted and the matter tested, so that the jurisdiction of a justice of the peace could have been again passed on. As Mr. Williams had no one to represent him, he was required to give \$300 bail pending the action of the grand jury.

FATAL ACCIDENT.

AN AGED MAN FALLS OFF A LOAD OF
HAY AND IS KILLED.

Yesterday afternoon Mr. John Swenson, a gentleman 69 years of age, was driving a load of hay into Mr. Lucas' place in the Third Ward. The bridge across the water-ditch was in bad condition, and when the front wheel of the wagon came on it, it gave way. The sudden jar threw Mr. Swenson forward against the ladder on the front of the wagon. The force of the fall broke the ladder, and Mr. Swenson was precipitated to the ground. The horses started forward, and the wagon wheels passed over the unfortunate man's legs, breaking them both. He was taken to the Deseret Hospital and every attention given him, but the shock was so severe that he never rallied, and died last evening. He is to be buried at 4 p. m. to-day, from the office of Undertaker Jos. Wm. Taylor.

THE LIBEL SUIT.

THE JURY DECIDE THAT AUSTIN WAS
DISHONEST.

The trial of the Austin-Tribune libel suit came to a close last evening. Mr. Rawlins making the closing argument for the plaintiff. Judge Zane delivered a somewhat lengthy charge to the jury, reviewing the case carefully. With reference to the alleged Mammoth stock swindle, the Court said:

"If the jury find that Edwin Austin, the plaintiff in this case, had money of Miss Sarah J. Williams in his custody, to loan on real estate; that instead of loaning the same on real estate he forwarded to her for a part thereof shares of the Mammoth Mining Company, and appropriated to his own use a sum of money representing such shares at \$2.50 each, such transactions would be a wrongful appropriation of that money; and if the jury further find that at the time of appropriating the funds as aforesaid, the said Austin induced the said Sarah J. Williams not to return said shares, by falsely pretending to her that he had bought this stock at the price of \$2.50 per share for her, by pretending to her that it was of that value, when he knew or had reason to know that it was of much less value, and that he knew that there were circumstances not yet made public which would greatly decrease and injure its value, then such transactions became a fraudulent appropriation of the money to his own use, not in the due and lawful execution of his trust; and the said plaintiff was thereby guilty of embezzlement."

"Words alleged to be libelous will receive an innocent construction if fairly susceptible of it, and when it is uncertain whether they contain a defamatory imputation, the question is one for the jury. If the jury find that the plaintiff in this case, acting as the agent of Miss Sarah J. Williams, reported to her that he had purchased for her 500 shares of the stock of the Mammoth Mining Company for the sum of \$1,250, and that he received that amount therefor, and that in fact the said 500 shares only cost \$987, and that he appropriated the difference to his own use without disclosing the fact to Miss Williams, then the defendant was thereby guilty of embezzling the said \$263."

At 7 p. m. the jury retired, with instructions to return a sealed verdict. At 9 p. m. they separated, having arrived at an agreement.

The short time that the jury had deliberated gave the general impression that the verdict was against Mr. Austin, and, though nothing definite was known, it was no surprise when the verdict was opened this morning and it was announced that the jury had found for the defendant, the verdict being, "No cause of action."

Mr. Skeels, of counsel for the plaintiff, gave notice that he would move for a new trial in the case.

FROM WEDNESDAY'S DAILY, MAY 18.

A Life Sentence.—W. H. Halliday, recently convicted of murder in the first degree, in the Second District Court at Beaver, was sentenced to imprisonment for life. He was brought up to-day and confined in the penitentiary.

Joseph Chatterney, under sentence for larceny, was brought up with him.

Sent to Prison.—To-day four "Mormons" under sentence of six months' imprisonment and \$300 fine, were brought up from Beaver and lodged in the penitentiary. The offense they are charged with having committed is living with and acknowledging their wives, and the sentence was imposed on them by Judge Boreman. They are Bishop Wm. E. Jones and Joseph Barton, of Paragonah, Samuel Worthen, of Panguitch, and Alex. Orton, of Parowan.

Bishop Atwood's Birthday.—Yesterday (May 24th) Bishop Millen Atwood, of the Thirteenth Ward, completed his Seventieth year, having now passed what is generally said to be the allotted span of the life of man. Last evening, in honor of the event, the choir and other members of the ward and friends, poured into the residence of the respected veteran in a stream. A few pleasant hours were spent, music—vocal and otherwise—speeches and pleasant conversation constituted the exercises. As congratulations are in order, we join in wishing the veteran pioneer many returns of his natal day.

Made the Promise.—Yesterday at Ogden, William Swansea Lewis was arraigned for sentence on a charge of unlawful cohabitation. He wound up an address to the court in the following words:

"My intention has been to obey the law, and as it is, not holding to any church, not tied to any creed, nor belonging to any party, I stand here a free man, convinced of the supremacy of the law and of my duty to obey it."

In answer to questions from the court, Lewis reiterated his intention to obey the law. If he does this he will abandon the mother of a babe born in October last.

First District Court.—In this court at Ogden yesterday forenoon, the sentence of Thomas Harris, on his plea of guilty to a charge of unlawful cohabitation, was deferred until afternoon.

John Felt, of Huntsville, was arraigned on the usual charge, and took the statutory time to plead.

In the case of Joseph H. Brown, of Harrisville, arraigned for sentence and charged with battery, the defendant had voluntarily made a statement of facts before the grand jury, and the prosecution was in doubt as to whether he should be punished or not. Pending a further investigation of the case by the court sentence was deferred until afternoon.

In the case of Nells Hansen, of Providence, the prosecution elected the second count in the indictment, but reserved the right to elect some other by giving defendant due notice.

Lars B. Peterson, of Hyde Park, was arraigned on a charge of unlawful cohabitation. He pleaded guilty and June 21st was set for passing sentence.

A Liquor Case.—Alban Hall keeps a restaurant with a bar attachment, near Sandy; he claims, however, that since the county raised the fee for licenses, he has not taken one out and consequently sold no liquors. Being somewhat suspicious concerning the latter phase of the proposition, officers J. W. Burt and Charlton Jacobs on Wednesday last decided to test the matter, which they did by going into the bar-room and asking for liquor and beer; Mr. Hall told them he had neither, that he kept Peruvian bitters, soda water, etc. The officers then took a drink each of the bitters and Jacobs nearly filled a flask from the bottle, which was labeled as above; the flask not being quite filled, the defendant took a fresh bottle, took off the lead foil and pulled the stopper, then filled the flask, which was produced in evidence. Two experts were examined as to how Peruvian bitters is listed in drug and commercial circles and the character of the contents of the flask; these were P. P. Pratt, Jr., and Dr. J. M. Benedict, their testimony agreeing in most features, neither being sufficiently familiar with the article to swear positively that it was or was not what the seller claimed, but were satisfied the drink had bitters in it and that the liquid part was very low-proof spirits. It is claimed by the defense that Peruvian bitters is a proprietary article, and that as such it is not subject to the rules governing the liquor traffic generally. Justice Pyper withheld his decision till to-morrow.

ONE YEAR IN JAIL.

THAT IS THE PENALTY OF THE D. AND
R. G. THIEVES.

The trial of J. H. Gibbons and W. F. Allen, the D. & R. G. W. brakemen who were indicted for stealing cloth from one of the company's cars, was finished in the Third District Court to-day. The defendants themselves went on the witness stand and sworn that they had obtained the cloth from a fellow-brakeman, F. S. Hammond, who is under indictment for grand larceny, but who, in company with Charles Garber and Smith, railroad men, is a fugitive from

justice. Gibbons and Allen said they did not know the cloth was stolen. They explained their conduct in running away as soon as they learned the theft was discovered by saying that they thought they could not convince the "Mormons" of their innocence. As the jury were all non-"Mormons" and they refused to believe the defendants by bringing in a verdict of guilty, this little trick did not avail.

This afternoon the defendants were called for sentence, and as it was the first time they had been convicted of any offense, their punishment was placed at the minimum fixed by law—one year in the penitentiary.

CHOPPED TO PIECES.

William Openshaw Meets with a
Horrible and Fatal Accident.

HE IS CRUSHED INTO A SHAPELESS
MASS.

We have to record to-day another frightful accident by which a young man of this city was brought to an untimely end. At 8:35 this morning the Utah & Nevada train left for the west, having several freight cars in addition to the regular passenger coaches, in which were about twenty passengers. Next to the locomotive was a flat car loaded with lumber, and following this came a box car.

The train was about three miles west of this city, and was nearing the Brighton Ward Schoolhouse, when the engineer, Mr. Alfred R. Dyer, noticed that the jarring of the train was working the lumber loose. One plank, two by ten inches, a little longer than the car, was in danger of falling off, and Mr. Dyer gave the signal, four whistles, to call the brakeman's attention to it. Mr. William Openshaw, the brakeman, hurried forward, and was descending the front of the box car to where the lumber was, when one end of the loosened plank went over the side and struck the ground. The other end was driven with terrific force against Mr. Openshaw, striking him in the back, and almost

CUTTING HIM IN TWO.

Mr. Dyer and his fireman, Alma Chalker, were eye-witnesses of the terrible occurrence. Mr. Openshaw's body was crushed against the end of the box car and as the plank was hurled out of the way, was released almost immediately, and fell to the track between the cars. The engineer brought the train, which was running about fifteen miles per hour, to a full stop as quickly as possible, and on going back to the place where Mr. Openshaw's body disappeared, a horrible sight was witnessed. Three cars had passed over the body of the unfortunate man, crushing it into

A SHAPELESS MASS

of flesh, bones and blood. Part of the body had been dragged some distance, and all of it horribly mutilated. The legs were literally chopped up by the car wheels; part of the centre of the body was torn out; the head was practically cut off, the brains oozed out through a gaping wound in the skull, the whole being thrown together in a mass, destroying all human form.

The remains of the unfortunate man were carefully gathered together, brought back to this city and taken to Undertaker Joseph Wm. Taylor's where an inquest was held by Coroner George J. Taylor, the verdict of the jury being accidental death.

The deceased was a resident of the Sixteenth Ward of this city, and was highly respected. He had been employed as brakeman on the Utah & Nevada for several years. He was in the accident when Conductor Brown met his death by the overturning of a car, and was slightly injured at the time. Nearly two years ago he married Miss Matilda Webb, and he now leaves a wife and one child, an infant ten months old. Prior to the holding of the inquest the wife had no idea of the terrible calamity that had befallen her husband. She was informed that he had met with an accident, but the nature was not stated, and when, after several hours of agony she was given the whole truth, her grief knew no bounds.

The deceased was 22 years of age, having been born in the year 1865, in Swinton, Lancashire, England; he came to Utah with his parents in 1874. His funeral will take place from the Sixteenth Ward schoolhouse at 11 a. m. to-morrow (Wednesday). An invitation is extended to the friends of the family to be present.

The bereaved family have the sympathy of the community in their hour of affliction.

Mr. H. Carl, 139 Fourth Street, Troy, N. Y., says: "My daughter had a sprained ankle; St. Jacobs Oil cured her in a day or two. My son had rheumatism about nine years ago, St. Jacobs Oil cured him; he has not been affected since." Price Fifty cents.