

FROM MONDAY'S DAILY, JAN. 2.

SUPREME COURT.

A Brief Session of the Territorial Court Today.

At 10 o'clock this afternoon the first session of the January term of the Territorial Supreme Court was held in this city. Chief Justice Zane and Associate Justices Boreman and Henderson were present. The following settings were made:

TUESDAY, JAN. 10.

13. Peter Thygeson, appellant, vs. John C. Whitbeck and Elmer Taylor, respondents; from First District. P. H. Emerson for appellant, A. G. Sutherland and Son for respondents.

17. Ellwood H. Orth, respondent vs. Zion's Co-operative Mercantile Institution, appellant; from First District. Williams & White for respondent, N. Tanner, Jr., for appellant.

WEDNESDAY, JAN. 11.

14. James Thompson, appellant, vs. Jennette C. Thompson, respondent; from Third District. C. O. Waltemore and J. G. Sutherland for appellant, W. Van Cott for respondent.

16. Ogden City, appellant, vs. John McLaughlin and Ray Gallagher, respondents; from First District. N. Tanner, Jr., for appellant, L. R. Rogers for respondents.

23. James R. Hopkins and Reuben C. Cleveland, respondents, vs. Ogden City, appellant; from First District. James N. Kimball for respondents, P. H. Emerson and N. Tanner, Jr., for appellant.

THURSDAY, JAN. 12.

7. The People of the Territory of Utah, respondents, vs. Wilford H. Halliday, appellant; from Second District. George S. Peters and C. W. Zane for the people, P. Denny and J. W. Christian for appellant.

MONDAY, JANUARY 16.

3. The United States, respondent, vs. Frank Treseder, imp., appellant; from Third District. Geo. S. Peters and W. H. Dickson for respondent, Arthur Brown and Le Grand Young for appellant.

4. The United States, respondent, vs. Nathaniel V. Jones, imp., etc., appellant; from Third District. George S. Peters and W. H. Dickson for respondent, Arthur Brown and Le Grand Young for appellant.

5. The United States, respondent, vs. John Harris, appellant; from First District. George S. Peters and D. Evans for respondent, W. N. Dusenberry, S. R. Thurman and Geo. Sutherland for appellant.

8. The People of the Territory of Utah, respondents, vs. Andrew Calton, appellant; from Second District. Geo. S. Peters and C. W. Zane for respondents, P. Denny and J. W. Christian for appellant.

20. George Mumford, respondent, vs. Dickert & Meyers Sulphur Company, appellant; from Second District. P. Denny for respondents, C. W. Zane for appellant.

FRIDAY, JAN. 13.

6. The People of the Territory of Utah, respondents, vs. Maurice McGrath, appellant; from First District. Ogden Hiles and J. N. Kimball for respondents, E. D. Hoge and Geo. Sutherland for appellant.

TUESDAY, JAN. 17.

13. William E. Burlock and Joseph W. Condon, appellants, vs. Elizabeth Shupe and Elizabeth C. Shupe, respondents; from First District. J. N. Kimball and A. R. Heywood for appellants, T. Maloney for respondents.

19. Societe Des Mines D'Aargent et Fonderies de Bingham, a corporate body, appellant, vs. Richard Mackintosh, respondent; from Third District. Marshall & Royle for appellant, Bennett, Harkness & Kirkpatrick for respondents.

24. H. Losee, plaintiff and respondent, vs. Nelson McCarty et al, defendants, and Union Pacific Railway Company guaranties and appellant; from First District. A. R. Heywood for respondent, P. L. Williams for appellant.

WEDNESDAY, JAN. 18.

15. Matthew Orr, appellant, vs. John T. Rieh and James Wrathall, respondents; from Third District. Sutherland & McBride for appellant, Sheeks & Rawlins for respondents.

THURSDAY, JAN. 19.

10. John J. Kelly, et al., respondent, vs. Andrew J. Kershaw, et al., appellants; from First District. Dickson & Varian for respondents, Williams & White for appellants.

The following were submitted for rehearing, and taken under advisement:

The Wasatch Mining Co. respondent, vs. Joseph A. Jennings et al., appellants, from Third District. Sutherland & McBride for respondent, P. L. Williams and Sheeks & Rawlins for appellants.

John W. Enright et al., respondents, vs. Richard Grant et al., appellants; from Third District. E. D. Hoge and W. L. Snyder for respondents, Arthur Brown for appellants.

The remainder of the calendar for the term, which is as follows, was temporarily passed:

1. The United States of America, plaintiff, vs. the lute corporation of the Church of Jesus Christ of Latter-day Saints and others, defendants. Geo. S. Peters for plaintiff, Sheeks & Rawlins, LeGrand Young and F. S. Richards, for defendants.

2. The United States of America,

plaintiff, vs. The Perpetual Emigration Fund Company and others, defendants. Geo. S. Peters for plaintiff, Sheeks & Rawlins, LeGrand Young and F. S. Richards for defendants.

8. Lucien Switzgabel, respondent, vs. Mary Worseldine, et al., appellant; from Third District. W. H. Dickson for respondent, J. A. Marshall for appellant.

21. Abram Hopper, appellant, vs. Thomas W. Bates, et al., respondents; from Third District. Sutherland & McBride for appellant, Rosborough & Merritt, M. M. Kalign and S. H. Lewis for respondents.

22. Andrew C. Brixen, respondent, vs. The Deseret National Bank, Salt Lake City, appellant; from Third District. Hall and Marshall for respondent, Marshall & Royle and Le Grand Young for appellant.

In the case of the United States vs. Thomas F. Harris, on appeal from the Third District Court, Arthur Brown asked for an order requiring the clerk of the District Court to send the original record up. The application was denied.

Arthur Brown moved the admission of R. D. Winters to the bar. J. L. Rawlins moved the admission of Joseph Hurd.

J. N. Kimball moved the admission of L. R. Rogers.

The Court set 2 p. m. tomorrow for the examination, and appointed P. L. Williams, J. N. Kimball and Le Grand Young as examining committee.

The accounts of Pardon Dodds, United States Commissioner, of Uintah County, were allowed.

In the suit of the United States against the Church of Jesus Christ of Latter-day Saints, J. L. Rawlins, on behalf of the defendant corporation, stated that an appeal would be taken to the United States Supreme Court and asked that the amount of the supersedeas bond be fixed. It was urged by the counsel for the government that there was no right of appeal, but Mr. Rawlins thought the right existed, and desired to present an argument on the case.

Mr. Peters said he would resist the application and wanted the case deferred till 2 p. m. tomorrow.

The case was set for argument at 10 a. m. tomorrow.

The Court then adjourned to that hour, and the three judges repaired to the City Hall to witness the opening proceedings of the Utah Legislature.

THE LEGISLATURE.

Opening of the Twenty-eighth Session.

The People's members-elect of the Legislature held a caucus on Saturday evening, for the purpose, it is understood, of formulating a ticket of legislative officers, though the proceedings have not been made public.

At ten o'clock this morning a joint legislative caucus was held, in order, it is to be presumed, to come to an understanding with regard to the organization of the respective houses, order of business, etc. Reporters were excluded.

There has been a widespread misunderstanding regarding the hour at which the assembly would sit in formal session. It is fixed by law at two o'clock p. m.

COUNCIL.

The Council was called to order precisely at 2 p. m., by Haber M. Wells, clerk of the last Council.

Mr. Marshall then moved to proceed to the permanent organization of the Council. Carried.

The members of the Council are as follows:

First District, John E. Carlisle (P.), Logan, Cache County.

Second District, C. F. Olsen (P.), Hyrum, Cache County.

Third District, L. W. Shurtliff (P.), Ogden, Weber County.

Fourth District, Jean M. Young (L), Salt Lake City, Salt Lake County.

Fifth District, Thomas Marshall (L), Salt Lake City, Salt Lake County.

Sixth District, Elias A. Smith (P), Salt Lake City, Salt Lake County.

Seventh District, Richard Howe (P), South Cottonwood, Salt Lake County.

Eighth District, A. O. Smoot, Jr. (P.), Provo, Utah County.

Ninth District, J. P. Wimm (P.), Huntington, Emery County.

Tenth District, Wm. A. C. Bryan (P.), Nephi, Juab County.

Eleventh District, Luther T. Tuttle (P.), Mantle, Sanpete County.

Twelfth District, E. G. Woolley (P.), St. George, Washington County.

The clerk was called to furnish a list of the officers required, which he read.

Woolley then nominated Hon. E. A. Smith as president of the Council, and he was duly elected.

Smith briefly thanked the council for the honor.

Shurtliff then nominated H. M. Wells for chief clerk; he was elected.

Bryant nominated V. L. Halliday for enrolling and engrossing clerk. Elected.

Howe then nominated J. Golden Kimball for sergeant-at-arms. Carried.

Shurtliff moved that John V. Bluth be elected messenger. Carried.

L. John Nuttall, Jr., was nominated and elected watchman.

C. C. Shaw was nominated and elected chaplain of the Council.

Marshall moved that the secretary be notified of the organization and requested to appear to administer the oath to the officers elect.

The roll of the officers was called;

they came forward to take the oath, which was then administered.

Prayer by the chaplain.

Marshall moved that the House be notified that the Council is organized. Carried.

Woolley moved that a committee of the Council be appointed to notify the Governor that they were ready for any communication he might have to make. Carried.

Woolley and Marshall were appointed such committee.

Bryant introduced the following resolution: Resolved The House concurring, that a minute clerk be elected at a salary of \$5 per day. Carried.

HOUSE.

H. G. Whitney, chief clerk of the last House, called the House to order, and announced that he held in his hand a list of members elect, duly certified by the Secretary of the Territory.

Hatch moved that the list be read. Carried.

The list was read as follows:

First District, Elias S. Kimball (P.), Meadowville, Rich County.

Second District, Jos. Howell (P.), Wellsville, Cache County.

Third District, Rley H. Jones (P.), Brigham City, Box Elder County.

Fourth District, Chas. C. Richards (P.), Ogden, Weber County.

Fifth District, Nathaniel Montgomery (P.), North Ogden, Weber County.

Sixth District, Thos. F. Roueche (P.), Kaysville, Davis County.

Seventh District, D. C. McLaughlin (L), Park City, Summit County.

Eighth District, C. E. Allen (L), Juab County.

Ninth District, W. W. Riter (P.), Salt Lake City, Salt Lake County.

Tenth District, John Clark (P.), Salt Lake, Salt Lake County.

Eleventh District, Jas. H. Moyle (P.), Salt Lake, Salt Lake County.

Twelfth District, E. D. Hoge (L), Salt Lake, Salt Lake County.

Thirteenth District, Geo. M. Spencer (P.), Taylorsville, Salt Lake County.

Fourteenth District, Levi P. Helm (P.), Mill Creek, Salt Lake County.

Fifteenth District, Wm. Creer (P.), Spanish Fork, Utah County.

Sixteenth District, Samuel R. Thurman (P.), Provo, Utah County.

Seventeenth District, Lyman S. Wood (P.), Springville, Utah County.

Eighteenth District, Abram Hatch (P.), Heber City, Wasatch County.

Nineteenth District, Wm. H. King (P.), Fillmore, Millard County.

Twentieth District, A. H. Lund (P.), Mount Pleasant, Sanpete County.

Twenty-first District, Wm. H. Seegmiller (P.), Richfield, Sevier County.

Twenty-second District, Philo T. Farusworth (P.), Beaver, Beaver County.

Twenty-third District, Robert W. Heybourne (P.), Cedar City, Iron County.

Twenty-fourth District, Wm. E. Stewart (P.), Kanab, Kane County.

Clark moved that the House now proceed to permanent organization. Carried.

Clark nominated Hon. W. W. Riter as speaker. The nomination was carried unanimously.

Clark and King conducted the speaker elect to the chair, when he made a brief speech, expressing his appreciation of the honor conferred upon him, and the hope that sectional feeling would not interfere with the harmonious labors of the House.

Montgomery nominated Jos. A. West as chief clerk. Carried unanimously.

J. H. Moyle nominated O. F. Whitney as minute clerk. It appeared that this nomination was premature, until the office should first be created by legislative action.

S. R. Thurman nominated W. C. A. Smoot as sergeant-at-arms.

Allen nominated F. Houghton.

By a rising vote the former was elected. Prior to the vote E. D. Hoge suggested that the voting be done in some other way than vive voce.

On motion of King the vote on sergeant-at-arms was taken by rising.

C. C. Richards nominated J. F. Boyden as enrolling and engrossing clerk.

King nominated James Melville as watchman. Carried by acclamation.

Jones nominated B. H. Jones as messenger. Carried by acclamation.

Rouche nominated W. G. Smith chaplain. Carried by acclamation.

Richards offered a concurrent resolution, providing for the election of a minute clerk for each house.

Thurman suggested that the oath should be taken by members before transacting any business calling for an expenditure of public funds.

Hoge asked if the House had not been transacting public business for half an hour. The speaker replied in the affirmative, but stated that the House had followed precedent.

E. D. Hoge thought members should have been sworn before transacting any business at all.

A. Hatch moved that the honorable Secretary of the Territory be requested to administer the oath to members of the House.

Secretary Hall then appeared and administered the oath, first explaining that the name of the person taking it, his age, status, etc., would be inserted when the oath should be signed.

It was substantially the same oath as that known as the "Commission oath," which registration officers administer.

Howell suggested that the officers had not been sworn. Secretary Hall was recalled. He stated that he presumed the members would qualify first, and then appoint the officers of the House. Hoge made the point

that, as the House had organized before being sworn, the organization was illegal and he moved that the House now proceed to organize again. A debate ensued in which Hoge urged that the organization had been made before the House became a body, and hence grave questions of the validity of its doings might arise. He was willing that the same officials should be elected.

Hatch read from the House journals showing that the course taken in 1884 and 1886 had been followed. Various members spoke upon the subject, some maintaining that the course taken was legal and proper, others that it would be better to re-organize.

Allen suggested that the safe course to take would be to re-elect the officers.

King moved to expunge from the minutes of the House that portion relating to the election of officers, and then proceed to elect them again.

S. R. Thurman stated that if what had been done was illegal, all of the laws now in force in this Territory were invalid. He thought there could be no question as to the validity of what had been done. He would have favored having members sworn before doing any business, but did not think it necessary to rescind what had been done.

The motion by King was put, and on a division, carried. It then became necessary to re-elect the officers of the House.

Clark moved that Riter be elected speaker. Carried unanimously.

The formality of electing each of the officers, as before, was gone through with.

This business finished, prayer was offered by the chaplain.

On motion, members of the House who had served three terms were allowed to choose their seats, and all others were required to draw for theirs. The drawing for seats was in progress when we went to press.

Thurman and Hatch were the only ones who were permitted to choose seats. They selected locations to the left of the speaker.

BIRTHS.

PARK.—In this city, Jan. 2, to the wife of Arthur Park, a son. All well.

OBITUARY.

WESTERMAN.—Jonathan Westerman, son of Jonathan and Isabella Westerman, was born July 16, 1823, at Swillington, Yorkshire, England, where he resided with his parents until he was 15 years of age. He then moved to Hallow, near Leeds, where he lived for five years; after that, moving to Chesterfield, where he married Elizabeth Atack, in the year 1844. He afterwards moved to the city of Nottingham, where he resided fifteen years. He then moved to Wisbech in Cambridgeshire, residing there until he emigrated to Utah with his wife, and part of his family arriving in Salt Lake City, July 18, 1881.

He was baptized into the Church of Jesus Christ of Latter-day Saints, by Elder Rogers, in 1846, and was ordained a Priest which office he held until his death.

He was a faithful saint, unassuming in his manners, strictly honest in all his dealings, and was highly respected by all who knew him. He was the father of twenty-one children by his wife Elizabeth, seven of whom survive him, four sons and three daughters. Five of his children reside in this city.

Brother Westerman was known for his many kind and liberal acts to the Elders who were on missions in the part of the country in which he resided.

He was in the employ of the North Midland Railway Company of England over forty years, and held the position of road inspector for thirty years, which position he held until he left for Utah. He was highly respected by all the employees who worked under his direction during that time.

Millennial Star, please copy.

DEATHS.

SHAW.—Osmund B. Shaw, of the 17th Ward, Salt Lake City, died Jan. 3rd, about 1 o'clock a. m., of hemorrhage, having burst a blood vessel in his head. He was born May 22nd, 1823, at Tunstall, Staffordshire, England.

SILVER.—In the Seventeenth Ward of this City, at 5 p. m. January 1st 1888, from the effects of diphtheria, after an illness of three weeks, Miriam P. Silver, daughter of Wm. J. and Elizabeth P. Silver. The funeral took place from the residence of deceased yesterday at 12 m. This is the second death from the same disease in this family within the past month.

DAVIS.—In Mill Creek Ward, at 10:35 a. m., December 31st, 1887, of pleuro-pneumonia, John P. Davis.

Deceased was born in Pembroke-shire Wales, January 12th, 1822, and emigrated to Utah in 1872, residing the most of the time in Mill Creek Ward.

Millennial Star, please copy.

DAY.—At Circleville, Plute County, Utah, December 20th, 1887, Charlotte, wife of Thomas Day; born at Royal Leamington, England, August 24th, 1837. She embraced the Gospel while quite young, and shared her trials common to the Saints. She leaves a husband, five sons and one daughter.

Millennial Star, please copy.

KIDDER.—In the 19th Ward, January 5, 1888, of convulsions, Thomas Benjamin, son of Thomas M. and Elizabeth Shriggins, aged 2 years, 1 month and 16 days.

EGAN.—In South Bountiful, Davis County, Utah, Dec. 26, 1887, Mary Minnie, beloved wife of Richard E. Egan, and daughter of the late Thomas F. and Jane Fisher.

Deceased was born in Woolwich, Kent, England, May 21, 1844, and emigrated to Utah with her parents in 1853. She leaves a husband and eleven children to mourn her demise. She has been the mother of fif-

teen, eleven boys and four girls, to whom she was ever dutiful and devoted. She died in full faith and fellowship, and with the hope of a glorious resurrection with the just.

Millennial Star, please copy.

BADDLEY.—At her residence in the Tenth Ward, Salt Lake City, January 5, 1888, of general debility, Elizabeth Baddley, aged nearly 67 years.

Deceased was the widow of George Baddley, and was born in Burslem, Staffordshire, England, January 26, 1821. She embraced the Gospel in 1841, and was among the zealous laborers and supporters of the truth in that region of country. She emigrated with her husband to America in 1848, and arrived in Utah with her family of small children in 1851, suffering the privations which were the lot of the early settlers in the valley and enduring the hardships that were so trying to them in those days.

Sister Baddley has lived to see her family all grown up and married, and she took quite an active part in life until stricken down some three weeks since. Not until the past week did her hopes of recovery pass away, clinging to life for the good she could accomplish therein. Rest in peace.

DANIELS.—In the Fifteenth Ward Jan. 9th of child birth Sarah Cowley Daniels, born November 3rd, 1848, at Stimpson, Buckinghamshire, England.

TURNER.—In Washington City, Washington County, Utah, October 8th, 1887, Elizabeth Paxman Turner. Deceased was born March 15th, 1822, in Clochester, England. She was of a most amiable disposition, exemplary in all the walks of life and beloved and esteemed by all who knew her. She leaves a husband and two small children to mourn her loss.—[Com.]

TURNER.—In Washington City, Washington County, Utah, December 23rd, 1887, after a short illness, David Turner. Deceased was born January 2nd, 1812, in Pudsey, Yorkshire, England. He was a member of long standing in the Church, was the possessor of a kind and liberal spirit and died in the faith of the Gospel, leaving a numerous posterity to represent him on the earth.—[Com.]

KINCHETT.—In Brigham City, Utah, December 29, 1887, Sarah Kincnett born in Sussex, England, April 24, 1821; emigrated to Utah last summer. She died in full faith of the Gospel.—[Com.]

Millennial Star please copy.

REYNOLDS.—Nov. 21, 1887, aged 5 months and 9 days, John Reynolds, son of Matthew and Hannah Reynolds.—Millennial Star.

EDWARDS.—In the Fifteenth Ward of this city, January 5, 1887, of measles, Lucy Ellen, daughter of David and Mary Jane Edwards; aged 1 year and 4 months.

DANGERFIELD.—In the Twenty-first Ward of this city, January 6, 1888, of diphtheria, Vivian Mabel, daughter of Charles and Alice Dangerfield; aged 5 years and 3 months.

INVENTION

has revolutionized the world during the last half century. Notwithstanding the wonders of invention progress is a method and system of work that can be performed all over the country without separating the workers from their homes. Pay liberal; any one can do the work either sex, young or old; no special ability required. Capital not needed; you are started free. Get this out and return to us and we will send you free, something of great value and importance to you, that will start you in business, which will bring you in more money right away, than anything else in the world. Grand outfit free. Address Tars & Co., Augusta, Maine.

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One old red COW, right horn broken, branded C C on left horn, and bloated brand on left hip.

If damages and costs on said animal be not paid within ten days from date of this notice, it will be sold to the highest cash bidder at Parley's Park precinct pound, at 10 o'clock a. m., January 12th, 1888.

WM. AROHIBALD, Precinct Poundkeeper.

Parley's Park, Jan. 2, 1887.

ESTRAY