

take the cases of their less fortunate fellow-citizens and neighbors into consideration, and in some instances may be liberal in assisting them a little to something which may help them to provide creature comforts and other desirable articles for the enjoyment of themselves and their families and friends during the ensuing festive season. This is all very good so far as it goes, but we may be permitted to suggest that it may not go far enough, that it will not go so far as may be wished. Only a few of the many needy and worthy are likely to be assisted by positive gift, nor is it particularly desirable that many should be. It would be better if those who needed employment were furnished with it and paid for it, so that with the means thereby realized they might make themselves and families comfortable at least during the holidays.

Suppose all our well-to-do citizens were to take this matter into consideration, and ponder over it in their minds, and see if they could not devise some means to furnish a few weeks' work for working men, and for boys who will work, at this juncture. Never mind any special profits therefrom just at this particular season, there is all the rest of the year in which to look after profits. But devise some work to employ at present idle labor, and pay the workers so employed, and chiefly out of good will to the needy, and a desire to spread cheerfulness and gladness and rejoicing during the holidays. We are inclined to think that something of this kind might be done by many of our citizens, and that they would be none the worse off therefor, either in property or in the esteem of the community. The weather is exceedingly favorable for work, outdoors or indoors, and it is a loss to the community when any of its capable members are permitted to go unemployed at some useful labor.

UTAH WESTERN RAILWAY.

THE Utah Western Railway, as the company is at present organized, is intended to run between this City and Stockton, 45 miles. It is a narrow, or three feet, gauge. The line commences at the south-west corner of the Depot in this City, runs down South Temple Street, across the Jordan about a quarter of a mile south of the North Temple Street bridge, and then over the prairie westward to Chambers' stage station, at the foot of the West or Oquirrh Mountains, and a mile or so south of the Point, continuing on to and around the Point, by Black Rock, into Tooele Valley.

Yesterday 104 gentlemen and ladies, by invitation, stepped into the Utah Western cars at the Depot, and enjoyed a very pleasant trip to the end of the track, a distance of 11 miles, or to within a mile of Chambers' stage station, and back.

Among the company were S. D. Connor, H. P. Kimball, G. W. Thatcher, Jeter Clinton, S. B. Young, A. C. Pyper, and J. N. Pike, Esqrs., of the officers of the road, Mesdames Clinton and Young, Gens. Connor and Barnum of the old board, John Lawson and J. McGregor, Esqs., L. S. Hills, Esq., and lady, W. W. Riter, Superintendent Summit Co. R. R., Frank Cope and Douglas Swan, Esqs., of the U. C. R. R., P. L. Williams and LeGrand Young, Esqs., and ladies, Drs. Benedict and ladies, D. P. Kimball, Esq., and lady, Misses Canfield and V. Young, Col. R. T. Burton's lady, Dr. Mary H. Barker, R. J. Golding, county and Territorial assessor and collector, O. P. Arnold, Supt. of S. L. Street R. R., H. G. Park, Esq., and lady, H. S. Beattie, H. P. Richards, M. Cox, J. Duke, T. Williams, R. Watson, J. Clark, and G. Bourne, Esqs., of Z. C. M. I., with their ladies, W. Conrad, Esq., and lady, W. Calder, Esq., A. Dewey, Esq., and lady, J. T. Caine, Esq., and lady, W. C. Dunbar, B. Groo and Fuller, Esqs., of the *Herald*, also other representatives of the city press.

The company were accommodated in two beautiful new passenger cars, one a smoking and baggage car, and the other a first class car, elegantly fitted up, with a drawing room or saloon at one end with Brussels carpet, lounges, chairs, lavatory and other conveniences, and private closet for writing, etc. The company, however, filled these two cars, and an open observation car also.

The party left the depot about half past ten a. m. The early morning was somewhat foggy, but it soon cleared up and became fine, bright, and beautiful. The cars ran with remarkable smoothness, considering that along the greater part of the way the road was not ballasted.

In about three-quarters of an hour the prairie was crossed and the train arrived at the end of the track, when the company alighted and most of the gentlemen and ladies walked a few hundred yards further along the grade and back. Soon after twelve the train started on the return to the city, arriving about one o'clock.

The trip and the road may be pronounced a perfect success. The road is graded continuously round the Point and onward, for eight and a half miles, which is ready for the ties and rails. It is anticipated that the track will be laid as far as Clinton's, nearly twenty miles in all, soon after the New Year, say about Jan. 10, the remainder of the route to Stockton to be pushed along as fast as convenient.

Another party went out to-day, and henceforth regular trains for passenger and freight will run daily.

The sameness of scenery on the prairie, so far as the track is laid, is rather redeemed by the "breath of fresh air" which one gets by going over there, as one finds oneself in the full sweep of the breeze along the chain of valleys from north to south, which is very grateful on a hot summer's day. Although the scenery was rather monotonous to ordinary observers, yet some of the party evidently admired it greatly and loved to linger, loth to return to urban scenes, judging by the devoted manner in which they stuck to the solitary and motionless observation car in the middle of the wide prairie, disconnected and left behind half a mile, accidentally of course.

Enterprises of this kind are most important in developing the resources and in building up a country, and great credit is due to the officers of the Utah Western for the enterprise, activity, and vigor they have shown in putting the road in working order so far, it being only twenty days since the tracklaying commenced on the road.

Local and Other Matters.

FROM FRIDAY'S DAILY, DEC. 11.

Got it Bad.—According to the *Record* a number of Piochers have got the Panamint fever bad. There are a few parties around here who ought to have it.

Excellent.—The gas manufactured by the Salt Lake Gas Company is acknowledged to be as good, giving as clear and brilliant a light, as that made anywhere else.

Going Ahead.—The work of grading South Temple Street goes along steadily. Operations were commenced this morning on the south side of the street, between East Temple and First East Streets.

Hard Times.—To-day a poor fellow asked the privilege of going into the shovel brigade to earn his board, having been, according to his statement, for some time without food. Justice Pyper sent him up for ten days, on his own request.

United Order.—At a meeting in the 11th Ward schoolhouse last evening the following additions were made to the board of directors of the Branch of the United Order of that Ward:—

Joseph Bean, 2nd Vice-President, and Robert Cushing, Archibald Frame and Mark Barnes, directors.

Unsurpassed.—We believe that for duration of fine weather the present Fall has, thus far, been unsurpassed by any similar season in the past. Every bit of a storm that has come along has caused everybody to thing that genuine Winter spells and snaps had set in, but in a few hours the sky has cleared and the sun shone out as gloriously as ever.

Died on the Train.—This morning the C. P. train had on board the body of a man named David Kerr, who had died on the train just before reaching this city. The body was in charge of Hugh Kerr, a brother of the deceased. The brothers had left Australia during the fall, and in due time arrived at San Francisco, intending to proceed overland to New York, thence per steamship to their native city, Belfast, Ireland.

Deceased had been ailing ever since their leaving Australia, and finally died of heart disease, as above stated.

The brother, in whose charge the body is, seems deeply stricken. An inquest over the body was deemed unnecessary, and the remains were interred in Ogden cemetery this afternoon. —*Ogden Junction, December 10.*

District Court Proceedings.—In the Third District Court this morning, Jas. B. McKean, C. J., presiding, the Court ordered that judgment be entered for plaintiff in the sum of \$7,907.32, in the case of the United States vs. Samuel H. Woodward. The defendant gave notice of an appeal, and was granted ten days in which to perfect it.

Judge Z. Snow, attorney for the plaintiff in the case of *Giamboni vs. Brundon*, which had been tried in the Justice's Court and judgment rendered for plaintiff, and in which defendant gave notice of an appeal to this Court, moved for the dismissal of the appeal, on the ground that the defendant had not perfected it during the time specified by law.

The court said that was not *ex parte* and the attorney would have to give notice to counsel for the defendant that such a motion as was now sought to be made would be made, that the other side might have an opportunity to show his reasons, if he had any, why the appeal was not perfected, or he might show he had complied with the law.

Mr. Keithly then arose and wanted to explain to the court that he did not know that he had been courteously treated by Mr. Snow, as he had been counsel for the plaintiff in *Giamboni vs. Brundon*, and he did not know that he had ever been dismissed; he was not aware that Judge Snow had been retained, and he himself had endeavored to make the same motion in the case that Judge Snow had sought to make. Mr. K. showed some feeling in the matter, but the Court cooled him off somewhat by telling him that the court had nothing to do with the question raised by him; when attorneys came into court as interested in a case, the Court had to presume that they had been retained, and did not ask whether they had been or not.

Subsequently, while Messrs. Snow and Keithly were hob-nobbing over the table with each other, the Court remarked, in a humorous way, "I hope you will come to an amicable arrangement, gentlemen," which aroused the risibilities of the bar.

Mr. Burmester, counsel for the accused in the case of the *People vs. Lewis H. Washburne*, indicted for embezzlement of the funds belonging to Wells, Fargo & Co., while he was agent for the company, in August last, interposed a motion to quash the indictment. The leading grounds of the motion were that the facts stated in the indictment did not constitute a public offense, and that it contained two separate and specific charges, in that it charged the accused, in the first count with embezzling \$1,367 on the 28th of August, and in the second with embezzling \$200 on the 21st day of August, it being a rule in law that a person could be charged with two felonies in an indictment, unless a prosecutor should elect under which charge he would proceed; that the property the accused was charged with embezzling was not sufficiently described in the indictment. Mr. Burmester delivered an elaborate argument in support of his motion, in the course of which he cited a number of authorities. In speaking of the statute under which the indictment was found the attorney flung off some elegant phraseology peculiar to his style of argumentation and delivery; for instance, in a remark expressive of what he considered to be the fruitless character of the statute, he said there was no sense in it, and it was an established rule that sense "couldn't be squirted into a statute, but sense had to be taken out of it." He stated that in all the stat-

utes of Utah there was not a direct law on any given proposition, which would make it appear that the framers of the laws, thus figuratively jumped upon and pummelled by the metaphorical fists of the sledge-hammer dispenser of condensed thunder, lost a good deal by not consulting him when they made them. Finally the gentleman got through and sat down in a profuse perspiration.

U. S. District Attorney William Carey cited authorities in support of the proposition that more than one offense could be included in one indictment, in different courts thereof; also others to show that in cases where parties were charged with stealing, it was not necessary to minutely describe the property stolen. In alluding to the statute against which Mr. Burmester exploded his metaphorical bombs, as being different in sense, Mr. Carey said it was of the same purport and did not materially differ from similar statutes in other States and Territories, and was pointed and definite.

The Court overruled the motion to quash the indictment, holding that two or more charges may be made in different counts of the same indictment, but that they must be offenses of the same nature; for a person could not be charged in the same indictment with stealing and manslaughter. The Court was of opinion also that where a person was accused of stealing or embezzlement it was unnecessary to give a minute description of the property in the indictment, as people seldom noticed the denominations of bills, for instance, that they had in their possession, and if parties were required to give details as to money stolen from them further than the kinds, and about the amount, parties guilty of larceny would generally go "scot free." The Court remarked also that the statute under which the accusation was brought was clear, unambiguous and comprehensive.

Mr. Burmester asked the Court to note an exception to the ruling.

The jurors were then dismissed till Monday morning at 10 o'clock.

At one o'clock Mr. Dilley was arguing a motion to quash two indictments against John Beegan, one for manslaughter and the other for larceny from the person of one Sharp.

FROM SATURDAY'S DAILY, DEC. 12.

From San Francisco.—The chief of police of San Francisco is in this City.

Runaway.—This afternoon a horse, in harness, went tearing up East Temple Street, past this office, at a fearful rate, causing pedestrians on his route to show unusual activity.

Utah Western Railway.—We acknowledge the receipt of complimentary to participate in a trip over the Utah Western Railway, to Mill-Stone Point, as far as the line is completed, and return, tomorrow.

St. George.—By dispatch from St. George, we learn that Presidents Brigham Young and Geo. A. Smith visited and inspected the quarry and Temple yesterday, and that the health of both was good.

Three hundred tons of rock was laid on the walls of the St. George Temple last week.

Recaptured.—Stockton, December 9.—Louis, alias Roper, one of the monte sharps who drugged the jailer and escaped from prison at Salt Lake, was recaptured here on the west-bound overland train last night by railroad detective F. T. Burke, and placed in jail to await a requisition from Utah.—*S. F. Chronicle.*

The Rickards at Ogden.—The talented Rickards Combination will appear at Ogden on Wednesday, when the good people of that flourishing city will have the opportunity of witnessing the performances of this very able troupe, Mr. Rickards in his character songs, and Lottie, Frank, and Katie in their wonderful triple trapeze and flying trapeze feats.

After Him.—One of the police officers started over Jordan to-day after a man named Crawford, who is accused of wearing out a chair upon "Fritz," an East Temple street saloon keeper. The fracas occurred on Thursday night, since which time Fritz's cranium has been in such a demoralized condition as to necessitate his being confined to bed. The row was all about

forty cents, which Fritz claimed the other was owing him for malt water.

Recovered.—Yesterday we were honored with a call from E. W. Tullidge, Esq., whose late severe illness had caused serious apprehensions among his friends in this city. This talented gentleman has been suffering from brain fever, but he tells us that through the unremitting care and ministrations of those friends who so generously came forward in his time of peril and sorest need, he is "himself again" and already at work on his book, "The Life of Brigham Young and the Representative Men and Women of Utah" which he expects to be able to publish about the first of next May.

A Collision.—This morning a son of Brother Benjamin Ashworth, of the First Ward, was driving a wagon across the line of the street railroad, on East Temple Street, and the street car, which was coming along at a goodly speed at the time, collided with Ashworth's vehicle, dragging it about a rod, breaking the tongue into splinters and more or less injuring one of the wheels and an axle tree. By the concussion the lad was thrown from his seat to the ground and went under the wagon, one of the mules stepping upon his arm, inflicting a slight hurt, but he was not otherwise injured.

District Court Proceedings.—Yesterday afternoon the demurrers to indictments against John Beegan, one for manslaughter and the other for larceny, were overruled. With regard to the second indictment the district attorney was instructed to elect which count he would proceed under.

This morning Nicholas Lawless pleaded not guilty to an indictment for murder.

In *Peter Geddes vs. Warren Hussey et al* defendants were allowed till Feb. 1, 1885 to plead, by consent of counsel. Court adjourned till Monday, Dec. 14th, at 10 o'clock a. m.

Rather a Bad Case.—To-day a respectable looking woman, who had turned the ripe age of three-score and fourteen years, called at the City Hall and made enquiries about her son, who, she said, was a shoemaker, who lived in the Tenth Ward and had been missing from Thursday. The police record showed that the man had been sent to jail for drunkenness. The information caused the old lady considerable distress of mind. She had come to this country several years ago by herself and had saved means out of her own earnings and sent for her profligate son, and this was the method he was taking to repay her maternal kindness and solicitude. If there was a spark of manhood about the fellow, surely he would behave himself better, if from no other incentive than to save his aged mother from distress.

A Swindler.—A young fellow was arrested yesterday by the police, charged with obtaining money under false pretenses, by passing a check on Walker Bros' bank, for the sum of two hundred and sixty dollars, signed A. H. Blake. He had obtained several meals from the restaurant of Mrs. Bjorkman, and wanted the lady to advance him \$7.00 on it, as he was going to Ogden and would come back and redeem the check. He also told the lady his name was H. H. Blake. Yesterday he called on her and said he was too late for the train and wanted \$10.00 on the check which she gave him. The lady, anxious to settle her meat bill, presented it to Mr. Short, butcher, for payment on account. Mr. Short laid two \$50 bills on the counter for change, when he bethought himself and drew the money back, stepped down to Walker Bros' bank, and found that the check was worthless. When the police arrested the man he gave his name as Charles Johnson, but when brought before Justice Pyper he said his name was Charles Baxter. The Judge fined him \$50.00, which he will work out for the city.

DIED.

At Levan, Dec. 6, of dropsy, MARGRETTA ELIZABETH WILHELMINE LYB-BERT.

Deceased was born Oct. 20th, 1802, in Syttel; baptized into the Church at Aalborg, July 8th, 1854; emigrated to Utah in 1865; was a good faithful Saint, and slept in peace, in full faith of the truth.—*Com. Skandinavien papers, please copy.*