

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - - May 26, 1875.

A JUDGE SHOULD NOT STOP HIS EARS AGAINST EVIDENCE.

IN regard to the assumption that the lady plaintiff in the recent alimony *pendente lite* case in this city was the first living wife of the defendant, and the partisan assertion that the alimony decision of the late Chief Justice was sustained by certain "good lawyers, the *Central Law Journal* of May 7 has the following—

"1. In the evident rancor which exists between Saints and Gentiles in Salt Lake, we doubt whether there are any members of the bar of that city unprejudiced on this question.

"2. It is very problematical what sort of lawyers a bitter partisan journal like the *Salt Lake* would consider unprejudiced.

"3. We do not believe, and shall not believe, until we have better evidence for it than the editorial columns of the *Salt Lake*—, that the San Francisco bar association has approved this decree. Bar associations are not, so far as we are acquainted with them, in the habit of approving or disapproving judgments of the courts, particularly those of other states and territories than their own, and which relate to local questions.

"4. We know a number of intelligent lawyers who believe that Judge McKean could and should have decided otherwise. Judge McKean knew, as a judge, that if Ann Eliza Young was not the wife of Brigham Young, she was not entitled to alimony. He knew, as a man, that she was not the wife of Brigham Young. It was therefore his duty to inform himself of this fact, as a judge, before granting such an allowance; and this he could no doubt have quickly done by opening his ears to evidence. The point we insist upon is that a judge has no right to stop his ears against evidence, and, planting himself on a technicality, to decide a question on an assumed state of facts which he knows to be false. Our reasons for assuming that Judge McKean knew, as a man, that the plaintiff was not the wife of Brigham Young, are that every intelligent person knew it. For the last year she has straddled around the country, and published the fact herself in public lectures, which she has delivered not only to the principal cities of the States, but also in Salt Lake City. Indeed, her avowed status as the nineteenth 'wife' of the 'prophet,' is a matter of such historical notoriety, that no intelligent person could plead ignorance of it."

ALIMONY PENDENTE LITE.—The *Omaha Herald* of May 15 says—

"The *Herald* is indebted to Hon. John T. Caine, of Utah, for a copy, in full, of the decision of Chief Justice Lowe on the divorce question pending between Ann Eliza and Brigham Young.

"The Chief Justice treats this case as a lawyer and not as a demagogue or a small politician, and his decision will be sustained in the good judgment of the members of the Utah bar, and by the vast majorities of the people of the country who have common sense enough to comprehend it. The idiotic decision of Judge McKean is scattered to the winds and the Mormons as well as other people in the country will learn that the laws of the land rightly interpreted will be respected and obeyed."

That's the very one thing needful all the time—the constitutional laws of the land, rightly interpreted. That always granted, with a judicious and fair enforcement; and all will be well.

In another part of the same paper, the editor says—

"Hon. John T. Caine, editor of the *Salt Lake Herald*, passed through this city yesterday on his

way to Europe, to enjoy a respite from labors which have nearly broken him down in health. We should have been pleased with a personal visit from Mr. Caine had time and opportunity presented, and we expect a personal interview certainly on his return."

THE ALTERNATIVE AFFLICTION.

—The *Chicago Tribune* says that the prospect of an easy divorce and \$500 a month *pendente lite* would secure to even a plural wived man a pick in the matrimonial mart of every city in the Union. The *Tribune* also says that the only objection that can be made to Chief Justice Lowe's interpretation of the law is that the lady deprived of her \$500 a month, will probably return to the lecture field, and that it is too hard that the general public should be made to suffer in this fearful manner for the domestic troubles of other people.

DEATH OF JOHN C. BRECKENRIDGE.

JOHN CABELL BRECKENRIDGE, whose death at Lexington, last night (17th), is reported in our dispatches, was born near Lexington, Kentucky, Jan. 21, 1821. He was educated at Centre College, Danville, and studied law at the Transylvania Institute, and settled at Lexington. He was a volunteer and major of the Third Regiment of Kentucky volunteers in the Mexican war, after which he was elected to the Kentucky House of Representatives. He was elected to Congress in 1851, and again in 1853. In 1856 he was chosen Vice-President, James Buchanan being President, of the United States, and presided in the Senate with dignity and ability for four years.

On the breaking out of the civil war he was a United States Senator from Kentucky, he espoused the Confederate cause, and was expelled from the United States Senate in December, 1861. The next Summer he was appointed a major general in the Confederate army, in connection with which he was in the actions or movements at Baton Rouge, Stone River, Chickamauga, Newmarket, Washington and Winchester. He was appointed Secretary of War in Jeff. Davis's cabinet in January, 1865, in which position he continued to the close of the war, when he went to Cuba, and thence to England, whence he returned to America in 1868, with a resolution to eschew politics and devote himself entirely to his profession, which resolution he strictly observed.

Destroying the Codling Moth.

At the last meeting of the Deseret Horticultural Society the following article, by C. Sellers, of Woodstock, Ill., in the *Gardener's Monthly* for May was read and approved—

"The codling moth is a small gray moth that flies only at night. It lays its eggs in the blossom end of the apple, and in a few days (or minutes, as the case may be) they hatch into worms that eat their way into the core of the apple. When the worms attain their full growth they eat their way out generally through the opposite side of the apple, and let themselves down (if the apple does not fall) to search for a place in which to spin their web and change to the cocoon or chrysalis. In about two weeks from the time the worm leaves the apple the cocoon bursts and a perfect moth comes out to lay more eggs. Thus there are several crops of moths during the season. The first crop in the spring is generally small, but they increase in quantity until fall.

"Now the plan I have pursued for several years is to place bunches of rags—cotton or soft woolen—in the crotches of my trees or tie them round the principal limbs of the trunk, and once a week examine them and kill all the worms. In a large orchard the easiest and most expeditious way is to attach a clothes-wringer to a wheelbarrow, take the rags down, run them through the wringer and replace them in the trees again. In taking the rags from the trees be careful to see that none of the worms drop

off or remain sticking to the bark of the trees.

"About five years ago I had an orchard that was so infested with the moth that I got very few perfect apples, and some of the trees, though loaded with fruit in the Spring, did not ripen a single apple. The second year after I adopted the above plan, I had a fair crop, and after that it was a rare thing to find a wormy apple when the crop was gathered in.

"I am very particular every Spring, when placing my rag traps, to scrape all the loose bark from my trees so as to give the worms no harbor but the rags."

The experiments of Mr. Sellers, in observing the habits and devising means for the destruction of the Codling Moth, are of great importance, as being clearly confirmatory of the conclusions upon the character of the moth and the feasibility of the remedy proposed by the Deseret Horticultural Society for their destruction.

What Mr. Sellers as an individual has done upon his own farm, in an isolated locality, the citizens of Salt Lake City could do, with unanimous, concerted, systematic and persistent effort. But the exertions of a single individual only, or even of a score, in a city of 25,000 inhabitants, though intelligently and perseveringly applied, would be about equivalent in result to those of a man living in an isolated place who would put the moth traps in and around a dozen or a score of the trees in his orchard and leave the remainder to take care of themselves.

The destruction of these fruit pests is one of serious concern and in cities and towns, with any well matured and successful contrivance to destroy them available, becomes at once a question peculiarly within the province of municipal surveillance. The "free commoner" ordinance has no relevance whatever in the suppression of noxious and predatory insects, such as the invading moth and the irrepressible locust, or grasshopper of years past. And had any feasible plan or proposition from any responsible source been made, while the grasshoppers were laying waste the fruit, vegetable and flower prospects of our city and Territory, would any person have objected?

We do not know to what extent the Bishop's are interesting themselves in preparing for the season's onslaught against the moths. The matter has been reposed in them as public servants in a limited sense. The plans proposed by the Horticultural Society of this city have been adopted as a basis of operations. These plans in brief consist of first cleaning off all rough bark from the trees; which, we believe, has been done very generally. The next thing in order, as we have published, is to place the traps in and around the trees to catch the first worms, the progeny of the moth, which commenced to fly about the 6th inst. These traps consist of pieces of rough boards laid together around and in the forks of the trees. Between these boards the worms will take shelter to form a cocoon or chrysalis. To kill them, examine the boards every few days, crush whatever is found between them, and replace them again for new conquests.

As to rags, any old and worthless woolen stuffs not fit for the paper mill may be used to good purpose, care being taken not to let any of the worms escape. The board trap, however has many advantages. It is quite apparent that if cotton rags and wringers were to be universally brought into requisition, the expenses of the war would be materially increased, and the supply of rags for paper making might be seriously imperilled, which would be almost as great a calamity as the presence of the moths.

THE PROFANE AND THE UNPROFANE.—A California paper has the following concerning the prevailing profanity in America—

"Bishop Clark suggests that railway companies put a car for swearers on each passenger train. If all the swearers in the average American passenger trains are to be separated from those who do not swear, the result would be something like the arrangement in Germany, where they tack a little 2 x 4 caboose to the rear of the train for people who do not smoke—and the unprofane people would have to ride in that caboose. They would not crowd each other."

Local and Other Matters.

FROM FRIDAY'S DAILY, MAY 21.

Threatening.—As we go to press, it looks and blows much as if rain were near.

Incendiary.—Mr. Davis, whose stable was burned the other night, has not the least doubt whatever that the fire was the work of an incendiary.

All Gone to be Baptized.—A California paper says, "The Loanville (Nevada) Indians have all gone to Utah, to be baptized and embrace the Mormon faith."

Beane Discharged.—The trial of William Beane, charged with assaulting and drawing a pistol on John G. Wiggins, was concluded this morning, resulting in his being discharged.

The Great Concert.—The ladies and gentlemen who have been practising the "Messiah" for a considerable time past have decided to give their concert on the evening of Thursday, June 3rd.

Start from Franklin.—Gilmer and Saulsbury's stage line for Montana has removed its southern terminus from Salt Lake Valley to Cache Valley. The stages now leave Franklin, Idaho, instead of Corinne, Utah, on their trips to Montana.

Going Ahead.—Mr. Daniel Grenig, who lately vacated the basement of his fine store and re-established himself on the floor above, is pushing ahead in business with his accustomed vim, and has secured the efficient services of Mr. Henry Wallace, in the confectionary line.

At Prove.—The following came in this afternoon—

PROVO, May 21.

A. M. Musser—

The journey has improved me. I feel encouraged and rested. I was as well as usual last night.

GEO. A. SMITH.

An Improvement.—The appearance of the Eagle Emporium corner has been greatly enhanced by the erection around the opening to the basement, where the groceries are sold, of the premises occupied by Messrs. Jennings, Sons & Saddle, of a neat ornamental iron railing.

No Ox Yokes.—A gentleman from one of the southern settlements was hunting in nearly all the stores in town to-day for ox-yokes, but at last accounts was unable to find the object of his search. The same gentleman states that the ox team is by far the most profitable to the farmer of any other. We are of opinion that he is right.

The Missionaries.—Bro. Thomas C. Marten writes from Chicago, May 15—

"The missionaries who left Ogden on Wednesday, the 12th inst., arrived at Chicago at three p.m. on this the 15th, all well and in excellent spirits, having received good treatment all the way.

"We are now taking the train to New York."

From Toquerville.—Sheriff Nebeker, of Kane County, arrived in town night before last. From him we learn that the damage done by frost to the peach crop in the south is very great, except at Toquerville, where the effects are lighter than in any of the other settlements, and the peach crop will consequently be correspondingly greater.

The prospect for grapes is better this season than any previous year.

Ben Tasker in Trouble Again.—To-day the notorious Ben Tasker was arrested by deputy sheriff Nat. Jones, on a charge of stealing the valuable horse belonging to Dr. Williamson, and which was found in possession of C. Sherman some time since. Tasker was taken before Justice Pyper, who decided that he should be held in bonds of \$1,000, pending his examination, which is expected to come off soon.

Pugnacious.—To-day a sewing machine agent or runner was fined \$5 for an attempt to pummel another machine agent or runner. If the first mentioned sewing machine agent or runner is as persistent and persevering in other respects as most of that class are in boring away at the smallest possible opening for a customer for a machine, then he will never let up until he finishes that pummeling business, if it "takes all summer."

Runaway Accident.—Yesterday deputy sheriff A. P. Cranney, of Cache County, arrived in town, bringing with him James Draggley, an old resident of Hyrum, who, for the last year and a half, has been gradually losing his reason, although his insanity is inoffensive in its manifestations. Mr. Cranney took him to the Asylum yesterday, and after leaving the building, the team that conveyed him there ran away. In order to save himself Mr. Cranney jumped from the wagon, but came in such violent contact with the ground as to rather severely injure his knee.

Bad Place for Prowlers.—At a late hour last night Mr. Feramor Little heard some one on the porch of his residence. Thinking it might be the hired man who sleeps at the barn, Mr. Little called out asking the party what he wanted. This frightened the prowler, for such he evidently was, for he darted off the porch and ran at full speed out by the front gate.

Had Mr. L. been sure that the person was not his own employee, there is no room to doubt that the fellow would have found that he had got to the hottest kind of a place for burglars, or characters of that kind.

Not the Legal Way.—This morning Ah Cum, a Chinaman, was tried in the Police Court, on a charge of stealing a trunk and other articles belonging to another Chinaman. It appears the party bringing the charge was owing Ah Cum six dollars, and the latter, intending to soon start on a journey to the "Flowery Land," wished to collect what was due him before leaving, and the debtor failing to come to time, Ah Cum froze to the property alluded to.

The Court rightly considered that an illegal way of collecting old debts, and Ah Cum had consequently to hand over \$15 to the City treasury, by way of a fine.

SALT LAKE CITY,

May 21, 1875.

Editor Deseret News:

Dear Sir:—Yesterday the Twelfth Ward Sabbath School held their annual picnic party at Lindsey's Gardens.

The exercises of the day were conducted under the direction of Supt. Robert Campbell and assistants, also of Bishop Hardy and Counsel.

Scholars and parents, numbering about 300, were conveyed to and from the scene of action in buggies, carriages and wagons, and as the evening shades began to appear and all were preparing to retire, I could hear but one universal expression, "This will be a time long to be remembered by both young and old."

The choir, under the management of Joshua Midgley, Junr., discoursed sweet music to eager listeners, organ accompaniment by Miss E. Hardy and Miss E. Midgley; and as I beheld the countenance of Bp. Hardy, radiant with smiles, he seemed to say, "I am proud of this youthful band of sweet singers, and may God bless them;" and I can assure you that the songs, duets, anthems, &c., as executed by them, would do infinite credit to a choir of riper years.

Bro. Campbell and his corps of assistants have been untiring in their labors in endeavoring to make this, the best of all institutions, Sabbath school, a success, and, in my estimation, they have more than succeeded, for which I say, may Heaven reward them, and not only them, but all who will "go and do likewise."

In conclusion permit me to add, that parties who wish to enjoy a day of unalloyed pleasure and recreation cannot do better than go to Mark Lindsey's Gardens.

Yours, &c.,

T. V. W.

FROM SATURDAY'S DAILY, MAY 22.

Gone.—Tommy Weaver, a rather eccentric character, well known to many citizens, left for England this morning.

Body Found.—The body of W. G. Thomas, killed by a snowslide, in Big Cottonwood, last Winter, has been found, and will be brought to this city next Monday, for interment.

Went for His Head.—Last night John James was in Shingleton's saloon, where he amused himself by aiming a tumbler at the head