

THE DESERET NEWS.

TRUTH AND LIBERTY.

No. 41.

Salt Lake City, Wednesday, November 8, 1876.

Vol. XXV.

ESTABLISHED 1850.

THE DESERET NEWS, WEEKLY.

One copy, one year, with postage, \$3 55
" six months, " " 1 85
" three " " " 95

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EDITOR AND PUBLISHER.

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Local and Other Matters.

FROM WEDNESDAY'S DAILY, NOV. 1.

Who are Legal Tax-payers?—The answer is plain enough—Those who pay their legal taxes. If a man does not pay his taxes, how can he be a tax-payer?

Gone to Iowa.—Elder H. C. Hullinger, of South Cottonwood, left this morning, in company with the Grow party of missionaries. His destination is Iowa, where his relatives reside whom he goes to visit, and will also preach in the neighborhoods he will sojourn in during his absence.

Indian Summer.—We have not had much Indian summer yet this year. Last week we had a delightful week, the most genial and pleasant week in the year. Yesterday and this morning, though keener, were pleasant too, and seemed the beginning of another spell of Indian summer, but the clouds this afternoon have been threatening something less acceptable.

Departed South.—This morning President Brigham Young and Elders Wilford Woodruff, George Q. Cannon and Brigham Young, Jr., accompanied by members of some of their families, left this city, by special train, on their way to St. George. They were accompanied to the end of the Utah Southern track by a large number of relatives and friends, besides a large crowd of others assembled at the railroad depot to take farewell of President Young and party.

Mortuary.—Sexton's Report for October, 1876. Males 10, females 22; of these adults 12, children 20; causes of death as reported—Inflammation lungs 2; inflammation brain 3; marasmus 1; typhoid fever 3; asthma 1; diphtheria 1; cerebral apoplexy 1; heart disease 1; consumption 1; croup 1; found dead 1; child bed 1; old age 3; convulsions 1; teething 5; still born 4; effects of a worm in the stomach 1; effects of sun stroke 1; total number of interments 32.

There are 38 deaths less this year than there were last year in October. J. E. TAYLOR, Sexton.

The Sale.—According to the advertised notice of the special commissioner A. K. Smith, appointed by Judge Schaeffer, in the Third District, to sequester and sell, without bonds, certain property of President B. Young, defendant in the suit of Young vs. Young, in divorce, the sale took place at eleven a. m. to-day, in front of Mulloy's lively stable, second South Street. The sequestration order was to obtain forcible satisfaction of a former order directing the payment of between \$3,000 and \$4,000 alimony *pendente lite*. Immediately preceding the commencement of the sale, Mr. James Jack, as President Young's agent, forbade its progress and notified all parties who should purchase that they would do so at their peril.

After this notification Mr. Fred. Carter, the auctioneer, read the notice of sale of the bondless and irresponsible commissioner and sequester, and then commenced selling the property, which went off as follows—

A very valuable close large carriage, to Mr. Fitzgerald, for \$375.

A close spring wagon, to Pat Lannan, for \$125.

A victorine carriage, to Mr. Bamberger, \$200.

A close wagon, to J. M. Allen, \$52.50.

A lumber wagon, to Mr. Bamberger, \$25.

A wagon, to Mr. J. E. Tyler, \$37.50.

A wagon, to Mr. Bamberger, \$25.

A valuable span of large mules, to Richard Lounsbury, \$125.

A span of horses, to Mr. Brewer, \$130.

A double set of Concord harness, to Richard Lounsbury, \$25.

A cow, to James Showell, \$20.

A cow, to George H. Cannon, \$25.

A cow, to Mr. McIntyre, \$20.

The proceeds of the sale only foot up to \$1,185.

City Council.—The Council met last evening, Mayor Little presiding.

Petition of Joseph Warburton and twenty-two others, residents of the First Ward, representing that the streets in that portion of the city needed repairs, and asking that a portion of the taxes be appropriated for that purpose, the work to be done under the direction of the Supervisor. The sum of \$200, including the delinquent taxes, appropriated to be applied as asked for.

Petition of Thomas Spiers and a number of other residents of the Tenth Ward, asking that a portion of the taxes of the residents of that part of the city be applied in repairing the foot and wagon crossings on the streets; the sum of \$400, including the delinquent taxes, appropriated for that purpose.

Petition of Thomas Heath and fifteen others, representing that a certain drain ditch adjacent to their land, in the west part of the city, was overflowing and injuring their property, and asking the immediate attention of the Council, with a view to the application of a remedy; referred to committee on streets and alleys.

Report of the special committee to whom was referred the petition of Macduff Brothers, regarding the near location of their limestone quarry to certain powder magazines, reported that they failed to discover wherein the Council could take the action in the premises asked for by the petitioners; report adopted.

Alderman Poyer presented his report for the month of October, which was received and filed. It showed that 68 cases had been tried, \$302.80 had been collected in cash fines and \$258 in labor.

Bill of Dr. S. B. Young, for care of insane patients, \$70.85, allowed and appropriated.

Bill of Dr. S. B. Young, for quarantine services, \$30; referred to committee on claims.

Bills for material for waterworks, amounting to \$926 45; referred to committee on waterworks.

Bill of Salt Lake City Gas Company, \$1,135.40; allowed and amount appropriated.

Mayor Little, of the special committee on improvements, stated that this committee had purchased, in behalf of the City, 120 acres of land adjacent to the cemetery, for which they had paid 1,200, or \$10 an acre; the report of the committee was received and adopted, and the amount for the land purchase appropriated.

The sum of \$500 was appropriated to be subject to the order of the Superintendent of waterworks.

The Marshal reported that an adobe building on First South Street, west of Kimball and Lawrence's store, was dilapidated and in danger of falling and injuring other structures; referred to committee on improvements.

Council adjourned till next Tuesday evening at 7 o'clock.

An Infamous Proceeding.—It will be recollected that a short time since the attorneys of the plaintiff in the suit of Young vs. Young, in divorce, applied for an execution against the defendant to satisfy an order directing the payment by the latter of alimony *pendente lite*, and obtained it. In pursuance of this execution United States Marshal Nelson levied on certain property of President Young, the latter in the meantime raising the question of the jurisdiction of the Court in the case, notifying the Marshal that if he proceeded further and sold the property suit would be entered against him for damages. The officer very prudently concluded not to proceed further until indemnified by the plaintiff, but the attorneys of the latter flatly refused to secure the marshal against damage, and the matter being brought before the Court, Judge Schaeffer ruled that the officer was entitled to an indemnity bond, but, notwithstanding this decision, the plaintiff's attorneys still held out and would not give the security demanded, and the Marshal, therefore, after having levied upon certain property, returned the execution unsatisfied.

The refusal by these attorneys to give the bond required to secure the officer was undoubtedly caused

by their knowing that when the matter could be properly adjudicated it must go against them. It was a tacit admission that they believed there were courts in the country that would not aid or encourage a scheme for legal theft. Had they believed in the legality and justice of their own cause they would not have hesitated, but they have, in our opinion, just about as much confidence in that regard as everybody else of understanding.

They sought for the remedy by execution and obtained it from the Court, but after getting it they stopped its progress and sought another, and obtained that also, the Court subsequently granting them a writ of attachment against the defendant to show cause why he should not be punished for contempt in not obeying the order directing him to pay alimony *pendente lite*, the same order the execution was issued to satisfy; and when the defendant appeared personally in Court to show cause, instead of considering that order the Court further ordered the sequestration of the property of the defendant that had already been levied on by virtue of the aforementioned execution, and appointed a commissioner to proceed, without bonds, to take possession of the property, sell it at auction and apply the same in satisfying the order for alimony *pendente lite*, and, if that proved insufficient to make complete satisfaction, to levy on other property until the amount, including expenses, should be realized.

"The commissioner shall proceed without bonds to take possession, &c." "Without bonds." Why without bonds? Evidently that, so far as possible, the defendant should be deprived of a remedy by which he could get after his despoilers. It would not do for a responsible officer to execute the judicial, nay, as we certainly believe, the extra-judicial process, but it must be an irresponsible party, without bonds. Anybody that can not see through such business must be enveloped in the most impenetrable mental fog. The Marshal is a responsible officer and he need not proceed with the execution, for the defendant could sue him and most likely obtain redress against him. But that must be remedied next time, a special officer must be appointed to execute process and he must be irresponsible, without bonds. And this sequestration procedure, a "relic of barbarism," was granted after the plaintiff had full and complete opportunity of remedy by execution.

More Litigation.—In pursuance of the notification given by Mr. James Jack, at the sequestrator's sale to-day, writs of replevin against the purchasers of the property were obtained, and doubtless some of them have been served this afternoon.

FROM THURSDAY'S DAILY, NOV. 2.

In the Hands of the Marshal.—Most of the property of President B. Young, sold by the sequestrator yesterday, is now in the custody of the Marshal, by virtue of the replevin proceedings.

Fire Alarm.—There was an alarm of fire about noon to-day. The cause was in the house of Mr. Barnes, 11th Ward. The Fire Brigade turned out, but the flames were extinguished, with small damage, before the brigade reached the spot.

Gone to Rest.—In another part of the paper will be found an obituary notice of Lavinia Walker, daughter of the late Patriarch Hyrum Smith, and sister to Patriarch John Smith and Apostle Joseph F. Smith. She was greatly esteemed as a worthy woman and faithful Latter-day Saint.

For the Southern States.—We are requested by Elder Henry G. Boyle to announce, for the benefit of the missionaries destined for the Southern States, that they are expected to be ready to leave Salt Lake City on Monday morning, November 20th.

Departure.—Elder Thomas G. Webber, late Secretary and Treas-

urer of Zion's Co-operative Mercantile Institution, left this morning for England, to which country he goes on a mission. A host of warm friends in this city and Territory will, with us, wish him abundant success.

Woman's Exponent for Nov. 1 contains "Twilight Reveries," "The Grain Question," "R. S. Reports," "Japanese Altar of Dailbutz," "Speech," "Hearken to Counsel," "A Word About Women," "Sensitive People," "Correspondence," "Spelling in Old Times," "D. A. Wells on Commercial Depression," etc.

San Bernardino.—Mr. A. Rodemyre severs his connection with the San Bernardino Times, as editor and proprietor, having disposed of his interest in the establishment to Mr. John Isaac, who continues the publication of the paper.

Mr. Rodemyre gives the following as his reasons for the change—

"I consider the East a better field for newspaper enterprise, and the prospect more encouraging for the investment of capital than at present offered in California. The want of enterprise, steady decline of business, and other discouraging features, render San Bernardino all but a desirable point for a permanent business location, especially for a newspaper."

Gone Eastward.—This morning Hyrum B. Clawson, Esq., departed eastward, on a business trip. For a considerable time Z. C. M. I. has determined to go out of the business of trading in hides, pelts and wool, wagons and machinery, and has lately consummated that intention. Mr. Clawson has gone into these lines of business, and his present eastern trip is in the interest of his new enterprise. The gentleman has had a long experience in connection with Z. C. M. I., as the Superintendent, and other mercantile houses, giving him an unusually comprehensive experience, which, together with his natural aptitude for business, will doubtless enable him to make this personal enterprise a success.

Sericulture.—The Deseret Silk Association met at the Firemen's Hall, yesterday, Wednesday, Nov. 1st. Mrs. Zina D. Young presiding.

Mrs. Young said that the reel had arrived and was now being worked in Logan by an Italian lady, who, previous to coming to Utah, had worked at the business from early youth, and was a first-class reeler; also that Miss Mary A. Rockwood had gone from this city to take lessons, so as to be able to reel the silk here and teach others, and thus extend it all through the settlements in the Territory. Mrs. Young was in hopes that she would have some specimens of silk at our next meeting. Now was the time to plant out our trees or cuttings. She urged those who were doing so to put out a few more than they needed for themselves, as there might be others that would want some, and thus keep extending this branch of home industry.

Mrs. Barney said that we had got a good foundation laid, and hoped that we would keep on building until it became a mighty structure. She felt satisfied at what had already been done, and said it was reported that the society were only giving one dollar per pound for cocoons, which was a mistake; they were giving two dollars per pound.

Mrs. E. Barker said that she was used to working among silk, and could teach seven branches from the cocoon.

The question was asked, Where can we get our trees and cuttings?

Mrs. Zina D. Young said that she had been informed that Mr. John Reading, of this city, could furnish them at very reasonable prices.

Meeting adjourned until the first Wednesday in December, at this place.

R. SIMPSON, Secretary.

MARRIED.

In Brigham City, November 2nd, by the father of the bride, Elder Lorenzo Snow, LEONIDAS T. PIERCE and GENIA SNOW, both of Brigham City.