

# THE DESERET NEWS.

TRUTH AND LIBERTY.

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## DESERET NEWS:

WEEKLY.

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### LOCAL NEWS.

FROM TUESDAY'S DAILY, NOV. 24

**Another.**—George H. Taylor, of the Fourteenth Ward, was arrested between one and two o'clock this afternoon, by Deputy Marshal Sprague, on a warrant charging Mr. Taylor with unlawful cohabitation with ladies to whom he is supposed to be married. The case was set for 3 o'clock, before that central hopper for the reception of grist in the shape of fees—the "court" of one McKay.

**Information Wanted.**—Of the whereabouts of Warren Smith, who was born and raised in Tennessee, and about the year 1844 was in Tennessee as a "Mormon" missionary. His only sister would like to hear from him, and he or any of his family may confer a great favor upon her by writing to the following address: Mrs. Verilinda Ray, Flat Creek, Bedford County, Tennessee.

**The latest.**—The latest developments in the attempt by the local authorities to purify the morals of the city were the usual street rumors, the inevitable question, "What is your number?" and the arrival of C. E. Pearson from his northern retreat at 11:30 this morning. His trial was set for 10 o'clock, but at his request Judge Speers changed the time to 11; and at that hour the City attorneys were on hand ready to give or receive whatever was proper. They had determined to ask a forfeiture of the appearance bond at 12 o'clock, thus giving the defendant the benefit of two hours from the original time set, but he "got here" early enough to save his bondsman. He expresses his intention of sending for witnesses to prove that he is utterly, entirely and absolutely innocent, that being his privilege of course—if he pays the expense. His trial was set for a week from to-morrow.

**Fatal Accident.**—On Monday afternoon, Nov. 2d, Brother Matthew Templeman, of Big Cottonwood Ward, accompanied by his only son and two grandsons, went in a light spring wagon, drawn by a span of horses, a short distance up Mill Creek Cañon to look for some stock. After finding the animals his son and one grandson drove them on ahead while he and his younger grandson slowly followed in the wagon. While going down a small but rather steep place the kingbolt of the wagon came out, which frightened the horses and they wheeled around, upsetting the vehicle and throwing the old gentleman a considerable distance—almost into the cañon creek—and causing serious spinal and other internal injuries. The little grandson fortunately was not much hurt, and ran screaming down the cañon to carry the sad news. Mr. Templeman, Jr., and others hurried to the place of disaster and found the old gentleman in an insensible condition, and covered with blood from a large scalp wound and other bruises about the face. An easy conveyance was procured and he was carried to his son's residence where he was tenderly cared for, but his injuries were too extensive to recover from, and he died Nov. 4th, 1885, aged almost seventy-one years.

His feeble and faithful wife becoming uneasy at her husband's long absence, started, lantern in hand, for her son's house and followed for a short distance the carriage containing her injured husband, in total ignorance of the dreadful news awaiting her.

Deceased was a native of Yorkshire, England, and was a faithful member of the Church of Jesus Christ of Latter-day Saints for over thirty-four years. He had lived in Big Cottonwood Ward for twenty-five years, and was very highly respected by all who knew him.

FROM WEDNESDAY'S DAILY, NOV. 25

**Bound Over.**—Yesterday Geo. H. Taylor waived examination before Commissioner McKay and was placed under \$1,500 bonds. Three witnesses also gave bail in the sum of \$200 each, and appeared before the grand jury this morning.

**A Fraud.**—An individual calling himself Dr. Mamor suddenly departed from Butte, Montana, on Saturday night, leaving to the citizens of that burg convincing evidence that he was a thorough blik. "A plausible quack and a conscienceless scoundrel" is what his recent acquaintances call him. He is described as a Polish Jew, rather short and thick set.

**Married.**—A nuptial ceremony is being performed to-day at Logan which will unite for time and eternity the intelligent Hawaiian, Brother K. K. Neveker, of the 19th Ward of this city, and Miss Emma Wyings, of Taylorsville. We unite with the numerous friends of the young couple in wishing them an extra share of connubial bliss and long life and prosperity.

**Shoe-Shop Burglarized.**—Sometime during last night the boot and shoe shop of Edward Snelgrove was broken into by burglars, who carried away some spoil. The thieves gained an entrance by breaking two panes of glass out of the back door. They ransacked the place, and took with them three pairs of alligator boots, five pairs of calfskin boots, and one pair of shoes which had been left with Mr. Snelgrove for repairing.

**The Liars at Work.**—The Associated Press liars in this city have been rendering the ungodly cause in whose interests they act yeoman service the past few days. The dispatches sent from here, so far as they have been received by mail, in relation to the efforts of the city authorities to suppress vice in our midst, show the earmarks of the devil's twin brother so plainly as to almost smell of sulphur. Lying has almost become the sole reliance of the fiends who would stifle virtue and revel in unbridled lust in our midst; and not only do they count upon the unconditional support and assistance of the Federal authorities, but seek to create favorable impressions in their behalf elsewhere by using the wires and the mails to forward their infamous falsehoods. They dare not face the facts, they dare not tell the truth, and they dare not attempt to show that this is not the case.

**Commissioned.**—The Governor, yesterday, issued commissions to the following officers:

M. W. Mansfield, justice of the peace; J. B. Meeks, constable, Thurber precinct, Piute County.

Ephraim Homer justice of the peace; J. S. Stephens, constable, Ferron precinct, Emery County.

L. R. Cropper, justice of the peace; J. Dewsnip, constable, Deseret precinct, Millard County.

James W. Pearson, alderman, Third ward, Park City, Summit County.

Thomas F. Roneche, selectman, Davis County.

R. M. Bush, constable, Clover precinct, Tooele County.

W. J. Robinson, justice of the peace, Grantsville precinct, Tooele County.

Caleb Parry, constable, Marriott precinct, Weber County.

Thomas Wallace, selectman, Weber County.

Cnas. W. Stayner, Commissioner to Locate University Lands, Utah Territory.

**From Norway.**—Elder Christian Anderson, of Wilson, Weber Co., was one of the Elders who returned with the last company of European immigrants who arrived here. Being in the city to-day, he called at the News sanctum to report himself. He started upon his mission on the 11th of October, 1884, and labored during his absence in his native land, Norway. He was released to return home earlier than he otherwise would have been, owing to poor health. He reports that the Elders in Norway enjoy greater liberty than formerly, being allowed now to hire halls and advertise their meetings, but that the interest in the Gospel and serious thoughts as to hereafter seem to be on the wane there, and that a feeling of reckless indifference as to spiritual matters is fast growing among the people. The interest in politics runs high, and the vituperation indulged in by politicians through the press of the country is equal to anything America can show in the same line. The breach between the aristocracy and laboring classes of the country seems to be constantly widening, and "the signs of the times" portend trouble for that nation at no distant day.

**Accident at Clifton.**—An accident happened in Clifton, Oneida County, Idaho, last week, through the double explosion of a shotgun. It appears that the resident teacher had been hunting with one of his pupils, a lad of about fourteen years of age, named Milton Henderson, and after the hunt was over, it was thought best to leave the gun at his father's house, it being

located in the fields, and the gun would be handy when needed for future use. The next morning the boy happened to look out and saw a flock of geese in the field, and persuaded his mother to allow him to take the gun, and a large horse in the stable to creep close enough to the geese to obtain a shot. When about 85 yards from his game he placed his arm through the bridle lines and raised the gun to shoot. The horse became frightened and jerked back, taking one of his hands and support of the gun, which was fired, both barrels going off simultaneously; the gun flew back and struck him in the face, the hammer cutting his upper lip and jaw, knocking out two teeth and a part of the roof of his mouth, and breaking his lower jaw in two places. The boy was knocked down, but jumped up and ran to where his goose was lying, then returned and picked the gun up and started for home, where he was placed in the most comfortable position and a doctor obtained, who dressed his wounds. He is rapidly recovering.

**From the "Sunny South."**—We had a call yesterday from Elders Geo. A. Black, of Deseret, and Thomas Vickers, of Nephi, who returned by Monday evening's D. & R. G. train from a mission to the Southern States, upon which they started on the 10th of April, 1883.

The first named labored during the first ten months of his absence in Kentucky, and since then in Tennessee. His mission was fraught with rich and valuable experience for him, and afforded him much joy and satisfaction; although, like most Elders in the South he met with considerable opposition; though frequently threatened, however, he was not actually subjected to any violence, and on the whole feels that he fared unusually well. His health was good during the whole of his absence, and he greatly enjoyed his labors. He reports a great many believers in the Gospel as proclaimed by the Elders in the districts in which he labored, but that most of them are holding back from being baptized because of the opposition of relatives, etc.

Elder Vickers spent the first four months of his absence in Old Virginia and the rest of his mission in West Virginia, where he was successful, in connection with Elder Spence, of Wellsville, in opening an excellent field for missionary labor in Logan County, where formerly no preaching had been done, and no Saints resided. A flourishing branch of 26 members, most of whom were formerly connected with the Christian Baptist church, exists there now as the result of their efforts, and a spirit of inquiry has been aroused and a good prospect for further proselyting opened in the surrounding region. The people of Virginia are much more tolerant as a rule than those of the surrounding States, and he has nothing to complain of in the shape of violent opposition in his experience, although he was subjected to frequent threats.

About fifteen immigrants from North Carolina accompanied the Elders to this city.

The Elders at present engaged in the Southern States mission are reported to be very zealous and humble, and generally enjoying good health.

FROM FRIDAY'S DAILY, NOV. 27

**Notaries.**—The following were today appointed notaries public by the Governor:

Henry E. Steele, Weber County; Edward P. Mitchener, Tooele County; Joseph Barton, Davis County; Andrew Cahoon and Arthur Parsons, Salt Lake County.

**In the "Old Dominion."**—By a private letter from the champion bicyclist, Wm. Wood, Jr., who is now on a mission in the South, we learn that he has been assigned to Virginia, and is greatly enjoying his labors. Missionary work seems to agree with him, as he has already gained eight pounds in weight since leaving home, a few weeks since. He says he finds but few people who are interested in the Gospel, but many who are kindly disposed towards the Elders, and some who are quite the reverse. Of the latter class, about half a dozen had recently followed himself and his companion about four miles, shouting at and reviling them. He had never seen a bicycle from the time he left home, and the people among whom he traveled in the South hardly knew what was meant by the term.

**Encouraging.**—We are pleased to be able to state that the demand for the products of the Provo Factory is greatly on the increase. Recently 375 pairs of blankets and 300 shawls were shipped to St. Louis, Mo. This was the second shipment to the same point, and was larger than the first. Orders are coming in regularly from Chicago, Colorado, Idaho and Montana. The local demand is also on the increase. This is just as it should be with all our home industries, and the more the people of Utah see their true position, the better will be the demand for home products over imported goods.

Every possible encouragement should be given to efforts to utilize our own sources of wealth, and although success may be a long time coming, still, it "will get there" as the reports of the Provo Factory show.

**Diphtheria in Sanpete.**—Brother Nephi Robertson, writing from Fountain Green, Nov. 20th, 1885, says:

"For some time back in this little town, we have been afflicted with a disease that affected the throat, children being the victims generally. We had the assurance of a medical man who visits this place at times that it was not diphtheria, and the people, thinking that he understood the matter, took no steps to stop the spread of the disease until about ten days ago, when Dr. Rogers, of Pleasant Grove, visited our place, and, on examination, pronounced the disease diphtheria, and advised us to take steps to confine it as much as possible, which advice we have adopted as far as it has been in our power to do so. There have been up to this time over twenty cases, and five little ones have been taken away by it; but we hope, through our diligence and the blessing of the Lord, to soon be rid of this dreadful disease.

I will say the farmers of this place have read with much interest the advice of U. N. V. to them on grain-saving, which certainly is very timely. I hope the News may always be successful in defending the righteous and exposing the wicked and ungodly."

### THE VANDERCOOK HABEAS CORPUS.

THE ANTI-"MORMON" EFFORT TO HAVE THE ORDINANCE PUNISHING LEWD CONDUCT NULLIFIED.

In the Third District Court this morning the proceedings in the application of Oscar C. Vandercook for writ of habeas corpus, were taken up. The petitioner applied to be discharged from the custody of the city marshal, by whom he was held on a charge of lewd and lascivious conduct under an ordinance of Salt Lake City.

Attorney J. S. Rawlins opened the argument for the petitioner. After reading the petition for the writ, the warrant of arrest and complaint before the justice, he cited the following section of the city ordinance, under which Vandercook was being prosecuted:

"Sec. 31.—Any person who shall be found guilty of designedly making any indecent or obscene exposure of his or her person, or the person of another, or shall indecently expose any horse, bull, or other animal; or shall be guilty of lewd or lascivious conduct or prostitution within the limits of said city, shall be deemed guilty of a misdemeanor, and shall be liable to a fine not exceeding \$100, or to imprisonment not exceeding six months, or to both fine and imprisonment for each offense." (The term of imprisonment has since been reduced to 100 days.)

Mr. Rawlins contended that the offense alleged was simply one of fornication or adultery. The ordinance was so broad that, if it were enforced, it would cover the relationship between husband and wife, and was unauthorized in the charter granted by the Legislature. It was equally applicable to male and female, to the person with whom the offense was committed, as well as the petitioner. There was no presumption of validity of a city ordinance, such as existed in favor of an act passed by the general law-making power. The only provision in the charter relating to immorality was in Sec. 22, which authorized the restraining and suppression of "bawdy and other disorderly houses" and the punishment of prostitutes. The amendment of 1872 empowered the corporation to punish the keepers of the houses, but conferred no other powers. The Legislature had delegated the power to punish certain crimes against chastity, with clear and defined restrictions, within which fornication and adultery were not included. Section 61 of the charter authorized an ordinance to enforce police regulations; and section 70 provided for the protection of the "health, safety and happiness of the inhabitants," and for the "peace, good order, regulation, convenience and cleanliness" of the city. These, however, were chiefly auxiliary, and gave no power to punish for offenses against morality. The corporation could exercise no powers except such as were clearly expressed, and were indispensable to the objects of the corporation. The "general welfare" clause could not be made to apply in this instance. Power had been given to punish the prostitute, and it could not be made applicable to a less detrimental offense, such as the petitioner was charged with. Any one who committed a single act against chastity and good morals could not be punished. There was no exception such as could include the charge against the petitioner. The word "prostitute" could not be construed to include the prisoner, but only related to a woman given to indiscriminate lewdness, and did not apply to a man. Prior to 1876, the act of the Legisla-

ture showed that in this Territory the crime of adultery was considered as at least equivalent to murder in the second degree. That body had not authorized municipal corporations to punish for the offense of adultery. The law against adultery had been repealed in 1876, because it had been construed against a certain practice in this Territory. There was no intention on the part of the Legislature to permit the corporation to punish adultery, because the legislators were advocates of polygamy, and it might be made to apply to plural wives. Such an ordinance, if enforced, would be repealed within twenty-four hours. An ordinance to punish such offenses as the petitioner was charged with, would not be impartial, and was therefore invalid. The specific provisions in the charter excluded any general application of the police power. The crimes of adultery and fornication were not detrimental to the welfare, peace, safety, health or happiness of the residents of the city. There was nothing in the charter conferring power on the corporation to punish the petitioner for lewd and lascivious conduct. Their powers in this respect did not even include a woman who committed crimes against morality, except she be utterly abandoned beyond hope, and it was a parody on the part the city to presume to punish offenses against chastity. In the history of the city, attempts had been made to punish murder (this statement is utterly false) and all sorts of crime, but that day had gone. These corporation powers were becoming more and more restricted because of the opportunity for corruption. The petitioner wanted to know if he could be called to account under such an ordinance. If the law was valid he would meet it. The jurisdiction of the police court was summary and proceeded in an extraordinary way. It was monstrous and absurd to contemplate punishment by the police court for this crime. This proceeding of the police was not in the interest of sound morality or justice. The corporate wings must be clipped. This arrest was void, and reeked with corruption and infamy. The ordinance should be held to be a nullity.

When Mr. Rawlins had closed, the Judge called his attention to the fact that an important delegation of power in the city charter had not been considered, viz:

"Sec. 39.—To regulate and determine the times and places of bathing and swimming in the river or other waters in and adjoining said city; and to prohibit any obscene or indecent exhibition or exposure or conduct."

Without expressing any opinion the Court suggested that the view to be taken of this provision should be considered, as to whether it referred to bathing and swimming only, or should receive a general application. Recess was taken until 2 p. m.

This afternoon Mr. Rawlins continued his speech, arguing that to constitute obscene or indecent conduct, it was necessary that the act complained of should be committed in public, and not where no witnesses of the deed would be offended, unless they desired to take offense, or watched through the keyhole.

Mr. Williams followed for the city. He expressed himself as pleased and instructed with the argument of counsel on the other side. He then proceeded to show that the Legislature intended to add something specific to the powers of the city government in the general provisions adopted. If the additional words meant nothing but additional words to the specific clauses granted, then they were guilty of supererogation. Cited the charter in relation to the general welfare, and showed that unless it were meant that the City Council could intelligently legislate upon such general provisions as it was intended they should, the enactment would be absurd. It simply meant "add to the powers expressed all additional powers needed for the public welfare." He conceded the general proposition as laid down by Rawlins, but that did not take away the general welfare right.

Mr. Williams was still speaking when we went to press. It is not probable that a decision will be obtained to-day.

### All Sorts of

hurts and many sorts of ails of man and beast need a cooling lotion. Mustang Liniment.