SECOND EDITION.

DESERET EVENING NEWS.

Tuesday, September 22, 1891.

Day for advertisements which are intended to appear in the Morning Issue of the following day when received should be handed in to the business department not later than 8 p. m.

Rates of Advertising furnished upon application.

☞ Notice of discontinuance must be in writing.

FRAGMENTS.

THE regular weekly session of the city council will be held tonight.

CHEMIST ANDERSON, LYONS has returned from Yellowstone Park, whither he went recently on a pleasure trip.

WILLIAM ANDERSON JACKSON, the great lecturer, will speak upon the subject of "Christ and Modern Society," in the Salt Lake Theatre, tonight.

THERE are messages at the Western Union Telegraph office for Burke O'Connor, Thomas Murphy, Miss Lucy A. Fritz, F. H. Campbell.

THE county clerk has issued marriage licenses to the following: G. H. T. Wells and Nellie Shoen, Albert L. Gladbetz and Celia Lindsay.

THE evening Attorney C. S. Glean was in upper Tooele Hall at the Judge's judge to make an argument in behalf of Adams, the names of twelve men prominent applied for the revocation of the liquor sprinkling tax.

IN the case of the Employes vs. A. C. Williams vs. L. S. Hardy, money on hand, reported locally in Monday's issue, the plaintiff's attorney has entered of yesterday afternoon, when the matter was submitted upon an agreed statement of facts, and taken under advisement.

A CRAZY dago was arrested at 5 o'clock this afternoon by officer Curran, in a state street saloon. An inventory of his personal effects was taken as follows: A large Judge's letter addressed to Adolfo Lanzer and a box of cartridges, 32-10 and a pocket knife. He was locked up in the city jail.

AT the Scandinavian Democratic meeting in the Social Hall last evening songs were rendered by Miss Hilda Johnson, A. Mack, M. Johnson and F. Adams, and speeches made by F. S. Richardson, C. M. Nelson, A. C. Sorensen and C. A. Carlquist. Young Schwed sang for a quartette, a solo by O. B. Peterson and a speech by P. Johnson.

THE decision has been received at the local land office in the Woodruff township case. The commissioner of the general land office holds that the jurisdiction heretofore exercised by resident judges in Idaho Territory was conferred by the Edmunds-Tucker act. The jurisdiction in such cases is now lodged in the district judges.

A MAN, for narrowly escaped being crushed to death beneath the wheels of a street car at the intersection of First south and State streets this morning. The lad undoubtedly owes his life to the vigilance of the motorman. The driver was guilty of extremely exposing the rails directly in front of a rapidly moving car should he stopped.

IN the case of Jerry M. Richardson, Jr., heard before Commissioner Norrell yesterday, the charge being assault with intent to kill, the facts were found, briefly, as follows: Defendant was convicted of a common assault only, and yesterday afternoon the commissioner fined him a fine of $1 and costs. The facts were reported in Monday's News.

THE courts of this morning furnish a variety of interesting reading. In Judge Anderson's court an appeal in the Ann Prindle prosecution was tried and Anna Prindle, a young woman who shot at Sadford Nasbonn, a West Temple street saloon-keeper last May, voluntarily surrendered herself for punishment, pleading guilty to an assault with a deadly weapon, which plea was accepted by the prosecution. She was sentenced to six months' imprisonment. Judge Powers made a lengthy and earnest appeal in her behalf. In Commissioner Norrell's court the case of John Smith, a deserter who is seeking his release from the penitentiary under the new Copper act, was given his last hearing, commissioner refused him to the governor.

IN the matter of the Board of Education vs. L. S. Hardy, mentioned in yesterday's News, in which the defendant asked Judge Zane for an order directing Mr. Hardy to show cause why he should not be held in contempt for not paying over to the board of education the money in his hands collected by or past due from assessments for the county for the special school tax levied in the various school districts included within the limits of this city, in the month of January, 1890, and in accordance with the assessment roll of the county for the year 1890, and that said money remain there subject to the direction of the court, and that upon the making of the deposit for the defendant be so discharged from all liability to any of the parties to the proceeding, with respect to the money so deposited by him, the court yesterday afternoon made the order asked.

A Farewell Party.

A farewell socialle will be given on Friday evening, by the Mutual Aid society of the Seventh ward, in honor of Elders W. C. Kelly and C. C. Thorn, who will leave shortly on a mission to Great Britain.

Following is the programme:

Opening Address ..... President Thomas Taylor
Recitation ..... Miss Ida Wakefield
Duet ..... Mrs. H. Wakefield and Mr. Wakefield
Solo ..... Miss Lucy Young
Recitation ..... Miss Lucy Young
Solo ..... Mr. Wakefield
Recitation ..... Miss Ida Wakefield
Quartette, Mesdames Young, Wakefield, Messrs. Young, Wakefield
Recitation ..... Miss Lucy Young
Solo ..... Mr. W. J. Kelly
Recitation ..... Miss Ida Wakefield
Quartette, Misses Fisher, Gunter, Jones, Kelly
Recitation ..... Miss Lucy Young
Duet ..... Mrs. H. Wakefield and Mr. W. J. Kelly
Recitation ..... Miss Ida Wakefield
Closing Address ..... President Kelly

The whole will conclude with a social dance.

Justice Jottings.

WM. HACKER was convicted before Justice Orn today on a charge of obstructing a fire hydrant. A fine of $10 was imposed.

J. R. Sullivan entered a plea of not guilty to a charge of assault and battery. He furnished a bond in the sum of $150 and was allowed his freedom until 4 p. m., when the case was to be tried.

John A. Jensen was arrested for fighting. He left a deposit of $10 with the desk sergeant and was allowed to go.

J. R. Berry is held to answer for a similar offense.

Wm. Bennett, a common drunk, was fined $10.

Two other inebriates were assessed in the sum of $5 each.

Taking No Chances.

(From Tooele Dispatch.)

"You are a pharmacist, sir you?"

"I am."

"Been in the business a number of years?"

"I have."

"Graduated?"

"Yes, sir."

"That is your diploma hanging over there?"

"It is."

"Well, you may give me a pound of horse."

SMITH IN A DILEMMA.

His Appeal to the Court Was of No Avail Whatever.

ACTION FOR MALICIOUS PROSECUTION.

Judges Zane and Anderson Were Kept Steadily at Work This Morning.

Warden Vandercook, having at his side a penitentiary escort named John Smith, and accompanied by United States Assistant District Attorney Stephens, went before Judge Anderson at ten o'clock this morning, in the Third District court. The reason of the visit was that Smith had a grievance which he was anxious to lay before the court, with a view of obtaining his speedy discharge from jail. The prisoner, who is about 35 years of age, is unpretentiously a very long character, as his previous history has shown, and his general appearance and demeanor are no recommendations in his favor. In February, 1890, he was sentenced, in the Third District Court, to ten years' imprisonment, for perjury, but he now claims that he is at present being unlawfully detained in the penitentiary. Upon this he was required to show cause why he should be set at liberty.

When the case was brought under the notice of Judge Anderson, his honor told the parties to go before Chief Justice Zane. They went forthwith, and Judge Zane requested them to take the matter before a United States commissioner. So he Commissioner Greenman's court they went repaired, and to that functionary Smith related his "case." He stated that he was kept in jail two and a half years awaiting trial, and that had he been allowed the benefit of the Copper act, sixteen of imprisonment would have expired. He had served, he claimed, sufficient time, and was entitled to the same time he was were allowed the benefit of the new Copper act, he should be released on a writ.

Commissioner Greenman listened to the act bearing on the case and read paragraph 5, section 5, Vol. 2, Compiled Laws of Utah, 1888, as follows: "For a violation of the rules the convict shall be liable to forfeit all of his reduction time for the month in which the infraction occurs. If the offense of offenses be aggravated or frequent, the warden or other officer in charge shall have power to punish the offender by depriving him of all or any portion of his reduction time earned previous to the commission of such offense or offenses. Provided, That any convict who may set himself aggrieved by the action of the warden or other officer in charge, in such cases, shall have the right to appeal, in writing, to the Governor of the Territory, which writing shall include a statement of facts and the evidence and reasons of the appellant for considering himself unjustly dealt with. Should the Governor, upon investigation, deem the complaint of the convict well grounded, he shall have power to credit back to the said convict the earned reduction time of which he has been deprived."

The commissioner then asked Smith if he had made an application to the Governor for his release.

The convict (who displayed great garrulity) replied that he had, but that either his petition had not reached the governor or he had not "recognized" it. He asserted that some informer had been used with the United States Marshal, who, he said, had no right to make him under the old Copper act.

It was stated by Mr. Stephens that the prisoner had written to Judge Zane as well as to the Governor, and that the present proceeding arose therefrom.

Warden Vandercook justified his action in detaining the prisoner, according to the statutes, and stated that he had produced his record of Smith's career since his incarceration. It was as follows:

Received at penitentiary September 4, 1890. Sent to Home Association May 20, 1891. Returned to penitentiary July 4, 1891. Escaped July 6, 1891. Returned July 7, 1891. Escaped July 26, 1891, sentenced by the Third District Court to one year in the penitentiary.

February 26, 1890, escaped while on the way to the penitentiary.

March 5, 1890, sentenced to the penitentiary, a reward of $100 having been paid for him.

November 4, 1889, his five days for fighting. October 17, 1889, idem.

June 19, 1888, assault a prisoner named Jones.

The counsel argued that inasmuch as he escaped from custody before he became subject to the rules of the penitentiary, he should not detract from his sentence.

United States Assistant District Attorney Stephens insisted that if Smith felt aggrieved he must appeal to the governor, and that the Third District court was the only course open to him.

Prisoner—When I stabbed that man in jail I was justified in what I did.

Mr. Stephens—Suppose I shot the commissioner, has no jurisdiction in this case. It was a matter to be determined only by the governor, who must not delegate the power to lay aside.

Commissioner Greenman—Exactly. I shall not take anything off of his sentence. I do not murder! I have the right to do so.

Smith looked very crestfallen on hearing this. A conference then ensued between Warden Vandercook, with the remark, "Come on, John, we'll talk to the governor" (this with a knowing smile), while the convict rose, his sentence, and he was soon on the way back to the penitentiary.

ATTACKING MALICIOUS PROSECUTION.

The case of John H. Taylor, plaintiff, vs. John W. Smith, defendant, came before Judge Anderson this morning.

The action was brought to recover from the defendant the sum of $1000 and costs, alleged to be due "for damages sustained by the plaintiff in his person, character and reputation by the malicious prosecution of the street and imprisonment for the period of twenty hours in the county jail of Salt Lake County, on January 16, 1890, by the defendant, at the instance, on the false charge of larceny, of which crime he was afterwards adjudged not guilty by Commissioner Norrell's court.

Col. M. N. Kelsey appeared for the plaintiff, and attorney S. H. Lewis for the defendant.

It was alleged against the plaintiff by Smith that he stole a pair of silver bottles, valued at $20, the property of the defendant. On the date named defendant swore a warrant was issued and was served, resulting in his (the plaintiff) being locked up in jail from 10:30 that night until 7 o'clock p. m. the following morning, when he was liberated on giving $1 for the same. Two days after he was tried on the charge, plaintiff contended, and was acquitted. Plaintiff claimed that in consequence of the defendant's malicious prosecution he was injured and disgraced in the eyes of the community.

On the part of the defendant it was admitted that the charge taken with the officer of larceny, nothing, however, then and subsequently and indeed, he stated, was in old and all malicious in the matter of without probable cause.

Nearly the witnesses examined were the plaintiff himself, Commissioner Norrell and Sheriff Dyer, and after the defense had closed, the jury retired to consider their verdict.

When they came back they handed in two which the jury handed in a sealed envelope, which it is understood will be opened and read tomorrow morning.

SECOND AMOUNT.

George Dexter was a resident of Tooele county, was admitted to citizenship, on the testimony of S. L. Sprague and Hyrum Cannon.

Suit was brought by E. L. Richards vs. W. A. Hills et al. was continued by consent.

Shower Consolidated Gold and Silver Mining Co. et al. vs. George Arthur Hayes et al. was tried and judgment for $237 and costs of suit as to defendant Hays, dismissed as to Wood.

Henry Anderson vs. Thomas Vernon, action for $1000 and time allowed to answer, by consent.

Wm. Douglas vs. Mark McGlinnon. Attorney Pierce for the plaintiff said he may declare for the defendant. A jury was waived and the case tried by the judge alone. The action was brought to recover sum of money loaned by plaintiff, and after evidence and arguments, was submitted to the court.

An oath verbe was issued for ten more petit jurors.

SECOND JUDGE ZANE.

A. G. Sutherland vs. Wm. Shower; on motion of Attorney Watson five days were granted in the amended answer.

Cordelia Clark vs. Irwin Hodgkins et al.; by consent of counsel this case was reset for November 12th.

Charles Paul et al. vs. John Mellon et al.; motion of plaintiff to grant—participating part and selling part.

George Thorgood vs. Charlotte E. Thorgood; on affidavit of defendant and at the request of her attorney (Mr. Gilbert) an order was granted to show cause, on Sept. 26th, for alimony heretofore ordered paid.

Arrived.

We are pleased to announce that President Joseph F. Smith arrived in this city last evening. His numerous friends will be glad to hear of his presence and of his freedom.

Probate Court.

The following business was transacted before Judge Barton today:

Estate of John L. Williams, deceased; order made fixing October 5th as time to hear petition for letters of administration.

Estate of Thomas C. Jones, deceased; decree of due and legal notice in creditors made.

Estate of George Butcher, deceased; hearing upon petition for distribution; same on. Charlotte Butcher sworn and examined. Decree of distribution as prayed for.

Estate of John N. Waldwell, deceased; order made fixing October 5th, 1891, to hear petition for letters of administration.

Estate of William S. Clays, deceased; continued to September 25, 1891.

Estate of John O. Carson, deceased; order made fixing September 29, 1891, to hear petition for sale of personal property.

Estate of James K. Johnston, deceased; hearing on mortgage claim of Hannibal O. Folsom in the amount of $500 and interest, was taken up without notice. John M. Leonard, first duly sworn, testified. Johnston died. Letters examined. John M. Leonard testified that he acted as agent for deceased in purchasing lots 1 and 2 of Cunningham's addition to the south half of block 5, plat C, Salt Lake City survey. Knew that there was a mortgage of $500 on said lots, and deceased agreed to take up the mortgage, give original note and mortgage, and give note due in his own name for $250. Deceased told witness that the written contract was made to assume said mortgage.

Fred Raymond testified that deceased told him that he (deceased) had bought said lots for $750, paying $250 cash and assuming mortgage of $500. Other made authenticating attorney to proofs of claim. Court in accordance with the testimony.

Hearing of sale of personal property came on. Proof of posting notice appeared. Sale was made to Thomas Raymond, sworn and examined. Isaac M. Wardell appointed attorney to represent other heirs. Case continued to Sept. 29, 1891.

Estate of Howard M. Tremblay, assigned; hearing upon petition; continued to September 29.

Estate of John Clinton, deceased; order made fixing November 4 as time to hear petition to compel conveyance of real estate by administrator.

Notice.

Manti Temple will close for Consecration Tuesday, Oct. 6th, and open for work on Thursday, October 8, 1891. A. H. LUND, President.

What Keeps Women Young.

A woman is happy just in proportion as she is modest, writes Edward W. Bok, in the September *Ladies' Home Journal*. Nature has a way of energizing the spots upon which it shines. Especially is this true of our land, where it is up, today and down tomorrow, and vice versa. The wheel woman is the who tends to a homeness, but never lets her be it. Tend down to the "Ladies' Home Journal" that will be delivered to you. There is a word of wisdom in every page of it. Subscribe for it. Subscribe now. Subscribe next month. Subscribe always. It is the best of all. It is always in season and it costs but a trifle