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TRUTH AND LIBERTY.

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FROM TUESDAY'S DAILY JAN 24, 1888.

### Probate Court.

Proceedings in the Salt Lake County Probate court yesterday:

In the matter of the estate of H. M. Mortensen, a minor; hearing on settlement of guardian's account postponed until January 24th, at 11 a.m.

In the matter of the estate of Thos. S. Powell, deceased; order made of publication of notice to creditors.

Estate of Silas F. James, deceased; same order.

The marriage certificate of J. J. H. Latimer and Ellen M. Grant has been filed with the clerk of the court.

### In for Sixteen Months.

The trial of James Marsh yesterday afternoon, for stealing chickens, resulted in a conviction.

His father, George Marsh, was placed on trial this morning and was also adjudged guilty.

Justice Pyper sentenced each of the defendants to six months in the county jail, and to pay a fine of \$200. As the fine will be worked out at the rate of \$1 per day, this will keep the defendants in custody a year and four months. For that length of time poultry raisers may feel reasonably secure in the possession of their property.

### The Church Suits.

In the matter of the application of the defense in the suits of the United States vs. The Corporation of the Church of Jesus Christ of Latter-day Saints and the Perpetual Emigration Fund Company, in the Territorial Supreme Court today, to have the case set for trial, Mr. Rawlins urged that it was important that the main issue in the cases should be decided as early as possible. There was no just reason why the plaintiff should insist on delaying it longer, as the question involved the jurisdiction of the court.

Mr. Rawlins was making an exhaustive argument in support of his application this afternoon. District Attorney Peters will follow and oppose the setting of the case for trial, and either Mr. Sheeks or Mr. Rawlins will reply.

### A Stranger Garrotted.

Latest Saturday two persons who are strangers in Ogden, met each other in a saloon. One of them, whose name is Charles Ricks, discovered that the other had a sum of money in his possession, and asked him to be his bed-fellow for the night. His companion, who was partly intoxicated, accepted, and was led to a shanty near the depot, where he prepared to sleep. Shortly after arriving at the place Ricks suddenly demanded the money which his companion had. The latter refused, and Ricks, seizing a stove-pipe, dealt him two heavy blows on the head, felling him to the floor. Ricks forced his hands into the pocket of the prone individual and, securing the money, departed in haste. The injured man got up and went to a hotel, where he stopped during the night, and on Sunday he informed the officers of what had occurred. The policemen made a thorough search for Ricks, but have as yet failed to find him.—Ogden Standard.

### Helping Themselves to Coal.

A dispatch dated Omaha, January 21st, says: "For the past forty-eight hours dispatches have been received

at the Missouri Pacific headquarters announcing the attacks made on the coal cars of the company by settlers along the line in the western part of the State, who were suffering for want of fuel. The terrible cold weather and the snow blockade have resulted in the burning up of every bit of coal in these localities and the farmers have been obliged to burn corn, hay, out-houses, and in some instances even household furniture, to keep from freezing. On the eighteenth, at Cozad, a freight train containing several cars of coal was stopped by 100 men who uncoupled two of these cars, threw the coal on the ground and afterward hauled it away. At Spelton last night a coal train was boarded and the coal thrown off in the same manner; as the train started up one of the men who was unloading the fuel was caught under the wheels and so badly crushed that he will probably die. Similar occurrences are reported from Gibbons and Kearney."

### Provo Politics.

A lively time was had in Provo yesterday at the People's primary meetings to elect delegates to the convention for the nomination of city officers. Our primary was held in each ward, and universally adopted prohibition resolutions somewhat like the following:

Resolved, That no one be nominated to any city office who is not in favor of prohibition, both in theory and in practice.

This caused lively discussions for and against. The utmost enthusiasm prevailed; the houses were crowded and the air of eastern politics prevailed.

The city is somewhat divided on the questions of license and prohibition, and party lines were drawn and each side fought to elect their nominees as hard as a Democratic or Republican convention would; but the prohibitionists prevailed, and we may now look for a city council and other officers strictly prohibitionists in theory and practice.

It is alleged that a number of the present incumbents partake too much of the beverage themselves, having information all the time of violations of the ordinance, and are not vigorous in the prosecution of liquor dealers.

There is a very slight sprinkling of snow at Provo, and through Utah County, but after getting into Salt Lake County, it is from two to three inches deep from last night's fall; a heavy rain prevails south.

The Nellie Boyl Company gave good satisfaction in Provo last night, and had a good house.

The church-going people were highly edified on Sunday by Elders John Morgan and George Goddard, in Provo, looking after Sunday school interests.

Provo is nearly flooded by the recent thaw; pools and streams of water being seen in every direction yesterday.

### THE RECEIVER.

He is Making an Effort to Get More Property.

In the Territorial Supreme Court this afternoon, P. L. Williams, attorney for Receiver Dyer, filed an application, setting forth that certain property was held by Bishop John R. Winder; that the Receiver claimed it to be the property of the Church of Jesus Christ of Latter-day Saints; that Bishop Winder stated it belonged to private individuals, and refused to surrender it to the Receiver. Upon this showing, the Receiver asked that the Court issue an order directing Bishop Winder to turn that property over to him. It consists of the office fixtures, books, furniture, safes, etc., belonging to the Presiding Bishop and in use in his office in Salt Lake City.

Mr. Williams wanted to serve notice on the attorneys for the defense to show cause why the order applied for should not be made, as they were in court.

Messrs. Sheeks & Rawlins declined to accept such notice, as it was improper so far as they were concerned. Mr. Williams demanded to know whether or not Messrs. Sheeks & Rawlins appeared for the defendants in the case.

Mr. Rawlins declined to state; they were counsel in the main case, but could not say as to any collateral issue.

Mr. Sheeks said they did not appear in the manner in which the suit by the Receiver was brought. It was apparent that the counsel for the Receiver wanted to obtain some undue advantage.

Mr. Williams wanted the record to show that counsel for the defense in the main case were in court.

Mr. Sheeks said such an entry was absurd and unnecessary.

Mr. Williams insisted that verbal notice to the counsel for the defendants in the case of the United States vs. The Church of Jesus Christ of Latter-day Saints was sufficient, when the

attorneys were present in court at the time it was given.

After some consultation the court decided, by Chief Justice Zane, that the motion made by Mr. Williams should be granted.

[FROM WEDNESDAY'S DAILY, JAN. 25.]

### Died Suddenly.

A correspondent apprises us of the fact that, on the 14th inst., John Lawson, an aged resident of New Harmony, Washington County, died suddenly, and that an inquest was held, resulting in a verdict of death from old age and general debility.

### Bad Mail Service.

"A subscriber," writing from Heber City on the 22d inst., enters an emphatic protest against what he alleges to be the shortcomings of the present mail service to that point. Salt Lake papers are from one to three days out of date in reaching subscribers there, though it is the presumption that a daily mail runs to Heber City.

### Excursion Rates to Utah.

The Union Pacific office in this city announces that special excursion rates will be given the coming summer from eastern points. The rates agreed upon are as follows:

From Council Bluffs, Omaha, St. Joseph, Leavenworth and Kansas City to all points in Utah, from Spanish Fork to Ogden, and return, \$17.50 for the round trip. Parties can come westward over the Union Pacific and return by that route, or go by the D. & R. G. W., the D. & R. G., and either the Union Pacific, Burlington & Missouri or Santa Fe route; or they can come west by either of these routes and return as they may choose. Tickets will be good traveling westward for 15 days, and eastward 10 days, the extreme limit being 90 days. These rates will go into effect on March 31, 1888, and continue in force during the entire year.

The Colorado to Utah excursion rate is placed at \$5 for the round trip. Tickets are good from all common points on the railways in Colorado to common points in Utah, and cover a period of 30 days, with stop over privileges en route both ways. This is a summer rate and goes into effect May 1, continuing till October 31, 1888.

### THE LEGISLATURE.

#### COUNCIL.

Council Chamber, Jan. 24, 1888. Proceedings commenced promptly at 2 p.m.

Communications were received from E. H. Anderson and A. D. Holdaway.

The president drew attention to an invitation from the Orphans' Home and Day Nursery, inviting the Council to visit the institution.

Young moved that the invitation be accepted and the time set for 3 p.m., as the House would go at that hour. Carried.

The Council was notified of the message by the House of H. F. 13, providing for ball in certain cases.

A bill for an act regulating the mode of procedure in criminal cases in justice's courts, was read and referred to the committee on judiciary.

H. F. 15, a bill to amend the law relating to rape, making the age of consent 13 years, was, on motion of Marshall, passed by the Council.

House concurrent resolution No. 11, providing that bills referred to by the clerk shall, in addition to the number, be made more intelligible by also giving the subject of the bill, was concurred in by the Council.

House concurrent resolution No. 12, providing that certain bills, etc., shall be printed, was, after some discussion by Bryan, Marshall and Smoot, rejected, for the reason that it was considered too arbitrary, as many bills do not require printing.

A petition was read from Mary A. Wilcken, widow of the late August Wilcken, former chaplain of the Council, praying for relief, on the ground that he faithfully performed his duties with the understanding that he should receive compensation at the rate of four dollars per day, the amount customary in such cases, and the amount actually paid during the same session to the chaplain of the House for his services, whereas Mr. Wilcken only received compensation at the rate of \$1.50 per diem—the amount allowed by Congress—the balance of the \$4 per day being usually made up by appropriation of the territorial legislation.

On motion of Marshall, the petition was referred to the committee on appropriation.

The report of the judiciary committee on C. F. No. 4, a bill providing for the exemption of mutual benefit building societies from taxation, was read; praises the spirit of such legislation, but for fear of setting a precedent for similar legislation in numerous other cases, recommended that it be rejected.

On motion of Carlisle the report of

the committee was adopted and the bill rejected.

Smoot presented a report from the committee on asylum, making Friday the 25th inst., at 7 a.m., the time for leaving this city for inspecting the Asylum.

The report was adopted. Olsen presented C. F. 12, a bill providing for an act amending an act incorporating the city of Richmond, Cache County. Referred to committee on municipal corporations.

C. F. 13, a bill in relation to supreme and district courts, was read by title and referred to the committee on judiciary.

C. F. 9, a bill in relation to county records, was read and after a lively discussion and several amendments, was passed.

#### HOUSE.

January 23.

Following is the business transacted in the House on Monday, after we went to press:

Thurman introduced a concurrent resolution, requiring that committees, in reporting upon a bill, etc., be required to refer intelligently to the title or subject of the same, so that the journals will be an intelligible record of the work of the Assembly. Adopted.

The bill in relation to stealing rides on railroads was commenced to be read the second time by sections, when the chair recommended that it be printed before further consideration.

On motion of Allen the bill was ordered printed.

H. F. 15, Moyle's bill, in relation to the age of consent with reference to rape, passed its second reading and, the rules being suspended, was read the third time, and put upon its passage. Ayes 21; noes none; absent 2.

Clark's bill was read the third time, and put upon its passage. Ayes 20; noes 1; absent 2. Allen was the solitary no.

Richards read the rule relating to what must be specified in the title of the pending one, to cause it to better express the subject matter of the bill. The amendment was adopted.

Moyle then moved to amend the title of the bill just passed in relation to rape, in a similar manner. Carried.

Allen offered a resolution to have bills printed on which any committee should report favorably.

Hoge moved to amend so that bills on which a minority report should be rendered be printed. Carried.

Pending consideration of an amendment by Richards, Thurman offered a substitute for the resolution, in the form of a concurrent resolution, instructing committees to have printed all bills favorably reported, or upon which there may be a minority report.

Allen opposed Thurman's substitute, as giving the Council power to prevent the House from having done printing necessary to its convenience. He thought the House ought to retain the right to have done any printing it might find necessary.

Thurman urged that expenditures of public funds should be by concurrent action of both houses. His substitute was adopted.

The chair stated that a number of communications, acknowledging the courtesy of the House had been received.

Richards moved that the names of the writers only be read. Carried.

The Rocky Mountain Bell Telephone Co. offered the use of a set of instruments to the Assembly. Accepted, though Hoge objected.

An invitation to visit the Josiah Asylum next Friday was read from Hon. W. N. Dusenbury, whose communication, written in the name of the directors, stated that a special U. C. train would be provided.

The invitation was accepted, and after discussing the hour, the matter was referred to the committee on navigation for conference with the Council committee.

January 24, 1888

After the opening exercises, Mr. Lund was excused.

A communication from the auditor was read, accompanied by some reports of county clerks. The auditor recommends a law further defining what information these reports shall give. Referred to the committee on counties.

Another communication from the auditor expressed thanks for the courtesy of the freedom of the House. The report of C.ancellor O. F. Whitney, of the University of Deseret, was read. It sketches the history and struggles of the institution, and cites examples from history of the value of universities. The report is accompanied by one from the President of the University, and other documents, showing its financial condition, etc. It recommends the establishment of a department having industrial features, and calls favorable attention to the recommendations of the President relative to a school of mines.

The indebtedness of the buildings is over \$48,000, and about \$30,000 will be required to finish them. An appropriation to cover these amounts is recommended. Referred to the committee on education.

A communication from the Council announced its passage without amend-

ment of the bill fixing the age of consent in reference to rape at thirty years. The bill was referred for enrollment.

Thurman introduced a bill to amend the present law in relation to appeals from justice's courts in civil cases. Referred to the judiciary committee.

Richards introduced a bill to prevent the sale or giving away of intoxicating liquors on any election day, except that for school trustees. Referred to committee on judiciary.

Hatch introduced a bill prohibiting the sale of intoxicating liquors where the people vote in favor of prohibition. This measure is, in some respects, similar to King's local option bill, introduced yesterday, and was referred to the same committee, that on elections. It provides for prohibition in municipalities, wards or precincts, on a majority vote in favor thereof, and was drawn and introduced at the instance of the Woman's Christian Temperance Union.

Clark, chairman of the appropriations committee, introduced a bill making appropriations for general purposes, remarking that it was, in part, the bill which failed two years ago. It is a committee measure.

Thurman presented a report from the judiciary committee, recommending the passage of the bill relative to procedure in criminal cases in justice's courts and appeals in such cases, as amended by the committee.

Richards moved that this bill be printed as amended by the committee.

Thurman thought the House had better hear the amendments before having the bill printed. Richards' motion was carried.

A communication from the Council announced concurrence in the House resolution regarding what committee reports shall contain in reference to their subjects, and non-concurrence in the House resolution relative to having bills printed.

The appropriation bill was read by title, and ordered printed.

On motion of Moyle the House adjourned at 3:10, to go to the Orphan's Home and Day Nursery.

### Sanpete Bits.

Twenty-eight below zero is reported from Fairview.

It has been as low as 31 degrees below zero in Epuraim.

It is said that large numbers of stock are dead on the bottoms.

Wheat straw has run up to \$1.25 per load since the cold snap.

The snow lies one and a half feet deep on the level at Fairview.

Joe Brattwaite, who was so badly frozen, is doing quite well.

Mails were brought in from the train to Muro in 45 days this week.

In one herd of sheep at Warm Creek, 800 head were reported frozen last week.

There seems to be a fearful amount of mortality among the young people of Manti recently.

Dr. W. H. St. John, of Manti, has had 36 cases of fever, mostly typhoid, the last two months.

Mr. Hans Densen's feet, which were so badly frozen, are improving nicely and the doctor thinks he can save both.

Four new cases of diphtheria are reported at Fountain Green. The schools have been stopped and all public gatherings discontinued for the present.

Mr. John Mackay, of Manti, broke a blood vessel on Saturday by a very lifting. On Saturday night he lost two quarts of blood. Dr. W. H. St. John was called and Mr. M. is now recovering.

A boy in Manti put his tongue to the wagon tayer, the other day, to ascertain how it felt. His tongue stuck there until his mother came out and cut it loose.

On account of the uncertain condition of the railroad during the present blockades, Mr. Baker, our present stage contractor, has contracted to bring the mail from Nephi.

One of the Moffat boys, of Manti, went to Chester a week ago, and started at five o'clock in the morning. He was well clothed, and had his head and ears well covered, and his feet exposed to frost out his nose and chin. Both these members were badly frozen, however.

Dr. W. H. St. John says that while returning from Salina on Friday last, his feet, and also the feet of the driver of the vehicle, commenced to freeze and they were compelled to pull off their shoes and stockings and run in the snow—which was two feet deep—for some distance to start the circulation in their limbs. The remedy was successful.—Manti Sentinel.

—At Los Angeles, Jan. 8, the dead body of Bob Turnbull, a notorious character who has often figured in the police court, was found in the river bed near the Aliso Street bridge. The corpse was dressed only in a shirt and drawers. It bore no marks of violence. The coroner will investigate the case tomorrow. The deceased is supposed to have had some means. He was last seen alive last evening.