DESERET EVENING NEWS.
Monday, March 20, 1893.

FRAGMENTS.

SUNDAY school union meeting tonight.

THE Norden Military company have postponed their masquerade ball until March 31st.

THE Ninth quorum of 15Iers will meet in the Eleventh ward meeting house tonight at 7:30.

Two precincts have yet to be heard from before the County Court can proceed with the counting of votes recorded at the recent bond election.

ROBERT E. L. BANTA, the phrenologist, will lecture at the First M. E. church, on Third South street, tonight and tomorrow night. The lecture begins at 8 o'clock.

ONLY one order was made in the Probate court this morning. It was in the matter of the estate of Cornelius Sullivan, deceased. The bond of administratrix in the sum of $100 was approved.

A CONCERT will be given in the Fourteenth ward assembly room on Thursday evening by the Scandinavian choir assisted by the Home Circle orchestra and the Norden brass band.

AN able bodied idler named William Smith, was sent to the city jail this morning for twenty days for vagrancy. Justice Geo pronounced sentence upon him.

LITTLE Willie Noble, who fell down their stores in the opera house block at Ogden on Friday, is rapidly recovering from the effect of his terrible accident, and the injuries sustained will not prove fatal.

H. M. JARVIS, of the Bear River Canal company, says the plans for the removal of the southern colony of settlers to the land of the company near Corinne are nearly perfected and the movement will commence early in the spring.

CITY TREASURER DYER did not appear at his office at the City Hall this morning as usual. Inquiry elicited the fact that he was ill at his home being threatened with an attack of typhoid fever.

LOUIS Pietroni, a quarrelsome Italian, was mulcted in the sum of $20 by Justice Geo this morning, for assault and battery. S. Dart, also a native of sunny Italy, was held amenable to the law for indulging in a similar pastime. He escaped with a fine of $10.

THE Mystery club will give a benefit entertainment at the Grand Army hall for the George R. Maxwell Post, No. 5, on Wednesday evening, the 22nd inst. It will consist of singing and dancing and a series of fine tableaux among which will be Patrick Henry, Rock of Ages, Justice, Uncle Sam at Hawaii, America, Plantation Scenes. The whole will conclude with a ball.

AMUSEMENTS.

THE DESERET MINSTRELS.—Seats are now selling for the Deseret Minstrels who play Wednesday and Thursday at the Theater.

E. H. SOTHERN in Captain Letterblair is the next attraction at the Theater after the Minstrels.

WARDE AND JAMES.—Advance manager, Mr. Brower, is in town, arranging for the appearance of the stars here during the first week in April. Their repertoire will be Julius Cæsar, Francesca da Rimini and Othello. In the first play Warde does Marc Antony and James Brutus, Mr. Herman assuming the part of Cassius. In Francesca Warde plays Barrett's old character of Lanciotto and James does his great part of the Jester. In Othello James plays the Moor and Ward Iago.

TO THE LATTER-DAY SAINTS

In the Salt Lake Stake of Zion.

Dear Brethren and Sisters:

In accordance with the instructions of the First Presidency of the Church, we hereby invite all the Latter-day Saints in the Salt Lake Stake of Zion to assemble in the meeting houses of their respective wards, on Saturday, March 25th, 1893, and there humble themselves before the Lord in fasting and prayer, confessing their faults to each other and seeking with all their hearts for the union and harmony of feeling which should prevail among saints of God. The members of the High Council as well as the Presidency of the Stake, and all who bear any authority in the Holy Priesthood, should meet with the people in the wards to which they belong and take part in the proceedings. If there are any differences among them they should be settled fully and amicably before that date. If a brother or sister has ought against either of the undersigned, we earnestly invite reconciliation, and each of us will be ready to make satisfaction to any and all persons who may have a grievance against us. We commend the address of the First Presidency, published in the DESERET EVENING NEWS of March 18, to the close and earnest consideration of the Saints in this Stake and hope that through genuine repentance of all sin, forgiveness of each other's trespasses, heartfelt union, brotherly love and charity, we may all be prepared to enter the House of the Lord at its dedication and receive the blessings He may have in store for the faithful of His people.

Your brethren in the Gospel,

ANGUS M. CANNON,
JOSEPH E. TAYLOR,
CHAS. W. PENROSE,
Presidency of the Stake.

SALT LAKE CITY, March 20th, 1893.

High Council.

A special meeting of the High Council of the Salt Lake Stake of Zion will be held on Wednesday, March 22nd, 1893, at 7:30 p. m. Members of the Council and brethren having business to present before them are requested to take note of this.

JAMES D. STIRLING, Clerk.

Home Again.

This morning a party of returned missionaries arrived from Europe, having left Liverpool on the 8th inst., on the Majestic. They had a pleasant voyage, all returning in good health. The party consists of Elders John Moon, Timothy Janes, Rodney Hilam, Jr., J. A. Anderson, A. Anderson, T. Gyllensky, F. Lundberg, Adolf Madsen, Job Mesaros, Samuel R. Robinson, John Swenson and J. J. Ward. Theodore Farley came with the company as far as Denver, but left there for his home in Arizona.

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SUPREME COURT DOINGS.

One Short Opinion Handed Down at This Morning's Session.

APPEAL IS A CASE OF TRESPASS.

Something About the Registration Lists of Weber County.—Miscellaneous Business.

The Territorial Supreme court convened again this morning, all the judges occupying seats on the bench at the opening of the session, namely, Chief Justice Zane and Associate Justices Blackburn, Miner and Bartch.

BLACKBURN SURTAINED.

Chief Justice Zane rendered the opinion of the court in the case of the United States vs. Josiah Creagle, an appeal from Judge Blackburn's court, where the defendant (now appellant) was convicted of adultery. A motion for a new trial was overruled and hence the appeal, as well as from the judgment on the verdict. The court charges the jury orally, and the charge not having been taken down by a shorthand reporter, the defendant assigned the contention as an error. The last clause of section 3 of the compiled laws of Utah, 1888, says: "If the charge be not given in writing, it must be taken down by the stenographic reporter." It appeared from the record that the defendant and his counsel were present when the charge was given, and it did not seem that the attention of the court was called to the omission now complained of, or that any objection was made or exception taken. It did appear, however, that the defendant's counsel first called the attention of the court to the fact that the charge had not been taken down, two or three days after the trial, upon the motion for a new trial. If objection had been made (the opinion went on) to the oversight when it occurred, the court would have reduced the charge to writing, or would have ordered it taken down by the stenographic reporter. After referring to the cases of Gibson vs. State, 7 Southern Reporter, 570, and Alexander vs. the United States, 138, U. S. 353, this court pointed out that the failure of the lower court to require the reporter to take down the charge was undoubtedly an oversight, and relating as it did to matter of form and the defendant and his counsel being present, their honors regarded the defendant's right to insist upon the error as waived by the failure of his counsel to object until after the verdict was returned.

Therefore the judgment of the court below was affirmed.

Judge Bartch concurred.

ABOUT A TRESPASS.

The first case argued by counsel was that of Walt Marks and Anna Marks, his wife, plaintiffs and respondents, vs. Wm. H. Culmer, Albert G. Sutherland, John T. Sullivan, Daniel S. Dana, Delos Lombard, Harvey K. Tompkins, and Belle Tompkins, his wife, defendants and appellants.

Judge Sutherland and C. S. Varian appeared for the plaintiffs; Messrs. Evans and King represented the defendants.

This was an action for trespass, quare clausum, brought in the First District court at Provo, by the plaintiffs, against all the defendants named, as joint wrong doers. The case was tried before Judge Judd in December, 1889, and a verdict and judgment rendered against all the defendants, for the sum of $2500, except Dana and Lombard, who were discharged by the court pending the trial, and Sullivan, who was acquitted by the jury. The remaining defendants appealed to the Territorial Supreme court, which body reversed the judgment of the court below, and ordered a new trial. In April, 1891, the defendants Culmer, Harvey K. and Belle Tompkins, and Sutherland, offered to file a supplemental answer, containing a plea in bar, for the reason that Sullivan had been acquitted, which offer was disallowed by the court. Afterwards, on April 15th, 1892, the same case was re-tried before Judge Blackburn, pending which trial the defendant Sutherland was discharged on motion of the plaintiffs and a verdict and judgment rendered against Culmer, Harvey K. and Belle Tompkins, for the sum of $3500, from which W. H. Culmer now appealed. The principal point now relied upon by the appellant was that the court below erred in refusing to allow the filing of the supplemental answer, that this should have been admitted, inasmuch as it stated a complete defense arising since the commencement of the action.

After a lengthy argument the matter was submitted and taken under advisement.

A WEBER COUNTY DISPUTE.

The next case on the list, and which came up this afternoon, was that of Joseph P. Ledwidge, county clerk and clerk of the Probate court of Weber county, plaintiff, vs. George H. Matson, county registration officer of Weber county, and F. G. Chapin, C. P. Harriman, George L. Corey, Jr., A. I. Stone and H. M. Durbrow, deputy registrars, defendants.

Plaintiff and respondent, contends that the defendants and appellants, by virtue of the offices held by them, because specially enjoined, as a duty resulting from such offices, to return and file with the petitioner on or before the second Monday of October, 1891, the affidavits and registration lists made by them in registering the voters in the county above named, and especially the five precincts of Ogden city. The registration officer, following the instructions issued by the Utah Commission, say that the law requires them to file the oaths immediately after the next election day with the clerk of the Probate Court of Weber county; that it is enjoined on them by law to hear objections to the right to vote of any person registered up to sunset of the fifth day preceding the next day of election, and that it was necessary to have the oaths and affidavits in order to intelligibly pass upon such objections, and also to correct any clerical error that may have occurred by transcribing or otherwise. On the pleadings the lower court ordered the peremptory writ of mandate to issue, and appellant now insists that section nine of the Edmunds bill suspended those portions of the act of 1878 of Utah, upon which the respondent's case rested.

THE DATES NAMED.

The case of Hoe vs. Whitside was set for hearing on the 29th inst.

The appeal in the case of Daniel Hansen, appellant, vs. the First National Bank of Ogden (Judge Miner's court) was set for hearing on the 29th inst.

COURT NOTES.

McNary vs. Hammond. In this suit, entered several days ago in the Third district court, Attorney Talbot filed an amendment to the original complaint. The action is brought to set aside a tax deed.

In the suit of George Allgood vs. Klambeck and Parsons, a claim for $293, and Joseph Varey, against the same parties, for $100, the bondsmen of W. H. Jay, have paid the amounts demanded. The board of education had been garnisheed in both these cases. The name of C. H. Dawes has previously been mentioned in the columns of the NEWS, that individual having been accused by Dr. Cornwright, of Grantsville, of having impersonated an officer and collected by unlawful means the sum of $300 from the doctor himself. On Saturday afternoon the defendant went before Commissioner Martin, waived examination, and was held in a bond of $500 to await the grand jury's action.

Wonderland.

A very attractive bill will be presented for the week commencing Tuesday, March 23rd.

A varied and first-class list of attractions, including Moss, Natalie and his performing pigs, Smith and Fuller, musical artists, John Hollingsworth, black and white artist, Whisper and Madeline, sketch duo, and Mr. Edwin Latell in his musical specialty act, will entertain the audiences on the Bijou stage.

In the theaterium the stock company will give a grand production of the drama, The Galley Slave, Wednesday, March 29th, the souvenir day, will be observed by presenting a beautiful sugar shell to each lady attending.

A MAGNIFICENT DISPLAY.

Z. C. M. I. Delights Spring Opening Inaugurated This Morning.

Z. C. M. I. surprised its customers this morning when it threw its doors open upon one of the largest and most magnificent displays of dry goods and millinery ever seen in this city.

It was the institution's formal bow to its patrons announcing its spring opening. The great building was decorated and draped in costly and unique patterns of dress goods of the latest styles. The spacious promenade which separates one side of the department from the other was almost walled in with artistically arranged columns of silks, satins and spring materials of every kind, shade and color. The millinery department was a scene of exquisite beauty. Potted plants in full bloom, evergreens in pretty groups and nestling show cases raised the whole to present a scene of Oriental magnificence.

Pennsylvania Conference.

The Pennsylvania conference was held March 10, 11 and 12, in the I. O. O. F. hall, Littleton, W. Va. There were present the following Elders: Joseph H. Dean, President of the Conference, Albert U. Miner, Daniel H. Jacobs, Thomas Houston, Oscar Robinson, Heber J. Meeks, Orson Whitaker, John Q. Critchlow, Wm. J. Henderson, Brigham Ricks and Myron S. Roundy, also four new Elders late from Zion: Wilford Reeder of Brigham City, Daniel Lambert of Kansas, and Lorenzo Durfee of Alma, Idaho, and Joseph E. Williams of Spanish Fork.

Elder Charles W. Stayner sent a letter to the conference expressing his regrets of not being able to attend, which contained some valuable instructions to both Saints and Elders.

The meetings were well attended and the Spirit of God was enjoyed to a great extent by all present, the time being well occupied by the different Elders. The first principles of the Gospel were taken up and spoken upon in a very intelligent manner and the citizens of Littleton enjoyed a feast of religious truths such as they had never had before.

The prejudice which existed in this country a few years ago, when the Elders first came here, has begun to disappear and the people are finding out that the Mormon Elders are here to teach them the principles of the Gospel and bring them to a knowledge of the truth and for no other purpose. The consequence is, quite a number are investigating the Gospel. It was thought for a while that this field would soon be closed up, but through the diligent labors of the Elders in this locality it is in a better condition now than it ever has been in the past, and the Pennsylvania conference in general is in a flourishing condition and new fields are being opened up in different parts of the state.

At the preachers' meeting which convened on Saturday morning the following business was transacted. The general authorities of the Church and Elder Charles W. Stayner as president of the Northern States mission; Albert U. Miner as president and treasurer and John Q. Critchlow as clerk of the Pennsylvania conference, were presented and sustained.

Elder Joseph H. Dean and Daniel H. J. Jacobs were honorably released to return home, after having fulfilled faithful missions. Elder Dean preaching his farewell sermon on Sunday evening to one of the largest congregations ever assembled in Littleton.

The Elders were assigned their fields of labor as follows:

Elder A. W. Miner to preside over the Sugar Grove branch, with P. O. address, Littleton, Wetzel county, West Virginia.

John Q. Critchlow and Joseph E. Winters, Butler county, Pennsylvania; P. O. address Bloomfield.

Orson Whitaker and Lorenzo Durfee, Franklin county, Pennsylvania; P. O. address Spring.

Brigham Ricks and Oscar Robinson, Wetzel county, West Virginia; P. O. address Littleton.

Thomas Houston and Myron S. Roundy, Taylor county, West Virginia; P. O. address Grafton.

William J. Henderson and Daniel Lambert, Doddridge county, West Virginia; P. O. address West Union.

Heber J. Meeks and Wilford Reeder, Calhoun county, West Virginia; P. O. address Grantsville.

JOHN Q. CRITCHLOW,
Clerk of Conference.

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WITHIN OUR GATES.

Prof. J. W. Sanborn, the gentleman who looks after the well being of the Agricultural College at Logan and those who attend it, and does it well, is one of us for a short time.

* * *

Thomas Blythe, all the way from Evanston, Wyoming, drifted in and found considerable quarrels at the Knutsford. Wind at times he engages in merrymaking and seems to be doing well with it, while it does likewise with him.

* * *

Allie Barlet, one of the "Pooles" but of recent times a mining operator with an interest promising to bring heavy returns in Dry canyon, is moving around our snow-bedecked avenues and will again be him of the mountainous haunts in a few days.

* * *

John Morton, Jr., of New York; Henry H. Jacobson, of New York; V. E. Winchell, the well known traveling man of Chicago; Ed. M. Lyon, traveling agent for Whitney, Fuller & Co., of Sacramento, and Ed. M. Lyon of the same place, are holding forth for the same at the Cullen.

* * *

C. Sam Nicholas has returned from a trip to Chicago particularly and Illinois generally. He left here in January but may has been gone all of the intervening time, and claims that many more Illinoisans are interested in Salt Lake realty than before he got there, all of which is acceptable information. He is looking as well as of yore.

HOTEL ARRIVALS

THE CULLEN—Harry Morgan, William Trainor, Sacramento; J. Dennis, Denver; J. O. Harrison, Sacramento; J. W. Wilson, Denver; Geo. Ward, Denver; Geo. Ward, Denver; Geo. Ward