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CHARLES W. PENROSE, EDITOR.

Thursday, August 11, 1892

THE KESLER CASE.

THE censured City Justice under advice from Rico Powers is fighting the City Council in the courts. By this he will at least gain delay and delay means the emoluments of office for as long as the delay lasts. This of course is quite shrewd in a small way and just the kind of tactics that might be expected from the persons who have adopted them. But the respect of the public for either of them will not be thereby materially increased.

A petition for an order of prohibition against the City Council, to prevent their substitution of Justice Geo. Q. Kesler's place as Police Justice was filed on Wednesday and a temporary writ was issued and copies served upon the Councilmen. Following is the document. As it contains all the allegations in the petition we only reproduce the writ:

Territory of Utah, Third Judicial District Court.

The People of the Territory of Utah, send greeting:

To the City Council of Salt Lake City and to C. F. Loofbourow, John L. Lawson, C. E. Wantland, J. A. Hess, S. C. Ewing, H. P. Evans, E. A. Folland, E. E. Rich, O. H. Hardy, C. M. Bell, F. J. Moran, F. G. Horn, A. L. Simonds, L. C. Kerrick and M. H. Beardsley, members of the City Council of Salt Lake City:

Whereas, Fred Kesler, Jr., of Salt Lake City, Salt Lake County, and Territory of Utah, lately in our court, before the judge thereof, came and gave to the court to understand and be informed, that he, the said Fred Kesler, Jr., is a citizen resident and voter of said Salt Lake City, that he is a duly elected and qualified Justice of the Peace of said city; that in accordance with the laws of Utah Territory, the City Council for Salt Lake City on the 5th day of April, A. D. 1892, duly appointed him the said Fred Kesler, Jr., to the office of City Justice of the Peace for Salt Lake City, and issued to him the said Fred Kesler Jr., its commission as such City Justice of the Peace; that he the said Fred Kesler, Jr., thereby became and was entitled to hold said office and to enjoy and receive the salary of said office for the period of two years from and after the date of his appointment to said office as aforesaid by said City Council of Salt Lake City; that on the ninth day of August, A. D. 1892, at a regular meeting of said City Council for Salt Lake City, the following resolution was introduced into said Council, to wit:

Resolved, that W. W. Ray, Justice of the Peace for the Fifth Precinct is hereby removed Police Judge until further notice, and that the City Marshal and Chief of Police are hereby empowered to bring parties arrested for violation of the city ordinances before said Ray at his office in the City Hall for trial.

Further, that the City Auditor is hereby instructed not to pay Fred Kesler, Jr., any salary or money for acting as Police Judge after the adoption of this resolution, and that the said Kesler is hereby instructed to vacate the office he has occupied in the City Hall.

J. A. Hess,
C. F. Loofbourow,
C. E. Wantland,
S. C. Ewing,
A. L. Simonds.

That the persons signing said resolution are members of said City Council; that the effect of the adoption of said resolution will be to remove him, the said Fred Kesler, Jr., from his said office; that it will prevent him from receiving, as he rightfully should, the salary appertaining thereto, and prevent him from enjoying the honors and performing the duties of said office; that said City Council has never formulated or presented any charges against him, the said Fred Kesler, Jr.; that it has never served or caused to be served on him any notice of citation to appear before said City Council and answer any charges; that said City Council has refused and does refuse to allow him to appear in his own defense; that it refuses to allow him to appear by counsel; that it claims the right to remove him the said Fred Kesler, Jr., from his said office without any charges against him made and without any cause therefor shown or served and without any hearing had whatsoever; that at said meeting of said City Council held and held on the 9th day of August, 1892, he, the said Fred Kesler, Jr., appeared by his counsel, O. W. Powers, and protested against said City Council taking any action in the matter referred to, notwithstanding which said protest, said City Council proceeded to consider said matter and is proceeding and will, unless prohibited by this court, proceed to adopt said resolution; as he, the said Fred Kesler, Jr., verily believes, and will thereby from his said office and prevent him from enjoying its salary and performing its duties; that the proceedings of said City Council in the premises are without and in excess of the jurisdiction of said City Council; that the said Fred Kesler, Jr., has no other adequate legal remedy and cannot have adequate legal relief without the aid of the writ of prohibition.

Nevertheless, you, the City Council of Salt Lake City, and you, the said C. F. Loofbourow, Jno. L. Lawson, C. E. Wantland, J. A. Hess, S. C. Ewing, H. P. Evans, E. A. Folland, E. E. Rich, O. H. Hardy, C. M. Bell, F. J. Moran, F. G. Horn, A. L. Simonds, L. C. Kerrick and M. H. Beardsley, members of the City Council of Salt Lake City, well-knowing the premises, you receiving the said Fred Kesler, Jr., unjustly to aggrieve and oppress, have proceeded and are proceeding to adopt said resolution, without cause shown and without hearing had and thus to oust him from his said office, in contempt of this court, and against the laws and customs of our said Territory, and to the manifest damage and grievance of him, said Fred Kesler, Jr.;

Wherefore, the said Kesler, Jr., hath prayed relief, and the writ of prohibition, we therefore do prohibit and firmly enjoin you and each of you that you do absolutely desist and refrain from any further proceedings in the premises until the further order of this court, and that you show cause on the second day of September, A. D. 1892, at 10 o'clock a.m. of said day, why you should not be absolutely restrained from any further proceedings in the premises.

Witness the Hon. F. J. Anderson, Judge, and seal of the district court of the Third Judicial District in and for the Territory of Utah, this 10th day of August, A.D. 1892.

(Seal.) HENRY G. McMILLAN, Clerk.
Per C. D. Lewis, Deputy Clerk.

TERRITORY OF UTAH, } ss.
County of Salt Lake. }

I, Henry G. McMillan, Clerk of the Third Judicial District Court of Utah Territory, do hereby certify that the foregoing is a full, true and correct copy of the original alternative writ of prohibition ordered by the court in the action therein entitled, filed in my office.

Witness my hand and the seal (Seal.) of said court, at Salt Lake City, this 10th day of August, A.D. 1892.

HENRY G. McMILLAN, Clerk.
Per Geo. D. Lewis, Deputy Clerk.

By this movement Kesler secures his place and pay for a few weeks longer. Powers' legal maneuvers postpone eviction still further. But the event is inevitable and cannot be put off very long if the Council takes the proper course and is ably represented before the court.

The position from which the Council desires to remove Kesler is simply a place to which he has been "designated." It is not the office of Justice of the Peace to which he was elected last February, but a post to which he was assigned by resolution of the Council in April. The power of the Council to remove him can scarcely be questioned. The laws of 1888, section 1355, par. 57, provide that the City Council shall have power

"To appoint police and watchmen and to define their powers and duties, and to remove all officers of the city for misconduct, and to provide for filling such vacancies as may occur in any elective office, and to create any office that may be deemed necessary for the good government of the city; to regulate and prescribe the powers, duties and compensation of all officers of the city not herein provided for."

This evidently includes the power to remove electives as well as appointive officers, and to fill the vacancies occasioned by such removal. So that the Council may remove Kesler altogether. And if the resolution of censure passed upon him is just, he ought to be turned out forthwith. But the removal contemplated in the resolution which cannot now be carried into effect before a judicial hearing is had, simply relates to the place to which he was designated by the Council and from which that body can eject him when necessary. He was not "dealt noted" for two years nor for any definite term. The only question of any real importance in this connection is, what is the legal mode of removal of a city officer?

The course taken in Kesler's case was this: The Mayor after hearing the evidence against the officers whom he removed, stated his lack of power to deal with others whom he thought were implicated, one of whom was City Justice Kesler. His case was referred to the Committee on Police. An investigation was had at which Kesler was permitted to appear and make his own defense. The Committee reported that there was "no excuse for his conduct" on the occasion which they had investigated, and that it was against the dignity of his position and open to censure. The Council adopted the report, and a resolution displacing him from the post to which he was assigned but not removing him from the office to which he was elected, was presented and held over for a week.

The attorney for Kesler evidently bases his case on a provision in Section 9 Sec. of the charter of Iron, which provides that "no officer shall be removed except for cause not unless furnished with the charges, and shall have an opportunity of being heard in his defense," etc., and that a vote of two-thirds of the Council shall be necessary. But these provisions relate to "every person elected or appointed to any office under the provisions of this act." Kesler was not elected or appointed under the provisions of that act. All the provisions in relation to Justices of the Peace for the city were repealed as long ago as 1872. Since then new laws have been passed in relation to those officers and, as we have shown, the laws of 1888 give power to the City Council "to remove all officers of the city for misconduct." The mode of procedure is not given and the court will probably decide whether the Council has taken legal action in the matter.

The truth is the course of Kesler in holding on to his place is what is vulgarly called "a game of bluff." Does he want his case tried openly ventilated and his record exposed? Hardly. But he thinks he can scare off the members of the Council who detected him on the night of June 17, 1892, by imputations against them. It will be seen whether they have backbone enough to go through and defy his insinuations. If they back down now they will be viewed by the public with suspicion and no matter how undeserved it may be, shrinking will turn to their injury.

Kesler was not a fit person for the office to which he was elected. The Council made a great blunder in appointing him Police Justice. There ought not to be another case taken before him. As soon as possible he should be removed from office entirely. His reputation and record demand this. The Council is expected to do its duty.

THE GREAT CURE.

A FRIEND wishes to know whether we think there is any feasible means of adjustment for the prevalent social disturbances—in the form of strikes, lock-outs, boycotts and their violent concomitants—and if we do, what are ideas of the remedy is.

We believe there is an effective cure for every human wrong, but that the condition of the remedy is application. The essence of the remedy is genuine Christianity. What there is of that in the world is mostly spurious, being made up of pretension, unsupported by practice, and even the profession of religion is on the wane. History teaches this lesson; if it reaches anything. That to the absence of religious morality rapidly disappears, and with out morality justice takes a back seat. In the absence of justice peace is impossible.

Speaking as a whole, the world presents the aspect of a reign of selfishness. This is exhibited in every walk of life, each individual and aggregation of people, from the smallest combination to the structure of a nation, is striving, struggling and fighting for advancement over all others. The fact is that the world-speaking specially of the more civilized portions of it—is unsettled and rapidly growing more so. Hence a cure of the commotions that are afflicting the race is impossible until that situation is changed.

The essence of genuine Christianity is self-denial. "Love thy neighbor as thyself," and "Esteem thy brother above thyself." The opposite of this is embodied in an expression once used by a gentleman when testifying as a witness in one of the courts of Utah—"Of all my mother's sons I love myself the best." It needs no argument to show that if the rule among men was to seek the welfare of others rather than their own, or to labor for the general weal, conflicts would be impossible. Those whose interest is being enhanced by the welfare of their neighbors have no cause to quarrel with the latter for thus contributing to their well-being. And until this disposition exists in men a millennium or era of peace is impossible.

As a matter of course, a pacific disposition is not all that is required, as ignorance as well as selfishness leads to conflict, because blunders grow out of misunderstanding. Light and sympathy combined will accomplish wonders in correcting the evils afflicting humanity. And these are embraced in genuine religion, which not only includes the love of God—which embodies the love of humanity—but also true education.

We recognize the fact that sentimental religion alone will not effect a cure of human ills. There must be regulations adjusting the relationships of the people. But intelligence and the love of God cannot be separated from the conditions and regulations necessary for the preservation of the social equilibrium of the world.

The Lord, in the early rise of the Church, revealed, in part, a system by which the Saints could work harmoniously in their temporal or business affairs. It involved the principle of co-operation, so systematized that all could labor for the benefit of the whole. A beginning was made, but the scale was too large for the conditions of the organization, the cause of this result being that those associated with it were not sufficiently advanced in the understanding and practice of self-denial. Without this constituent its operation is impracticable. It might be added why the Lord began to reveal the system under what appeared to be inopportune conditions. The answer is plain: Had He not done so the attention of the Saints would not have been forcibly directed toward the subject in a practical way. It was necessary as an educational effort, to prepare the people to accept and live according to the system when they shall be morally ready for it. They must at some time set before the world the means of solving the difficulties that afflict the race, but the operation cannot be of sudden growth. Intelligence, justice, self-sacrifice and brotherly love will constitute the essence of the system. These cannot be established by rules and regulations, but they superimpose conformity to their righteous requirements.

It may be said that many of the Saints are pulling away from the genius of unity under the inducements now offered for individual aggrandisement, which unanimity cultivated the selfish or unchristian spirit. This may be the case—it doubtless is in many instances—but we are of the opinion that there are, on the other hand, many who are longing for a new and better condition, when individual interests will be swallowed up in the united effort to preserve the welfare of the whole. This latter situation will be the universal condition in the millennial reign, under the benignant rule of Messiah. In that time "every man will know the Lord;" "every man in every place will meet a brother and a friend" and the law of God will be written on the hearts of the people. All of these encouraging statements mean the prevalence of two conditions—a universal understanding of the relative rights of men and the pervasiveness of the love of God and humanity. In other words the era of a knowledge of truth and the existence of a common disposition to conform to its requirements. Hence the inevitable, because natural, result of such a condition—universal peace.

We believe that time will come, but we know not when. Justice is the signal condition of the universe of the Almighty and this globe of ours must wheel into line with its demands. Notwithstanding the present forbidding aspect of affairs, we believe that the time of adjustment is not very far distant. But between it and now will come the most gigantic and rapidly occurring revolutions that have ever taken place in the history of our planet. The Prophets, ancient and modern, have thus prophesied.

A HORRIBLE NEW ENGLAND MURDER.

FALL RIVER, Massachusetts, during the last week has been agitated over one of those mysteries for which New England has acquired considerable celebrity of late years. On the 4th inst. Andrew J. Borden, a wealthy tanner, and his wife were found murdered in their home about 11 o'clock in the forenoon. No clue so far has been obtained of the murderer, for whose apprehension $5,000 reward is offered. The deed was perpetrated in a much frequented thoroughfare, in the center of a city of nearly 80,000 souls. The members of the household were at the time about the premises in the usual way. A servant was working in the upper part of the house.

Mrs. Borden was found, beaten to death, on the second floor. Her husband who had been resting on a lounge on the first floor, was found hacked to pieces with a knife or other sharp weapon. The inquest is now in progress. No clew so far has been obtained. In the Borden family there are two daughters, Lizzie and Emma. A drug clerk testifies that Lizzie asked for hydrocyanic acid at his store a few days before the murder. This is a poison that kills with very little pain and sometimes no vomiting. It is supposed that both the old people were first poisoned and the bodies mutilated after death, as stated above.

The family consisted of six persons, namely, the murdered couple, two daughters, a servant and a friend or kinsman named Morse who made his home at the Borden house. At the time of the murder, the servant was in the house, the daughter Emma in the barn, Lizzie visiting at a distant part of the city, and Morse in town. He it was who discovered the dead bodies.

Mr. Borden was worth over $900,000. No probable cause can even be assigned for the murder. Lizzie Borden maintains a stolidity and indifference when questioned about the affair, that causes surprise. When asked about the poison she vehemently declares all connection with such a theory, and becomes furiously indignant at the charge. Both she and her sister have offered the $5000 reward for the murderer of the murdered.

SINGULAR FOLDING BED ACCIDENT.

THE New York World relates a curious adventure Mrs. Cox, of 76 Grove street, had with her folding bed. The lady is the wife of a well-known Wall street broker. She was preparing to spend a month's holiday with her relatives in Pennsylvania, and discharged her servant. During the day of the accident she was alone in the flat. Her trunks were packed. She then turned to make up the folding bed. It is one that opens downward. Mrs. Cox opened it, then walked to the head, leaning over, reached for the covers intending to remove them. She had done the same times out of number. But at this time she had hardly bent over when there was a tremendous snap, and the lower part of the bed flew up, completely wedging her and in a vise.

Mrs. Cox was caught about the arms and shoulders. She tried to scream but could not. In the flat underneath was a girl who heard the snap upstairs and a sort of scuffling noise. Impelled by curiosity she went up stairs, knocked at the door of Mrs. Cox, but received no response. The door was unlatched. She walked in, and when she saw the bed with its helpless victim, she screamed loudly. This brought half a dozen other women on the scene. They also set up a prolonged scream. Finally a woman, came who had some presence of mind. She opened the bed, took Mrs. Cox out, and sent for a doctor. Her right arm was broken, and she was badly bruised about the upper part of the body. The doctor stated that it would have required only a short time longer to suffocate Mrs. Cox. Since the accident it takes two women to manipulate a folding bed in that block, one to hold it down and one to make it up.

UPHILL MISSIONARY WORK.

WE have been shown a letter from Elder Joseph D. Stark, on a mission in England, to a friend in this city. The substance of his statement is to the effect that he labored for about six months in the Kent district of the London Conference. He found the people very indifferent to the truth. However, three persons during that half year embraced the Gospel. These were the only people who had taken this step in that section in a period of several years. He also operated for some time in South East London, where the people were so prejudiced that the Elders could not rent a hall. They succeeded in engaging one, but after paying the rent three months in advance the money was returned, accompanied by the information that they could not have the use of the hall, as others who were using it on week days had notified the landlord that they would all cease patronizing him if he permitted the "Mormons" to use it on Sundays, because the latter preached doctrines they did not subscribe with. Elder Stark is now in the Island of Guernsey, where there is only one member of the Church and where prejudice is very strong. The Y. M. C. A. of that place makes it a business to publish and preach all kinds of absurd falsehoods about the Latter-day Saints and their doctrines. Elder Stark says it would be a good thing if persons in Utah having friends or relatives on the Islands of Guernsey and Jersey would take the trouble to write to them, as in this way many of the absurd notions prevalent among the people in relation to Utah might be successfully dissipated.

A letter from Elder Geo. W. Godfrey, who is in the Cheltenham Conference, tells a similar story. He finds it almost impossible to make any favorable impression upon the people regarding the revelation of the Gospel in this age. He makes a request that it be published in this journal that he will be pleased to receive from people in Utah the addresses of friends and relatives in Cheltenham Conference, which now embraces what was formerly the Bristol Conference. His address is, 18 Andover Place, Cheltenham, England.

WEEKLY TRADE REVIEW.

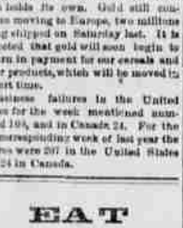
For the week ending August 6, 1892, Dun & Co. state that except in one particular there is a distinct improvement in general business. Crop prospects are brighter. Supplies of leading staples promise abundance. Manufactures are prosperous. Labor troubles seem approaching a satisfactory adjustment. Domestic trade is decidedly the largest ever known for the season. Money is abundant. American stocks are still being sold largely by foreign bankers. Large amounts of gold are still being exported from this country.

The volume of trade in July, as shown by clearing house exchanges, is fully 15 per cent. larger than last year, and greater than in any previous year, in spite of a decline of 5 per cent. in prices since a year ago. Imports exceed last year's over 19 per cent. the past month. Exports show no gain in comparison with the remarkably large movement last year.

Speculation has forced up prices of breadstuffs. In spite of receipts at the West of 500,000 bushels daily, wheat went up half a cent. Experts of wheat in three days aggregated eight hundred thousand bushels. Corn has advanced five cents on small sales, and oats 2½ cents. Cotton is a shade weaker, and coffee stronger. In spite of large foreign sales the stock market more than holds its own. Gold still continues moving to Europe, two millions being shipped on Saturday last. It is expected that gold will soon begin to return in payment for our cereals and other products, which will be moved in a short time.

Business failures in the United States for the week mentioned numbered 194, and in Canada 24. For the the corresponding week of last year the figures were 207 in the United States and 24 in Canada.

EAT
QUAKER OATS



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Our $1.00 Changeable Surahs for - - - - 50c.
Our $1.20 Japanese Silks, 24 in. wide, for - - 69½c.
Our $1.25 Colored Pongees, 27 in. wide, for - - 75c.
Our 65c. Printed Chinas cut to - - - - - 25c.
Our 75c. Printed Pongees down to - - - - 37½c.
Our 80c. Gros Grain Silks, sale price - - - - 49½c.
Our $1.10 Black Gros Grain Silks for - - - - 75c.
Our $1.25 Black Gros Grain Silks, new - - - 85c.
Our $1.00 Satin Marveleaux, 22 in. wide, for - 75c.
Our $1.25 Satin Luxor, now - - - - - - 87½c.

PARASOLS and PARASOLS.
Every Parasol must be Closed Out. Parasols sold up to $1.50 for 50c.; Parasols sold up to $2.00 for $1.00. Parasols sold up to $4.00 for $1.50. Fancy Lace Trimmed Parasols for half-price.

PROFIT—IGNORED—COST
In this Great Sale of LADIES' and CHILDREN'S
READY-MADE GOODS.
At 35c. each—2400 Ladies' Fancy Gingham Aprons, plaited front and back; would be good value at 75c.
At $1.25 each—492 Ladies' Extra Fine Victoria Lawn Waists with Embroidery, worth $1.95.
At $2.00 each—313 Ladies' Plain Silk and Oxford Silk Waists, reduced from $4.25.
At 75c. each—671 Ladies' Indian Head, Pin Stripe, French Percale and Satin Waists, best colors, regular price $1.50.
At 3.00 each—241 Ladies' Extra Fine Plain Silk Waists, shades, light blue, dark blue, cardinal, black and Cr. on Satin; was $5.
At $1.00 each—351 Ladies' Fine Fine Lawn Plaited Waists, worth $1.45.

Children's Summer Dresses at Cost. Bathing Suits, $2.75, $4, $5, $7.50 & 10.

WRAPPERS.
We have Cut Prices Lower than the Cost of the Materials. Space fails us to quote prices.
At 45c. each—Wrappers, Calico, in Ladies' Sizes. One to each customer. Worth 65c.
At 85c. each—Wrappers, Seersuckers, Ladies' sizes. The Latest Styles. Was sold at $1.25.

At 75c. each—523 Fine Black Sateen Skirts, worth $1.25.
At 1.25 each—201 Fine Black Sateen Skirts, Lace Trimmed, was $2.
BIG DRESS SKIRTS, in all Wool Flannel, with Girdle, all sizes, of $4.00 each.
At 75c. each—120 Children's Silk Hats, in colors and black, that are worth $1.25.
At 15c. each—100 Hoods, Children's, Embroidered, Striped and Checked; worth from 35c. to 50c.
At 25c. each—375 Children's Sun Hats, in all Colors and White; also Fine Hoods, in Mull, worth from 35c. to 75c.
At 12.50 each—50 Ladies' Fancy Trimmed BLAZER SUITS, in Flannel; all sizes, well worth $15.50.
At 13.50 each—a Beauty—Ladies' Extra Fine Storm Serge BLAZER SUITS, half Silk Lined; tailor made. Sold elsewhere at $19.00.

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