

FROM THURSDAY'S DAILY, SEPT. 6, 1888.

Out of Prison.

Wilson M. Allred, of Spring City, Sanpete County, was released from the penitentiary today. He has been there six months for living with his wife, having served thirty days for the fine in addition to the full term of imprisonment.

Departing Missionaries.

The people of the Nineteenth Ward are preparing a picnic social for Friday evening at 8 o'clock, complimentary to Elders W. O. Lee, Adelbert Beesley and Edward J. A. Wood, who leave shortly for the Samoan Islands, and no doubt the Nineteenth warders, proverbial for their generosity, will make these brethren feel that they have lots of real friends.

List of High Priests Wanted.

The Bishops of the Salt Lake Stake of Zion are requested to furnish a list of the High Priests in their respective wards. It would be an advantage also to include the dates of birth and ordination of each. The object is to make a new record for the quorum. Address Elias Morris, Box 1063, Salt Lake City.

ELIAS MORRIS,
President High Priests' Quorum.

Wm. M. Keyser.

Information is wanted of the whereabouts of William M. Keyser, who left the town of New Brighton, Pennsylvania, about eight years ago. Any information in regard to his present location will be thankfully received, as news of importance awaits him. He left this city a few years ago. Address Will J. Keyser, New Brighton, Beaver Co., Pa. P. O. Box 329.

Arrested for Adultery.

A man named A. D. Childs was arrested last night on a charge of adultery. His partner is said to be a Mrs. Wilson, who is at one of the hospitals, and has given birth to a child within the past few days. The complaint in the case was made by Childs' wife. He was sent to the penitentiary in default of bail, pending the preliminary examination, which will be held as soon as Mrs. Wilson is able to appear as a witness.

John and William Weaver.

Information is wanted concerning the whereabouts of John and William Weaver, who were understood to be in Salt Lake City or some other portion of Utah two or three years ago. About that time John was stated to be carrying the United States mail somewhere in this section, and William was married and living on a farm. They have an aunt and cousins in Indianapolis who are anxious to hear from or of them. Address: Esther Weaver, 503 E. Seventh Street, Indianapolis, Indiana.

Correction.

The correspondent who furnished the obituary sketch of Brother Henry Beckstead, which appeared in Tuesday's issue of the EVENING NEWS, was, we are informed, incorrect in some of the statements therein contained. Brother Beckstead migrated direct from Canada to Missouri, and it was at DeWitt in the latter State that the company he was with, that of Christopher Merkley, was surrounded by a mob. The seizure lasted about two weeks instead of two days. Brother Beckstead passed through the Missouri persecutions, but never lived in Ohio. We make these corrections by request of Brother Merkley.

Fatal Accident.

A sad accident resulting in the death of a little boy three years of age, occurred at West Porterville, Morgan County, on Saturday last. John Henry Smithurst, son of John and Sarah Ann Smithurst, while playing around the residence of his grandfather, Brother Henry Florence, crept under a gate near which a horse was standing, tied to a wagon. The animal, though a gentle one, was startled by the sudden appearance of the child behind him and kicked the little fellow on the side, inflicting such severe internal injuries that the child lived only about an hour. The father of the little boy was absent from home at the time of the accident and his grief at learning of the fatality was very great, as indeed was that of his friends also. The child was an exceedingly bright one.

HELD WITHOUT BAIL.

Examination of McManamy Before the Commissioner.

At 10 o'clock today the examination into the charge of murder, made against Ross McManamy for killing Charles Stokes, commenced before Commissioner Pierce. District Attorney Peters conducted the prosecution, and Mr. Dickson appeared for the defendant. McManamy was brought down from the penitentiary, and was engaged a portion of the time while the case was going on in conversation with a friend. He does not, however, try to appear unconcerned, but watches the proceedings with interest.

Dr. Joseph S. Richards was the first witness, and his testimony did not vary from that given at the coroner's inquest and published in the NEWS on

Monday evening. Mr. Dickson made a searching cross-examination, but the evidence was unchanged.

Dr. A. C. Smith was the next witness and detailed how Rench, Stokes and McManamy came into the drug store, and how the former asked him to telephone for the police; Stokes was struggling to get away from the others, but was not making much fuss; there was no talking except Rench's request to me; I heard the shots and went to close the door when the man fell. The remainder of the evidence was the same as the published account.

Deputy Marshal Rench testified—I first saw Stokes at 9 p.m. on Saturday night; my attention was first called to him when he struck me on the arm; this was in the Wasatch hallway; there was a fuss going on between the two Marsdens and McManamy; when I went to stop them Stokes struck at me; he also seized me by the neck and choked me down; when I was released I caught him by the left lapel of the coat; he knocked me around considerably; he resisted by drawing back till we got to the Wasatch corner; he did not like McManamy's presence there, and I told McManamy to go back; I went on, and Stokes went peacefully to the other side of the street; then he pulled back again; I told him I would take him to the City Hall, and he said he didn't want to be disgraced; I asked Mr. Smith to telephone to the City Hall for the police; Mr. Smith did not understand me, and I repeated my request; before I got through I heard the first shot; did not know McManamy was there; did not release my hold on Stokes till after the first shot; saw McManamy fire the last two shots; the pistol was eight or ten inches from Stokes; saw the revolver in McManamy's hand; saw no revolver in Stokes' possession; the two shots I saw were at Stokes' breast, and he reeled and dropped; he made three gasps; the body was not removed for an hour, as it was kept awaiting the coroner's orders; Stokes was pulling away from me just as he had been when the firing began; he could have got from me, but he did not try that hard; McManamy may have had his other hand; none of us spoke a word that I know of, except what I said to Mr. Smith; I would judge Stokes was in liquor; the quarrel in the hall was something about a blind man.

On cross-examination, Deputy Rench stated—I had had one drink of beer at 4:30 p.m. that day; it is not my habit to drink freely every day; I had probably had two or three glasses of whisky that day; did not drink at every place I had a chance; I drink when I feel like it; sometimes feel like it considerably; my mind was not befogged; that is not my usual condition; I was sober that evening; Judge Norrell was standing outside; did not notice Stokes in the quarrel before he struck me; McManamy was engaged in the quarrel; he said to the Marsdens, "Boys, you can't take me for no coward;" somebody called McManamy a coward; heard a remark about putting a hole through somebody; McManamy did not stand at the door till after I went to make the arrest; he was back in the crowd; when I went in the crowd he came back to the door; the fight was started by Marsden grabbing McManamy; am on friendly terms with McManamy, and think a great deal of him; I did not stop them in talking because I thought it would blow over; McManamy was in the midst of the struggle when I went in.

ALMOST A SCENE.

At this point of the proceedings there was a little byplay not down on the programme. Mr. Dickson had been plying Deputy Rench with questions, and the two had had several spats. Both were a little warm, and the frequent sharp passages between them caused considerable laughter. Finally Mr. Dickson asked the Deputy how young Stokes took hold of him when he choked him down. The deputy arose, and seized Mr. Dickson, who had turned his back to him, around the throat. It became apparent that the officer was taking a tight grip as Mr. Dickson's face grew red from the effects of the choking. The attorney shifted to get away, but the officer gripped the tighter. Mr. Dickson's face grew redder, and the crowd burst into a roar of laughter. The deputy then put his knee into Mr. Dickson's back and by a short twist threw him partly backward and released him.

The attorney straightened himself up quickly, and it was plain that his blood was up as he exclaimed, "Don't you choke so hard again, or I'll slap your face."

Deputy Rench replied, "Why, that was nothing to what I got." Mr. Dickson (hotly), "That may be, but don't you try it again on me, that's all."

Things looked squally, but the Commissioner, called for silence and the clouds passed off. The circumstance illustrated the fact, however, that there are not the best of feelings between the deputy and the ex-prosecutor.

On further examination, Deputy Rench said, Stokes could handle me easily; he did not come after me a second time; he pushed McManamy out of the door; did not see him strike McManamy; when going along the sidewalk Stokes asked McManamy to go away; he was struggling to get away from McManamy when I told the latter to go back; didn't hear Judge Norrell tell him to help me.

Recess was taken at this point till 2 p.m., when James Marsden was called for the prosecution.

Mr. Marsden gave similar evidence to that brought out at the inquest.

His cross-examination by Mr. Dickson was very close, especially in regard to the threat by McManamy to kill Amos Marsden full of holes. The witness could remember but little, owing to his having been under the influence of liquor; when he heard that McManamy was going to shoot his brother Amos, he went outside and seized McManamy.

Amos Marsden was the next witness, and at the conclusion of his testimony McManamy was held without bail to answer to the charge of murder.

THE WATER QUESTION

And Other Business Before the City Council Last Evening.

The City Council held a special session at 7:30 last evening, Mayor Armstrong presiding.

DON'T LIKE THE TERMS.

The following communication was read and ordered laid on the table:

To the Hon. Mayor and City Council, Salt Lake City:

Gentlemen—Respecting the resolution prepared by your attorney, granting us a franchise for a street railway, and submitted for your consideration, we would respectfully represent that we have examined the same, and beg leave to make objection to the following portion of Article Thirteen thereof, viz: "And the right of the City Council of said city to alter and amend the conditions and provisions of this franchise whenever in its judgment the public good may require such changes or amendments, is hereby expressly reserved."

We willingly comply with all conditions and requirements that public safety, convenience and welfare may in your judgment, now or hereafter demand, in the construction and operation of our proposed street railway.

But the road we propose to build and operate requires the investment of a large amount of money, and to justify this we are of necessity obliged to have continuous and positive rights clearly defined and granted. The ordinance proposed, by excluding the above portion of Article 13, answers this purpose, but to include it would, in our opinion, operate as an unqualified power in the City Council to change and amend without limit the franchise granted, and in fact, granting the franchise at the will of this or any future council.

We respectfully submit that such uncertainty is inconsistent with the franchise granted or agreed upon, and can induce the investment of no intelligent capital.

We believe that the above portion of Article 13 can be excluded without injury or hazard resulting to the rights of the city, and therefore ask that the same be excluded from the resolution and contract submitted.

We also object to the following portion of Article 5, viz: All that portion that requires us to maintain and keep in repair water courses crossed by said road.

Our proposed road is required to be maintained on the grade of the street traveled, and in no way interfere with the water courses. This fact and the difference in the construction between our proposed road and the cable system, and the difference in weight between our proposed cars and those of other railways, we believe, should exempt us from this obligation.

We therefore ask that the following provisions be inserted in lieu of the above provision, viz: That in the construction of said track the water courses of the streets traversed be left free and unobstructed, and that any injury or damage to the same caused by said tracks and successors be fully repaired by them at their expense.

The above is the present ordinance on the subject, with the requirements of repairs added.

Very respectfully,
EDMUND WILKES AND ASSOCIATES.

The committee on license, to whom were referred the petitions of G. S. Erb and others, asking that the ordinance requiring barber shops to close on Sunday be amended so as to permit the shops to be kept open for a specified time on that day, and the counter petition of fifty-nine barbers asking that the ordinance be not changed, recommended that no change be made.

The committee on water works, to whom was referred the bill for an ordinance amending section 28 chapter 22, of the revised ordinances in regard to the use of lawn sprinklers, etc., reported a substitute, and recommended its immediate passage.

The first reading of the bill was followed by a long and tedious discussion, during which the subject under consideration seemed to be lost sight of entirely.

A WATER WRANGLE.

Councilor Dooley thought that all lawns over a certain size might be sprinkled for a longer time than others by paying an additional tax for such use.

Councilor Young did not think it was right to allow people to use all the water they wanted to simply because they were able to pay for it.

Councilor Dooley replied that with two or three exceptions, all lawns would be covered by the ordinance, and those exceptions could be covered by special permit.

Councilor Young said the city had sold the water to the people for years; it belonged to them originally, but had been taken by the Council and sold to them.

Councilor Clark—I deny that statement.

Councilor Young continued by saying that it had been done, all the same, and he could cite ordinances to show it. The bill under consideration was in the same line. Was the present Council, under existing circumstances,

prepared to continue such a policy? The time might come when such a policy would really be necessary and then he would vote for it, but not before.

City Attorney Richards said that the Council had never, since he had been connected with it, sold the water. They had always conceded that the water belonged to the people, and had only charged for the use of the mains and conveying the water to them.

Alderman Sharp said that never before had the use of lawn sprinklers been restricted except during the months of July and August, and then their use was allowed for four hours each day. If the Council voted to cut down the amount of water so that lawns would be destroyed, all right. If people needed water to drink, and his lawn was to be destroyed, they could restore him his money and he would proceed to raise cabbages. It would be more profitable, if they were not so pretty.

Councilor Young said that his veracity had been challenged and he intended to reply. In 1879, when water was very scarce, the city had sold water to run motors in the Co-op, and DESERET NEWS office. The same thing was done today. The water was sold to the livery stables. It was simply absurd, in the face of all these facts, to say that the city had not and did not assume to control the water. He did not know where they were drifting to on this water question.

Councilor Clark thought it exceedingly bad taste for gentlemen to come night after night to grumble at and arraign former City Councils. They had probably acted with as good judgment under the circumstances as the present one could. The question was, what would the present Council do for the good of the municipality. As to the Co-op, and DESERET NEWS using motors, so did a dozen or more other places. The water was not sold to them; it was turned back into the ditches to go to the people who owned it, so that it was not consumed, and no one was deprived of any rights. But that was nine years ago. All motors had long since been stopped.

Councilor Roberts was not in favor of limiting the use of sprinklers so that lawns would be destroyed, and their places taken by patches of cabbages, neither was he in favor of allowing one man to use all the water he wanted to, and restricting others.

Alderman Webber said that the committee on waterworks had submitted a bill for an ordinance, which was the result of many hours of labor. The Council had met and consumed already three hours in discussing subjects foreign to the one which they had met to consider. He hoped the ordinance would be taken up and some action taken, instead of wasting the time in idle talk.

This seemed to remind the Council of the business before them, and the bill was taken up and passed, only Councilors Young and Roberts voting against it.

THE ORDINANCE

as passed is as follows:

A bill for an Ordinance Amending Section 28 Chapter XXII of the "Revised Ordinances of Salt Lake City."

Be it ordained by the City Council of Salt Lake City, that Section 28 of Chapter XXII of the "Revised Ordinances of Salt Lake City," passed February 4th, A. D. 1888, be and the same is hereby amended so as to read as follows:

SECTION 28. Sprinklers for lawns, gardens, yards and sidewalks must be used only for the purposes paid for; and no sprinkler shall be used for sprinkling the street or sidewalk unless such privilege is paid for accordingly. No nozzle for sprinkling shall be larger than one-fourth of an inch in diameter, and no sprinkling shall be allowed except in connection with other water service.

The city is hereby divided into two sprinkling districts. All that portion of the city lying east and north of the following boundaries is hereby made and declared to be the Upper Sprinkling District, to-wit: Commencing at the intersection of First West and Seventh North streets, and running thence south along said First West street to Second North Street, thence east along said Second North Street to Apple Street, thence southwesterly along Apple Street to First North Street, thence east along First North to East Temple Street, thence south on East Temple to North Temple Street, thence east along North Temple to First East Street, thence south along First East to South Temple Street, thence east along South Temple to Sixth East Street, thence south along Sixth East Street to Liberty Park. And all persons taking water from the mains on South Temple Street, east of First East Street, and those taking from the mains on Sixth East Street, shall be deemed to belong to said upper district.

All that portion of the city lying west and south of the foregoing boundaries is hereby made and declared to be the lower sprinkling district.

Sprinklers for lawns, sidewalks, streets, windows and fronts in the upper district must be used only during the hours of 6 and 9 o'clock a.m. and 4 and 8 o'clock p.m., and in the lower district between the hours of 8 and 10 o'clock a.m. and 6 and 9 o'clock p.m. during the months of July, August, September and October of each year. Thirty minutes time each day shall be allowed for the sprinkling of each one hundred square yards of lawn in the upper district, and twenty minutes each day for the same area in the lower district.

In time of scarcity of water, whenever it shall, in the judgment of the Mayor, be necessary, he may, by proclamation, still further limit the use of water for other than domestic purposes, and, in his discretion, provide that sprinklers shall only be used on alternate days in each district.

Any person violating any of the provisions of this section, or any proclamation made by the Mayor in pursuance thereof, shall, on conviction, be fined in any sum not exceeding ten dollars for the first offense, and not exceeding twenty dollars for each subsequent offense.

WATER MAIN EXTENSION.

The proposed extension of the water mains on East Temple and Seventh South Streets was taken up, and the recorder stated that the value of the property of those favoring the improvement was \$97,200, while that of the protestants amounted to \$44,050.

On motion of Alderman Webber, action was deferred until the next meeting.

The meeting of the Board of Equalization was postponed until Friday evening.

The Council then adjourned until next Tuesday evening.

FROM FRIDAY'S DAILY, SEPT. 7, 1888.

Apostle Moses Thatcher Discharged.

LOGAN, Sept. 7, 1888.—[Special to the News.]—Apostle Moses Thatcher was discharged this afternoon by the Commissioner for want of evidence.

President Eldredge's Funeral.

During Brother Eldredge's last illness he expressed a wish to the effect that when he should pass away there should be no special public display at his funeral, and that the service should be conducted at the house. In accordance with this desire, it has been decided to hold the service at the family residence at 10 o'clock a.m. on Sunday, September 9.

Burke in Custody.

Last evening Deputy Marshal Frank returned from Denver, bringing with him W. F. Burke, who is wanted on a charge of burglary. The accused was known here as John Burke, though he sometimes gave the name of Taylor. He shipped the stolen goods to Denver and followed them. Most of the property was found in his possession. He is to have a preliminary examination tomorrow, before Commissioner Norrell.

Improved Saddle.

Mr. Dan Jones has perfected his invention connected with a lady's saddle to such a degree that experienced men in the trade assert that it is superior to any thing in its line in existence. The invention consists principally of an adjustable horn or rest, which can be placed at any desired distance and angle. We have seen some written comments on the contrivance from judges in that line that are highly complimentary.

The Swedish Translation.

Concerning the Swedish translation of the Book of Doctrine and Covenants, which is being published at this office, the *Swedish Herald* says: "We have read the first three sheets of the book and find that the translation has been executed with the greatest care and precision. The book is being printed in large, legible type and on the best paper. What the price will be we do not yet know. This is a work that many Swedes have long wished to have in their own tongue, and no Swedish family belonging to the Church of Latter-day Saints will fail to purchase a copy."

Probate Court.

Proceedings in the Salt Lake County Probate Court yesterday:

Estate of John Riches, deceased; order made allowing final account, and distributing the residue of the estate.

Estate of Thomas Boarn, deceased; order made appointing James R. Miller, J. C. Walker and Thomas H. Pierce appraisers.

In the estates of John V. Long, George Coleman and Permelia M. Bassett, orders were made that due and legal notice to creditors has been given.

Estate of Elmira P. Tufts, deceased; bond of Don C. Tufts, administrator, in the sum of \$16,000, filed and approved; order of sale of real estate made.

Estate of Wm. C. Scott, deceased; order made appointing times and place for settlement of account, and to hear petition for distribution.

Sudden Death.

At 4:30 last evening Theodore Lithurst died at the St. Elmo Hotel. He had been there but a day or two. During the day he was discovered in an unconscious state, and his condition indicated morphia poisoning. Two physicians examined him, however, and pronounced it apoplexy. He was about 35 years of age, and unmarried. He had among his effects a draft on a Laramie bank for \$501. He also has a bank account for nearly \$800 in his favor, and a policy in a benevolent society for \$200. After inquiring into the circumstances, the coroner decided that there was enough of the mysterious about the case to justify an inquest, and accordingly at 10 a.m. today, a jury was summoned. In the progress of their investigations it was decided that a post mortem examination of the body would be necessary to enable them to arrive at a definite conclusion as to the cause of death. Mr. Lithurst's friends coincided with this view, and the examination was to be made by the surgeons this afternoon. The coroner's jury adjourned to await the result of the post mortem.