LOCAL NEWS.

FROM THURSDAY'S DAILY, SEP. 2.

Returned from the Coast.—Bishop John Q. Cannon, wife and children returned to-day from a visit to San Francisco. They are well and enjoyed their trip.

Damage by Storm.—The D. & R. G. W. eastbound [illegible] through to-day, owing to the damage to the track by the heavy storm at Pleasant Valley. The through passengers were returned to Ogden, from where they continued their eastward journey over the Union Pacific.

Escaped.—The *Herald* has received the following dispatch:

BRIGHAM CITY, Sept. 1, 1886.

Willard S. Hansen, proprietor of the Box Elder Dairy, who was under arrest for unlawful cohabitation, escaped from Deputy Steele this afternoon, while waiting for the train at Collinston.

Still in Custody.—Yesterday afternoon Leonard G. Rice, of Farmington, who was arrested on a charge of unlawful cohabitation and pleaded not guilty, was sent to the penitentiary in default of $1,000 bail, pending the preliminary examination. The case was set for 10 a. m. to-day, but owing to a misunderstanding the prisoner was not brought in. It is said that he was quite ill this morning. The hearing will be continued at 10 a. m. to-morrow.

A Tricky Prisoner.—On Saturday last the term of imprisonment of several persons confined in the city jail ended. Jailor Phillips was off duty, owing to an accident he had met with, and one of the officers was acting in his stead. As the names of the prisoners to be released were called out, one Miller, who is wanted for burglary, presented himself in response to the call for William Worth, and was permitted to go at liberty. Worth remained in the background and next day applied for release. The error was then first discovered, and a search for Miller resulted in his arrest at Coalville by Sheriff Allison. Much to his discomfiture, Worth was not liberated, and will now pay for his little game by answering to the charge of aiding a prisoner to escape.

A Railroad Rumor.—The rumor has reached this city that the Chicago, Burlington & Quincy Railroad now has a corps of surveyors at work in the Uintah country, laying out a route for a railroad through Uintah Valley, and in the vicinity of Ashley, the Uintah and Ouray Indian agencies, and the newly established Fort Du Chesne. Whether the route will lead up the Minnie Maud and through Soldier's Cañon to Price, or, following up the Du Chesne River, come into Salt Lake Valley *via* what is known as the Strawberry route, is a matter of conjecture.

There can be no question, however, as to the richness of Uintah Valley, from an agricultural point of view. Some portions of it exceed in natural fertility any other portion of Utah Territory. But much to the regret of would-be white settlers the most fertile portions of Uintah Valley are embraced in the Indian reservations. There is much good country in that section, however, which is open to settlement, and the advent of a railroad would soon work a wonderful change in its state of development.

Held to Answer.—The case of the People vs. A. B. Thompson, for fraudulently obtaining money from A. J. Peacock under false pretenses, came up before Justice Pyper this morning and was not concluded when the adjournment time arrived. At 2 p. m. it was continued. The evidence went to show that the defendant had represented himself as a wealthy cattle owner in Wyoming and a depositor in Wells, Fargo & Co.'s bank. The prosecution was unable to disprove the pretension as to cattle interests, but brought in Mr. George B. Brastow, chief accountant for that house, who testified that the defendant had not and did not on the 26th ult., have money there. The defendant made no defense, and on the showing made, the justice ordered that he be held in bonds of $500 to answer to the grand jury. Not giving the bonds, the defendant was taken back to jail.

In the absence of Attorney Moyle, S. A. Kenner conducted the prosecution.

Bound Over.—The examination of Ezra T. Clark, before Commissioner McKay, was concluded yesterday afternoon after we went to press.

Marshal Dyer was called as a witness, and testified that the defendant had been allowed some liberty after his arrest, he being an aged man. He took advantage of this and endeavored to make his escape, but was found some time after by the deputies, hidden in the brush a short distance from the house. The Marshal said Miss Annie Clark had refused to give her name when subpœnaed, and had claimed to be a hired girl. The latter part of this statement was indignantly denied by Miss Clark.

The Commissioner said he would hold the defendant to answer to the grand jury, and placed the amount of bail at $5,000. Mr. Moyle, for the defense, objected to such an exorbitant bond, but the Commissioner declared that it was because the defendant had tried to get away, and said he would demand heavy bail in every similar case. The bonds of the witnesses were fixed in sums varying from $200 to $500, and sureties were furnished for all.

THE HABEAS CORPUS.

CHIEF JUSTICE ZANE MAKES AN IMPORTANT RULING RELATIVE TO THE HOME-STEAD.

The hearing on the writ of *habeas corpus*, before Judge Zane, for the discharge of Messrs. Lee, Foulger and Ball, came up at 4:30 yesterday afternoon, instead of at 3 o'clock, the hour set. It will be remembered that Commissioner McKay refused to permit either of the three applicants to take the oath entitling them to a discharge.

The case of

WM. H. LEE,

of Tooele, was first taken up. The petitioner was sworn, and on examination testified that he lived in Tooele; he owned a house and lot worth about $1,000, on which there was a $325 mortgage; he also had a farm of 22 acres, worth $900, with a mortgage on it for $200. His indebtedness, in addition to the mortgages, amounted to about $1,000. He considered his farm as part of the homestead. It was the custom of people who lived in settlements as he did, to have their homes in the town and their farms some distance away. This custom had originated in early days when the settlers gathered together for protection from Indians.

James H. Moyle for the petitioner made an argument, showing that under the law Mr. Lee's town lot and farm should be considered as one homestead. It was not necessary that the land should be in one piece, but where the circumstances and customs were as shown to be in the present case, the lot on which the family dwelling was could be separated from the farm, if the latter was used for the sustenance of the family. He therefore moved that the petitioner be discharged.

At the conclusion of Mr. Moyle's argument, the court adjourned till 10 a.m. to-day.

This morning Mr. C. S. Varian opposed the motion for the discharge of Mr. Lee, arguing that the homestead could not include separate parcels of land to the amount of the exemption, but must be confined to the residence or home of the debtor. In the present instance, the applicant resided on a town lot. A mile away was his farm of 22 acres, which was not occupied and used by his family, and could not be included in the homestead. It was no argument to say it was a hardship to the applicant. The only test was whether or not the farm was used as a residence. Under the circumstances Mr. Varian believed the Commissioner was right in refusing to discharge the applicant.

Mr. F. S. Richards followed. He maintained that it was the intent of the Legislature to provide not only a home for the family, but a means for their sustenance. The Utah statute differed from all others in this respect. It was not necessary that the homestead be one lot, or even contiguous lots, but could consist of separate pieces of land. The statute clearly implied that, in the provision "consisting of lands" not exceeding a certain value.

The California statute, which had been quoted by Mr. Varian, had no similarity to the Utah law. On the face of the latter, lands used for the support of the family were exempted as a homestead. The object was to prevent the dependence of the family. The land did not need to be in a compact body. The only tests were the use and value of the property. The distinction made by the Utah legislature had reference to the condition of the country. In its settlement, the inhabitants had lived in towns for safety, and had their farms near by. It was the intention of the Legislature to provide for just such cases. In all the decisions quoted by Mr. Varian as against the applicant, not one was based on conditions similar to those in this case. The intent of the legislature was so clearly applicable to Mr. Lee's case that an extended argument seemed but a waste of time. This intent was to provide a home and protection of the family from dependence and want, to the amount of the exemption. This intention was shown by the use of the word "lands" in the statute, without reference to any dwellings or houses thereon.

The Court, in rendering a decision, said it appeared from the evidence that the petitioner had served 30 days solely because he was unable to pay the fine imposed; that he had no personal property exempt from execution; he had two tracts of land, on one of which he resided; the value of the place of residence did not exceed $1,000; the other was a tract of 22 acres, a mile distant, used for cultivation and pasture, and valued at $600. Under these circumstances the petitioner asked to be discharged, on the ground that he had not $20 worth of property exempt from execution. The only question was whether the 22 acres was part of the homestead. The Territorial statutes exempted lands, with the improvements and appurtenances, to a certain amount. The court considered that the proper construction of the statute should, in the interest of humanity, be liberal. The authorities read by counsel on either side had not been in harmony as to the tests to be applied. The popular meaning of homestead was the dwelling occupied by a family as a home, and ordinarily referred to a compact piece of land. In the light of the reasons for the Territorial law, the question arose whether the lands comprising the homestead should be contiguous. The object of the law was to provide, not only for the head of the house, but for the family, protection from creditors. It was not only to furnish a home, but the use of the lands used in connection with the home, by the family, as a means of support. It would be useless to give them a dwelling and provide them nothing to eat. The object of the exemption was the protection of the family. In this instance the petitioner was using the farm for the maintenance and support of his family, to protect them from hunger and want, and it would be difficult to draw a distinction because the tract of land was not contiguous to the house. Creditors could see from observation that the family were using the land as a homestead. The evidence showed that both tracts of the land should be considered in the homestead.

The petitioner was therefore ordered discharged,

The case of

H. J. FOULGER

was next taken up. Mr. Foulger was sworn and testified that his real estate was valued at about $1,500. His family consisted of his wife and four children entitled to the exemption.

On examination by Mr. Varian, the applicant stated that he had disposed of other property to his wives. They had asked that they be provided with homes for themselves, and he had divided his property between them. He retained no future interest in any of his property. Before his arrest he sold to his wives real estate valued at about $2,000, and notes and mortgages to the amount of about $800. A certificate of deposit in Z. C. M. I. for $600 was also transferred to Mrs. Foulger. This latter transaction was after his arrest. He had no intention to avoid the payment of any of his liabilities. He was a carpenter, but for three years he had been storekeeping, being employed on a salary. He was in debt at present, to the 20th Ward Co-operative, but did not know how much. At the time of the transfer he was not in fear of arrest, though he knew he was liable. He had not made the transfer with any reference to the arrest, or with any idea of fraud. His wife owned the furniture, which was worth about $125 to $150. The house was at 707 Second Street.

Mr. Moyle asked for the discharge of the petitioner on the ground that he had no property exempt from execution. It had been shown that all the transactions had been made in good faith. There was not the slightest indication of fraud. There was no reason why he should not make the disposition of his property that he did.

Mr. Varian commenced to speak but the court interrupted him and said it was not necessary to argue the case, as he did not feel disposed to discharge the petitioner. He could pay the fine if he wanted to, even if the transfers were all made in good faith.

The amount of Mr. Foulger's fine, and the cost of the trial, $398.63, was paid, and he was set at liberty.

JOHN P. BALL

was next called. He testified that he lived in the 3d Ward. His wives owned the homestead, worth about $1500. There was one house, divided for two families. His store was on the same premises. The stock, worth $350, was covered by a mortgage to that amount. He owed over $100 in addition to this. He had six children under age. Had outstanding credits to the amount of $300 to $400. The greater portion had been outstanding over two years. Some of the debtors had moved away. Most of the amounts due him were small, and were owing from poor people, who had no property exempt from execution. He had no notes for any of the indebtedness.

On cross-examination by Mr. Varian he did not vary from the above statement. He had had no other property to dispose of.

The court took a recess until this afternoon, when W. S. Burton, assessor of Salt Lake County, was called as a witness, and testified that real estate in the county was assessed at two-thirds to three-fourths of its value; two-thirds was the general rule; in some instances it went as low as one-half. The county court fixed a rate for the business portion of town at about one-half the value. When he was assessing he usually assessed at two-thirds of market value. Was acquainted with Mr. Ball's property. It was assessed at $1,500 three years ago. Mr. Ball thought it was too much, but witness did not. The property was now worth about $2,000. Property had greatly depreciated during the last three years.

In answer to Mr. Varian, Mr. Ball said his house was not insured.

Mr. Varian asked that the petitioner be held in custody.

Mr. Moyle said that it was evident that the petitioner was a poor man, and had not the required amount of property. He had no means to pay the fine, and the only way it could be done was for his wives to mortgage their home. This should not be required.

Mr. Varian said it was simply a question of law. Whether it was a hardship to the petitioner and his family or not had nothing to do with it. If the law contemplated providing for polygamous children, the property would be exempt, but if not it would not. This question he would not argue at present. It further appeared that the debtor had property in his store, and had various amounts owing to him. Mr. Varian thought the statute did not permit the court to discharge the applicant. The petitioner must show that he has not property to the amount of $20 in excess of that exempt from execution.

Mr. Richards said it was necessary to have some rule by which to be governed in reference to these cases. The section referring to the discharge of the prisoner provided that if he was unable to pay the fine and had not the requisite amount of property, he should be discharged. This provision was made so that men could not be kept in prison for a fine which they could not pay in any way. This did not prevent the government from collecting the fine if the man had the property. The government had the right to garnishee the debts and collect them if it could. This case clearly came under the statute, and the petitioner was entitled to a discharge.

The court ruled that the nominal value of the accounts may be considerable, but the actual value was the question at issue. The statute included credits due the party. In this instance the court could not find that the accounts were worth more than $20. The petitioner was evidently a poor man, and should therefore be discharged.

FROM FRIDAY'S DAILY, SEPT. 3

Arrest.—Mark Biglow was arrested on Thursday at Collinston, Box Elder County, on a charge of unlawful cohabitation. He was taken before Commissioner Black, at Ogden, and waived examination. He was placed under $1,000 bonds to await the grand jury's action.

Examination Waived.—This morning Leonard G. Rice, of Farmington, who was unable to procure bail pending the examination of the charge of unlawful cohabitation made against him, was brought in from the penitentiary and taken before Commissioner McKay. He was allowed to waive the examination, and his bonds to await the grand jury's investigations were fixed at $1,000. One surety was found to sign the bond—Thomas J. Brandon, of Farmington.

"The Sheaf of a Gleaner."—This title, suggestive of modest merit, is borne by a small volume of poems, written by Mrs. Reba Beebe Pratt, which issued from the press almost simultaneously with the death of the author. The volume is not an unworthy memorial of its writer, as it contains quite a number of pieces of unquestionable merit. It has an introduction by Sarah J. Cannon, and for frontispiece, a portrait of the author is given. The "Sheaf" is a valuable addition to the poetic literature of Utah.

Accidental Death.—At the Ontario mine, near Park City, on Wednesday evening, Peter Morton was accidentally killed. He and a companion were at the 1000-foot level, making a blast. After one explosion had occurred, Morton supposing another fuse that had been ignited had gone out, went up to examine it. He had barely reached the place when another explosion occurred, blowing a large portion of his head off, killing him instantly. An inquest was held and a verdict of accidental death by a giant powder explosion rendered. The deceased leaves a wife and four children.

Brigham Young College.—This excellent educational institution of Logan will open September 13th, and we are pleased to learn that its merits are beginning to be better known by the people, as is evinced from the number of students who are preparing to attend during the coming school year.

The College has become quite popular throughout the northern counties of the Territory, and quite a number of young people in this city and other places in Salt Lake County are preparing to attend it. The opportunities it offers are certainly excellent and we take pleasure in witnessing its progress, and can heartily recommend it as being worthy the patronage of the Saints.

Board in Logan is very low, the tuition is moderate and the building and conveniences have no superiors, we believe, in the Territory. The teachers are efficient and devoted to their work, and every effort is made to guard and promote the moral and intellectual welfare of all who attend the College. Arrangements have been made with the railroad officers whereby students attending the College obtain half-fare rates over all the roads.

Accidental Death.—Brother J. K. Reid writes as follows from Orangeville, Emery County, August 30th:

A sad and fatal accident befell Bro. Samuel R. Jewkes, of this place, on Aug. 25th. He was running the Joe's Valley saw mill and was handspiking some logs in the mill yard when a log fell back on the handspike, knocking it out of his hand and striking him in the abdomen, doing him a fatal injury, of which he died after suffering untold pain for 51 hours. Everything was done for him that was possible under the circumstances; but all to no avail.

Brother Jewkes was a prominent man in this community. He was president of the Y. M. M. I. A. of Emery Stake, leader of the Orangeville choir, assistant superintendent of the Orangeville Sunday school, and was school trustee for this district. His death has caused a gloom to overcast our town.

Bro. Samuel R. Jewkes was born in Salt Lake City, August 22, 1853, and died Aug. 27, 1886.

Some time before the accident, Bro. Jewkes told his wife that he was going to be called on a mission in a short time, and he would have to prepare to fill the same when the call came, not knowing that he would be called in this way. He leaves a wife and six children, also an aged father and mother and several brothers and sisters, and many friends to mourn his untimely loss. He died firm in the faith of a glorious resurrection.

Reunion of the Rich Family.—We have received from Ernest S. Penrose the following particulars of an interesting occasion:

On Saturday last, at 10 o'clock a. m., the members of the Rich family assembled in the County Court House at Paris, Bear Lake County, Idaho. The meeting was called to order by Elder J. C. Rich. After singing prayer was offered by Elder Ben. E. Rich, followed by singing.

Elder J. C. Rich explained the purpose of the gathering and greeted the family with a hearty welcome. Speeches were then made by several members of the family and invited guests. After the meeting the members of the family gathered together in a group and were photographed by Bro. W. N. B. Shepherd. The company then repaired to the meeting house, where three long tables were laden with good things for the inner man. After the feast ice cream and lemonade were served in abundance.

There were present at the dinner 101 members of the Rich family, besides a few invited guests, and all enjoyed themselves very much.

At 5 p. m. the family held a business meeting, and at 8 p. m. they gave a dance to which they extended a complimentary invitation to their friends and the good people of Paris and adjoining settlements generally. The dancing was interspersed with speeches, songs and recitations.

The dance continued until midnight, when the dancers were dismissed. Everything passed off smoothly and pleasantly and without a jar, and everybody seemed to be sociable and all enjoyed themselves and felt well satisfied with the grand family reunion in honor of their late beloved husband and father.

The following statistics of the family of the late Apostle C. C. Rich are given: Wives, 6; sons, 30; daughters, 21; grandchildren, 109; sons-in-law, 10; daughters-in-law, 15; total, 191.

FROM SATURDAY'S DAILY SEPT. 4,

Petty Larceny.—About 7 o'clock last evening, John Kennedy, who has spent considerable of his time recently in the city jail, for various offenses, went into Barton & Co's clothing store on East Temple Street and asked to see some underwear. Although it was quite cool he was in his shirt sleeves, having his coat thrown over his arm. Mr. Barton was in the store, and while his back was turned looking for the goods, Kennedy slipped a suit of boy's clothing off the counter and put it under his coat. The thief made an excuse for not purchasing anything and started out. The storekeeper, suspecting that all was not right, came outside of the counter and took hold of Kennedy's coat, when the theft was discovered. Kennedy pleaded guilty to-day, in the police court, and will serve 90 days in jail for his dishonesty.

Sociable and Appreciative.—There was an interesting gathering at the Twentieth Ward school house last evening. It was in the nature of a sociable. The people assembled for the purpose of testifying their friendly feelings toward and appreciation of the past labors of the retiring Bishopric of the ward. Bishop Sharp and Counselors Dunbar and Pusey, of the recent organization, expressed their appreciation of the friendly sentiment which prompted the occasion. They alluded to the progress of the ward in the past, and expressed themselves as ready to sustain the new officers in their positions. Bishop Bassett, Counselors Romney and Gibbs, Bishop Allen, Brothers C. R. Savage, W. Salmon, S. P. Teasdel, Wm. Edington and John Nicholson were among the speakers, and Sisters Toone, Miller and Richards also addressed the company, the sentiments expressed being of the most friendly and appropriate character. Between the speeches songs, instrumental music and recitations were sandwiched, and refreshments were served during an intermission in the proceedings.

Releasing Prisoners.—This morning Brother Samuel F. Ball, who has served a six months' term in the penitentiary and 30 days' additional for the fine, for living with and acknowledging his wives, was released from custody. He took the required oath before Commissioner McKay previous to being set at liberty. He is enjoying good health and is in the best of spirits.

Two others, James O. Poulsen, of West Jordan, and O. F. Due, of this city, should have been released to-day, but were not brought in from the penitentiary, and will have to remain in custody until Monday at least—two days longer than required by the law. The cause of this is that the Commissioner and his associates propose to change the order of business. In future instead of prisoners being brought in for examination the day after their imprisonment for the fines expire, they must remain at the penitentiary and make application to be released, when the Commissioner will set a day for the hearing. The reason assigned for following this method is that the Commissioner has been crowded as, for instance this week, when