

EVENING NEWS. Monday, Nov. 1, 1888.

FRAGMENTS.

ANDREW CALL and A. J. Pitman were fined \$5 each in the Police Court today for drunkenness.

BARNEY HARVEY's saloon was entered on Saturday night and about \$5 in small change stolen.

JAMES SESSIONS and Joe Williams were arrested on Saturday night for drunkenness, and forfeited \$5 each for their appearance.

A MEETING of the stockholders of the Burton-Gardner Company, will be held in the company's office, this city, tomorrow (Tuesday) at 4 p.m.

ANDREW COOK, of Cedar City, held the lucky number 889, which drew the car at the Co-op. Mason & Machine Co.'s establishment this afternoon.

The third quorum of Seventies will hold their regular monthly meeting to-night at 7:30, in the Seventeenth Ward Assembly Rooms. A full attendance is desired.

The regular monthly meeting of the third quorum of Elders will be held this evening in the Second Ward meeting-house at 7 o'clock. By order of, THOMAS GANNAN, President.

The Home Dramatic Club played to another immense audience on Saturday evening at the Theatre. Tonight "Diplomacy" will be given as the closing piece of the conference season.

In the Supreme Court today, Messrs. Ben. Sheeks, G. S. Peters and E. B. Crickshaw were appointed a committee to examine the application for admission to the bar, in open court on Nov. 17 next, at 11 a.m.

The following individuals were to be tried in the Police Court this afternoon: W. A. Cardell, Geo. Trachach, W. H. Eardley and John McPherson, for drunkenness; Donald McPherson, for disturbing the peace and battery; Jno. Laving, drunk and indecent exposure.

The young men of the Fifteenth Ward, come and all, are requested to convene in the meeting-house at 7:30 tomorrow evening, when a re-election of officers of the Y. M. C. I. A. will take place. It is expected that some of the State officers will be present, and that the occasion will be an interesting one.

DEATH OF SAMUEL C. PRATT.

Full Details of the Lamentable Accident.

The news of the terrible death of Samuel C. Pratt, in Nevada, greatly shocked the community, who will be interested in reading the following letter giving fuller particulars than any yet received, which we are enabled, by courtesy, to publish:

Wadsworth, Nevada, Nov. 1, 1888.

Mrs. Marion Pratt, Salt Lake, Utah:

Dear Madam: In accordance with my message this morning, I write to further detail the deplorable accident that happened to Mr. Pratt, at Salt Lake, yesterday morning. He had been ordered to leave the train, and was about to start on the train yesterday morning, the train being an hour late. Mr. Pratt took a walk up to the springs, nearly half a mile from the train, and at the time the train was due at Hot Springs, he was standing at the operator at that place, and was looking at the train, that at that time he could see nothing of him returning from the springs. Fearful that he was not seen, he happened home, a messenger was sent up, who found the poor boy on the bank of the boiling spring, unconscious and badly scalded.

It is supposed he must have been in the spring some time before he could extricate himself. I have never visited this spring myself, but from those who have, I learn the scalding water is quite dangerous. The boiling hot water rises with such force, that it undermines the banks of quicksand formation, so that a stranger is very apt to step to the brink of a bank, and then down he will go. The bank and himself into the treacherous spring. I am satisfied in my own mind that this is the reason how this accident happened, notwithstanding the theories advanced by others.

He was carried down to the station, placed on a cot, and while a massage was placed and taken here soon as an engine could cover the distance, a doctor summoned and comfortable quarters provided for him at our leading hotel, and everything was in readiness long before the train arrived. Our citizens have been very sympathetic and vied with each other as to the comfort of our unfortunate comrade. The doctor upon examination found that there was no possible chance of his recovery, and everything possible was done to relieve his suffering.

The accident must have happened about 9:30 a.m. He returned to consciousness about 3 p.m., spoke of his aunt, his sisters, Mrs. Snow and Mrs. Douglas, said he had been told that he had nothing to leave. Our justice of the peace, who had been called to his dying statement concerning the accident, but I do not think there should be any importance attached to it, however, as the doctor who was present did not think the poor boy realized fully the questions asked him, and the answers given, his pain was so intense. The judge asked if it was accidental or whether he had been pushed, he replied, "It was not suicidal intent, at the same time it was not wholly unintentional."

The poor boy expired at 4 p.m., and I think he showed a remarkable constitution to have lived so long, for he was terribly scalded, the skin and nails coming off and the flesh had to be handled carefully, so that we could not dress the remains except in a shroud.

The remains left here by passenger train this morning and hope they will go to their destination all right. While regret to see so young a man so suddenly taken from us, we believe that we did the best we could. The metallic casket cost us \$200 at Reno, hence the amount so large. In conclusion, let me assure you that you have the heart felt sympathies of all the family, and in fact, of the whole community, in your hour of sorrow. If I can be of any service to you, do not hesitate to let me know.

Yours respectfully, T. F. DORLIN, Train Dispatcher for Southern Pacific Company.

From the Northwest.

Elder Parley Christensen, of Ephraim, reached this city on his return from a mission to the northwestern states, on Thursday evening last. He left Utah in May, 1887, and proceeded first to Council Bluffs, where he attended a conference, and then went to a place called Mormon Settlement, now called the Millstone Branch in Wisconsin, where he attended another conference, at which he was appointed to labor in Minnesota. He labored in that state and the adjoining States of Wisconsin until January 1, 1888, when he was directed to go to Kansas, in which state he labored nearly three months. From there he went to a conference at Council Bluffs, at which he was appointed to labor in Iowa. He remained in that state four months, when he was released to return home.

Elder Christensen enjoyed good health during his mission, and removed much prejudice by his labors; but numerous converts are being made in the regions in which he labored.

CHURCH PROPERTY.

All but the Temple Block Declared Forfeited.

THE DEFENDANTS APPEAL THE CASE.

Three quarters of a Million Dollars the Value of the Seizure.

At today's session of the Territorial Supreme Court, Chief Justice Sandford and Associate Justices Borman, Henderson and Judd were present.

The suit of the United States vs. the Church of Jesus Christ of Latter-day Saints was taken up. In regard to the report of Referee E. T. Sprague on the accounts and compensation of the Receiver, U. S. Marshal Dyer, and his attorney, R. L. Williams, the Court ordered that the report be made at the next session, November 17.

Mr. F. Richards said he desired to file replications to the answers filed on Saturday to the petitions of Wm. B. Preston, John P. Burton and John R. Winder, asking to have the Temple Block set apart for the use of the Church of Jesus Christ of Latter-day Saints as a parsonage, and the Tithe Office property as having been used by the Church prior to July 1st, 1892, and therefore not subject to escheat because of the vested right which the Church then had in said property. The replications were filed and the Court read the following Petition for Intervention, and asked leave to file the same, which was granted.

In the Supreme Court of the Territory of Utah,

The United States of America, Plaintiff,

vs.

The late Corporation of the Church of Jesus Christ of Latter-day Saints et al. Defendants.

Now come George Romney, Henry Dwyer, James Watson and John Clark, and by leave of Court first had and then taken, petition for intervention in the above entitled cause on behalf of themselves and all others who are members of the Church hereinafter mentioned, and for their grounds of intervention allege:

That the said members are more than 100,000 in number, and so numerous that they cannot, without manifest inconvenience and oppressive delay in the said suit, be brought before the Court as parties, and that they have a common interest in common with said petitioners in the subject of this petition, and the questions involved in this suit. Wherefore, said petitioners file this petition for the benefit of all said members.

That herefore on the 11th day of August, 1887, this Court made an order in the above entitled action, appointing Frank H. Dyer, Receiver of the Church of Jesus Christ of Latter-day Saints, and the persons named in the said order, to receive, manage and control the property of the Church of Jesus Christ of Latter-day Saints, and the possession thereof by said Receiver is wrongful and without authority or right.

That the said Church of Jesus Christ of Latter-day Saints, and for many years past has been, a voluntary religious society or association organized and existing in the Territory of Utah, for religious and charitable purposes.

That said petitioners and the others for whose benefit they file this petition, are members of said Church, and have been since the said Church became possessed of the above described property in accordance with the established rules and customs, by the voluntary contributions, donations and dedications of its members, and to be held, managed and applied to the use and benefit of said Church, and for the religious and charitable purposes of the members semi-annually at the general conference or meeting of said members.

That John Taylor, the last trustee so appointed, died on the 25th day of July, 1887, and since his said death no trustee has been appointed. That said property in the hands of said Receiver is claimed adversely to said Church, said petitioners and the others thereof, but wholly without right, by said plaintiff, and being wrongfully withheld and diverted by said Receiver from the purposes for which it was donated, dedicated and granted. That said petitioners and the others on whose behalf this petition is filed, are equitably the owners of said property and beneficially interested therein, and to prevent the diversion of the same from the said religious and charitable purposes of said Church to which they donated and granted said property.

Wherefore your petitioners pray that in case said corporation of the Church of Jesus Christ of Latter-day Saints, or any of its members, be held and decreed to be dissolved an order be decreed of dissolution of said corporation, and that the property of said Church be returned to the hands of said petitioners and the others, and that the said property be held, managed and applied to the purposes for which it was originally given.

JAMES O. BROADHEAD, SHERIFF & CLERK.

The plaintiffs filed an answer to the petition, in which they admitted that the petitioners were members of the Church, but denied that they had been expelled from the Church, and asserted that it had been a voluntary religious society, and that the history of the said Church, and the alleged facts of the case, were such as to show that the said Church was a voluntary religious society, and that the said Church was a voluntary religious society, and that the said Church was a voluntary religious society.

Mr. Hobson then reviewed the case, and submitted the facts as stated above. The plaintiffs' counsel also suggested the findings of the Court in the first decree. This case is from the forfeiture of the Temple Block, valued at \$500,000, but escheats all other Church property valued at \$750,000. This includes the Gardo House Tithe Office, Historical Office, Church arm, cookhouse, garden, telegraph stock, promissory notes, 90,138 sheep, office furniture, cash, etc.

Col. Broadhead called the attention of the Court to the following points insisted upon by the defendants, upon the facts stipulated, and in opposition to the terms of the decree: 1st. On behalf of the Corporation of the Church of Jesus Christ of Latter-day Saints, we claim that the Act of Congress of February 22, 1878, is unconstitutional and void, so far as it undertakes to dissolve said corporation, and that the said corporation is not dissolved, nor is there any power in this Court to decree a dissolution of the said corporation. 2d. That the act of July 1st, 1892, so far as it undertakes to limit the powers of the Corporation as to the amount of property it may hold or otherwise, or to amend its charter is unconstitutional and void. 3d. That at the time of the passage of the act of July 1st, 1892, the right to the property referred to in the agreed statement of facts as the Tithe Office property, was vested in the said Corporation of the Church of Jesus Christ of Latter-day Saints, and is therefore not subject to escheat and forfeiture as a parsonage.

6th. That the property known as the Historical Office ought to be set aside to the Church as a part of the Temple Block, and because the said Corporation had a vested right in the same before the act of July 1st, 1892. 7th. That if the Court should find that the Corporation is dissolved, then the property described in the agreed statement of facts ought to be turned over to the present members of the Church or to trustees for their use and benefit.

Mr. Richards gave notice of an appeal to the Supreme Court of the United States, and the bond was fixed at \$500. The Court then adjourned to Nov. 17, 1888.

A PARTY ORGANIZED.

A Democratic Party, Platform and Nominee.

On reassembling at 4 o'clock on Saturday afternoon, the democratic mass convention transacted the following business:

The report of the committee on permanent organization was submitted and adopted as follows:

To the Chairman and Members of the Territorial Democratic Meeting, now assembled:

Gentlemen—Your committee on permanent organization and order of business respectfully submit the following report:

First—That the temporary organization of this meeting be made the permanent organization.

Second—That the meeting proceed to the adoption of a platform of principles.

Third—That a Territorial Central Committee of nine persons be elected as follows: Three from Salt Lake County; two from Utah County, two from Weber County, and two at large.

Fourth Miscellaneous business.

Wm. CREEK, Chairman.

The committee on credentials reported the following as entitled to seats in the convention:

Box Elder County—R. H. Bay, William Lowe, A. H. Snow, Edward Morgan.

Cache County—James Mack.

Davis County—J. O'Brien.

Millard County—W. H. Kings.

Sanpete County—F. H. Kenner, W. K. Reid, W. H. Olsen, Joseph Judd, Thomas T. Jakeman, James Metcalf, Julius B. Carls.

Wasatch County—A. W. Ivins.

Morgan County—S. Francis.

Rich County—K. Walker.

Juab County—J. B. Milner, George C. Whitmore, W. Reed, H. F. McDevitt.

Sevier County—W. H. Seegmiller, J. T. Bean, Wadd Stevenson, William members.

Utah County—D. P. Felt, Thomas Fowler, R. A. Deal, T. J. Patton, E. A. Wilson, G. A. Kiersey, J. A. Kiersey, W. R. Pike, H. J. Malben, W. N. Dusenberry, W. D. Roberts, F. Evans, A. R. Evans, R. Thurman, William Creer, J. S. Page.

Salt Lake County—J. H. Paul, W. H. Cassidy, S. S. Kenner, J. J. Kenner, D. Johnson, E. A. Pettit, S. W. Darke, P. C. Benedict, S. T. Smith, A. W. Haines, E. H. Haines, C. Thompson, L. C. Burton, L. P. McKee, J. M. Benedict, George E. B. McKee.

The committee on resolutions reported the following declaration of principles of the democratic party of the Territory of Utah:

We believe it to be the duty of every citizen of a free government to understand its principles and to insist upon their maintenance.

We believe it to be the duty of every citizen to support the principles of the democratic party, and to oppose all measures which tend to the establishment and preservation of our institutions, and to the maintenance of the principles of the democratic party.

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Mr. Groo in regard to allowing his name to be used, and he had positively declined to do so.

Balloting was then proceeded with, following being the result: Dr. Pike 13, S. R. Thurman 12, Dr. H. H. Johnson 1, William King 1, H. D. Johnson 1, Byron Groo 1, S. A. Kenner 1. The Convention then adjourned sine die, benediction being pronounced by Mr. Mads Madsen.

Mr. Thurman being nominated by a majority of two votes, the nomination was to the Supreme Court of the United States, and he had stated positively that he could not accept; in the face of this he had been nominated, he appreciated it as an exalted honor, because he knew it was the first democratic nomination for any office in this Territory. While his own judgment told him that it was not the wisest policy, they had selected him as their candidate, and he was going to run.

After a speech by Mr. Thurman, the convention adjourned.

A Nine Million Dollar Disaster Caused by a Flood in China.

Erroneous Reports Concerning the "Mormons" in Mexico Authoritatively Contradicted.

By Telegraph to the News.

"Mormons" in Mexico.

NEW YORK, Oct. 8.—City of Mexico special, Henry Eyring, a representative here of the "Mormon" colonies in the State of Chihuahua, denies the report that the "Mormon" Church has bought four hundred million acres of land in that state; formerly the property of the Zuni Indians. He also denies the charge that the "Mormon" people are moving en masse to this country. The "Mormons" here now number only 150 families occupying 200,000 acres in Chihuahua. There is much discussion in the press regarding "Mormon" immigration, the general sentiment being adverse to it.

An Enormous Disaster.

SAN FRANCISCO, Oct. 8.—Chinese advices per the Belgic state that the whole of the new embankment of the Yellow River at Chang Chou, begun last autumn and carried on at a cost equal to over nine million dollars, has been completely swept away by a flood. Of the whole thousand lineal feet of river wall recently completed, not one inch remains, and the waters are pouring through the immense gap into Homan unchecked. From eight hundred to one thousand laborers who were employed on the bank, were swept away and drowned.